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LEWIS G. STEVENSON,

Secretary of State and ex-officio State Librarian.

HOUSE DEBATES

Forty-ninth General Assembly

STATE OF ILLINOIS



1915
61682

Shorthand Report by
WILLIAM L. CORRIS
Official House Reporter
Springfield, Ill.





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HOUSE DEBATES.

HOUSE OF REPRESENTATIVES OF THE FORTY-NINTH GENERAL ASSEMBLY.

State of Illinois.

WEDNESDAY, JANUARY 6, 1915.

12:00 o'Clock Noon.

The members-elect of the House of Representatives of the Forty-ninth General Assembly of the State of Illinois convened in the Hall of Representatives of the Capitol, in Springfield, at the hour of 12:00 o'clock noon on this the Wednesday next after the first Monday in January, 1915, pursuant to the constitutional provision.

The Honorable Lewis G. Stevenson, Secretary of State, called the House to order and continued to preside over its deliberations until a temporary speaker was elected, according to the provision of the Constitution.

SECRETARY OF STATE STEVENSON. Representatives-elect of the Forty-ninth General Assembly will be in order. I will request that all members of the House of Representatives, and all the visitors who are present, arise while the preliminary chaplain leads us in prayer.

PRAYER. Rev. Donald C. McLeod.

SECRETARY OF STATE STEVENSON. The chair desires to announce the appointment as provisional clerks of B. H. McCann and J. L. Hammond, and as provisional doorkeeper, John P. Maloney.

The provisional clerk will please call the official roll of representatives-elect.

(Roll called by Provisional Clerk McCann.)

(The said roll, so called by the clerk, appears in full upon pages 2 and 3 of the printed House Journal of even date herewith.)

THE CLERK. All members are present except Francis E. Williamson, of the Twenty-fourth Senatorial District.

Mr. SHANAHAN (Cook). On behalf of the republicans, I desire to have the record show at this time that E. W. Green, of the Thirty-fourth District, claims rights as a member of this House, and his claim will be more fully made at some future time.

Mr. DONAHUE (McLean). On behalf of the democratic members of this House, I desire to give notice that we will claim for Mr. Howard, of the same district, the right to be seated as a member of this House.

SECRETARY OF STATE STEVENSON. The House Journal will show the statement in regard to both Mr. Green and Mr. Howard.

Mr. BURNS (Cook). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 1.

"Resolved, That a committee of six members be appointed by the Secretary of State to call upon the Chief Justice of the Supreme Court and request him to administer the oath of office to the members-elect of the House of Representatives of the Forty-ninth General Assembly, when ready to take the oath of office prescribed by the Constitution."

(Resolution adopted.)

SECRETARY OF STATE STEVENSON. On this committee I will appoint Messrs. Burns, Shurtleff, Lee O'Neil Browne, McCormick, Thomas Curran and Donohue.

While we are awaiting the report of this committee, the pages will please place upon the desk of each member-elect the blank oath of office. It is requested by the office of the Secretary of State that you sign your name and do not fill in the blank for districts, as that will be done by the Secretary of State.

(Blank oaths distributed.)

The line upon which you are to sign your respective names is indicated by a red line.

Mr. BURNS (Cook). Mr. Secretary, on behalf of your committee, I present to you the Honorable Chief Justice James H. Cartwright, of the Supreme Court of Illinois.

(Chief Justice Cartwright thereupon administered the constitutional oath of office.)

Mr. SMEJKAL (Cook). I desire to offer the following resolution and move its adoption:

“Resolved, That the House now proceed to the election of a temporary speaker.”

(Resolution adopted.)

Mr. IGOE (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 3.

“Resolved, That in the presentation of names of candidates for temporary speaker, nominating speeches be limited to five minutes and speeches seconding the nominations be limited to two minutes.”

(Resolution adopted.)

Mr. SHANAHAN (Cook). There will be no nominating speeches or seconding speeches on the republican side. We will not take up any time in that way.

SECRETARY OF STATE STEVENSON. Nominations for a temporary speaker are now in order.

Mr. IGOE (Cook). I suggest that the clerk proceed to call the roll and let every man vote for whoever he pleases when the roll is called. I make that as a motion.

Mr. LEE O'NEIL BROWNE (LaSalle). What is this, a “kidding” session or the Legislature of the State of Illinois?. I would like to know for information.

Mr. HUBBARD (Greene). I wish to place in nomination the name of a man whom it gives me great pleasure to place in nomination for the office of speaker of this House, temporary speaker, and a gentleman, whose record in private life demands respect and admiration of all good citizens, and whose record in public life has stood for the highest ideals of citizenship, and whose service in this body demand the respect of every member of this House who was in the Forty-eighth General Assembly. A college graduate, an ex-State's attorney of Saline County, and a man whose record as State's attorney stands for honesty, square dealing and good government; a man who we believe will demand the respect of the members of this General Assembly, and I take pleasure in nominating William C. Kane, of the Fifty-first District, a democrat elected from that district, for the position of temporary speaker of this House.

Mr. ROTHCHILD (Cook). Mr. Secretary, I desire to place in nomination the name of Honorable Walter M. Provine.

Mr. HILTON (Cook). Mr. Secretary, I desire to place in nomination for temporary speaker of the Forty-ninth General Assembly a man who is known to all of the members of this Assembly, and a man whose name is known better in the State of Illinois than perhaps any man in it, and a man who has the ability to represent this body in fairness to everybody, and if elected temporary speaker will wield the gavel in fairness to everyone in this General Assembly.

The man who I am going to place in nomination for temporary speaker is from the Thirty-ninth District of Illinois, the Honorable Lee O'Neil Browne.

Mr. CAMPBELL (Rock Island). I desire to place in nomination the name of Honorable Homer J. Tice, for temporary speaker of the House of Representatives for the Forty-ninth General Assembly.

Mr. BURRES (Champaign). I desire to place in nomination for temporary speaker, the Honorable Edward D. Shurtleff.

Mr. THOMAS CURRAN (Cook). I wish to nominate the Honorable James H. Vickers for temporary speaker.

Mr. RINEHART (Effingham). I take great pleasure in nominating the Honorable Arthur Roe for the position of temporary speaker of this House.

Mr. MORRASY (Bureau). I wish to nominate Honorable John P. Devine for temporary speaker.

Mr. HENNEBRY (Will). I wish to nominate the Honorable James H. Farrell for temporary speaker of this House.

Mr. BARKER (Hamilton). I want to nominate the Honorable James A. Watson as temporary speaker of this House.

SECRETARY OF STATE STEVENSON. If there are no further nominations, the clerk will call the roll.

Mr. MADSEN (Cook). Mr. Secretary, just a moment of the time of the House. The socialists in this House held a caucus this morning to decide on the speakership and we came to the conclusion that the difference between our party and the other parties here represented is so great that we could not consistently support anybody, regardless of the excellent character of the men whose names have been presented here this morning. Inasmuch as we could not do that, we could not expect the gentlemen of the other parties to support us, and for that reason we refrain from placing anybody in nomination and we wish to be recorded as present and not voting when the clerk calls the roll.

(Roll called by provisional clerk.)

SECRETARY OF STATE STEVENSON. The result of the first roll call is as follows: Total number of votes cast 144, of which Mr. Kane received 15 votes, Mr. Provine 12 votes, Mr. Browne 21 votes, Mr. Tice 16 votes, Mr. Shurtleff 14 votes, Mr. Vickers 16 votes, Mr. A. Roe 11 votes, Mr. Devine 5 votes, Mr. Farrell 4 votes, Mr. Watson 8 votes, Mr. Shanahan 6 votes, Mr. Burns 3 votes, Mr. Mitchell 1 vote, Mr. Flagg 1 vote, Mr. Igoe 2 votes, Mr. Scanlan 1 vote, Mr. Pierson 1 vote, Mr. Lyon 1 vote, Mr. Garesche 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. None of the candidates having received a constitutional majority, the clerk will call the roll for the second ballot.

Mr. SHANAHAN (Cook). I move that this House do now adjourn until 10:00 o'clock tomorrow morning. That motion is made by agreement of both sides of the House.

Mr. F. J. RYAN (Cook). As far as one member on this side of the House is concerned, I don't know of such an agreement. It is unfair to adjourn at this time. We are here to elect a temporary speaker. I believe we should have at least two more ballots.

Mr. SHANAHAN (Cook). Eighty votes on this side of the House agreed on one ballot. Members on the other side, certain members supposed to represent all elements, were consulted and agreed on one ballot. There was no advantage being taken of any member there. Some of the democratic members agreed to consult their members. All the members who are candidates on that side of the House agreed that there should be one ballot.

Mr. F. J. RYAN (Cook). I move to lay the motion on the table.

Mr. IGOE (Cook). I don't think that motion to table Mr. Shanahan's motion should be entertained. It is a motion to adjourn that has precedence and the motion to table is out of order.

SECRETARY OF STATE STEVENSON. That is true. The motion to adjourn has precedence. The question is on the adoption of the motion to adjourn.

Mr. F. J. RYAN (Cook). I rise to make an amendment to that motion; that we proceed to take another ballot.

SECRETARY OF STATE STEVENSON. You are out of order.

Mr. F. J. RYAN (Cook). We have a right to have another ballot, and another one if necessary in order to carry out the work of this House.

SECRETARY OF STATE STEVENSON. The motion before the House is now on adjournment.

The motion prevailed, and the House adjourned.

THURSDAY, JANUARY 7, 1915.

10:00 o'Clock A. M.

House of Representatives met pursuant to adjournment, the previous day.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. Donald C. McLeod.

Journal of previous day being read. On motion of Mr. Igoe (Cook), further reading dispensed with and Journal ordered approved.

Mr. MITCHELL (Cook). May I ask the chair how many votes are required to elect a temporary speaker?

SECRETARY OF STATE STEVENSON. Inasmuch as it takes seventy-seven to pass bills without an emergency clause, and inasmuch as the election of a speaker is as important, the ruling of the chair will be that seventy-seven votes will be required for a choice of temporary speaker.

The Secretary will present to the House communications relative to contests and will deliver same to the provisional clerk to be turned over to the Speaker of the House when elected.

"January 7, 1915.

To the Honorable, the Speaker of the House of Representatives.

SIR: In compliance with the provisions of the statute, I transmit herewith sundry papers relating to contests in the following cases, filed in this office on or before January 6, 1915:

3d District—William Ostrom, v. Francis H. Clark, et al.

31st District—John F. Walsh, v. E. I. Frankhauser, et al.

41st District—George B. Boardman, v. William R. McCabe, et al.

I have the honor to be sir,

Your obedient servant,

LEWIS G. STEVENSON,

Secretary of State."

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment on yesterday being the selection of a temporary speaker, the chair directs the clerk to again call the roll for the second ballot on the selection of a temporary speaker.

Mr. SHANAHAN (Cook). Before that is started, Mr. Secretary, and in order to bring the matter before the House, I move that this House take three ballots on the question of temporary speaker today, if necessary.

Mr. LEE O'NEIL BROWNE (LaSalle). I don't know as I have any personal objection to the number of ballots suggested by the gentleman, but it seems to me that we can determine equally as well in two ballots whether we can get together today as we can in three ballots, and that if we are going to go to the length of three ballots we might as well continue farther, because after the second ballot it will be largely a question of an endurance contest and nothing more. Judgment will be absent from the proceedings and it will be a contest of endurance. We can determine here in two ballots whether we can get together today. If not, then I believe that a reasonable adjournment, giving time for matters to cool off and for further negotiations among the members would do more good and be productive of better results than staying here without a conference and simply answering roll calls.

Those are my views, although I can stay here if the rest do.

Mr. SHANAHAN (Cook). There is merit in what the gentleman has said and perhaps two ballots will be all that will be necessary or will do as much good as three, four or five. Three ballots was the instruction of the republican caucus and I am merely carrying out the mandate when I make this motion.

Mr. HUBBARD (Greene). It don't make any difference how many ballots are taken. We think we can elect Mr. Kane on the first ballot, but if we don't, we are willing to take as many as are necessary.

SECRETARY OF STATE STEVENSON. If there is no objection, it will be understood that there will be two ballots taken today. Is that satisfactory?

(VOICES: Leave.) So ordered.

The clerk will call the roll for the selection of a temporary speaker. This is the second ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the second ballot is: Total number of votes cast, 147, of which Mr. Provine received 29 votes, Mr. Shurtleff 22 votes, Mr. Kane 15 votes, Mr. Shanahan 6 votes, Mr. Roderick 16 votes, Mr. Roe 7 votes, Mr. Browne 30 votes, Mr. Burns 3 votes, Mr. Devine 5 votes, Mr. Farrell 4 votes, Mr. Watson 2 votes, Mr. Tice 1 vote, Mr. Garesche 1 vote, Mr. Mitchell 1 vote, Mr. Holaday 1 vote, Mr. Igoe 1 vote, Mr. Huston 1 vote, Mr. Turnburgh 1 vote, Mr. Charles Curren 1 vote.

There being no person who has received the necessary constitutional majority, the clerk will call the roll on the third ballot for temporary speaker.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the third ballot is: Total number of votes cast, 148, of which Mr. Provine received 33 votes, Mr. Shurtleff 16 votes, Mr. Kane 14 votes, Mr. Shanahan 8 votes, Mr. Browne 33 votes, Mr. Roderick 16 votes, Mr. Roe 7 votes, Mr. Devine 5 votes, Mr. Burns 2 votes, Mr. Watson 2 votes, Mr. Igoe 3 votes, Mr. Farrell 2 votes, Mr. Tice 1 vote, Mr. Mitchell 1 vote, Mr. G. H. Wilson 1 vote, Mr. Huston 1 vote, Mr. Gardner 1 vote, Mr. Flagg 1 vote, Mr. Rinehart 1 vote.

No person having received the necessary constitutional majority, there is no choice.

What is the pleasure of the House?

Mr. PURDUNN (Clark). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 4.

"Resolved, That the House do now adjourn until Saturday, January 9, 1915, at 10:00 o'clock a. m., when a perfunctory session shall be held and no business transacted, and that a further adjournment shall then be taken until Tuesday, January 12, 1915, at 10:00 o'clock a. m."

The resolution was adopted, and the House adjourned.

SATURDAY, JANUARY 9, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. Donald C. McLeod.

Journal of previous day being read. On motion of Mr. Atwood (Ogle), further reading of same dispensed with and Journal ordered approved.

At the hour of 10.10 o'clock a. m., Mr. Merritt (Sangamon), moved that the House do now adjourn until Tuesday, January 12, 1915, at 10:00 o'clock a. m.

Motion prevailed, and the House adjourned.

TUESDAY, JANUARY 12, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. Edward S. Combs.

Journal of previous day read. On motion of Mr. Holaday (Vermilion), further reading dispensed with and Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment on Thursday, January 7th, being the selection of a temporary speaker, and there being no choice, the clerk will proceed to call the roll for the fourth ballot for the selection of a temporary speaker.

(Roll called by clerk.)

The result of the fourth ballot is: Total number of votes cast 141, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 33 votes, Mr. Kane 13 votes, Mr. Murphy 16 votes, Mr. Arthur Roe 14 votes, Mr. Hubbard 1 vote, Mr. LePage 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority for temporary speaker, there is no election and the clerk will call the roll for the fifth ballot.

(Roll called by clerk.)

The result of the fifth ballot is: Total number of votes cast 144, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 32 votes, Mr. Kane 11 votes, Mr. Murphy 16 votes, Mr. Arthur Roe 18 votes, Mr. LePage 1 vote, Mr. Burns 2 votes, Mr. Hubbard 1 vote, Mr. Tice 1 vote.

No person having received a constitutional majority there is no election and the clerk will call the roll for the sixth ballot.

(Roll called by clerk.)

The result of the sixth ballot is: Total number of votes cast 144, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 30 votes, Mr. Kane 13 votes, Mr. Murphy 16 votes, Mr. Arthur Roe 3 votes, Mr. Devine 14 votes, Mr. LePage 1 vote, Mr. Hubbard 1 vote, Mr. Shurtleff 1 vote, Mr. Burns 2 votes, Mr. Donahue 1 vote.

No person having received a constitutional majority there is no election and the clerk will call the roll for the seventh ballot.

(Roll called by clerk.)

The result of the seventh ballot is: Total number of votes cast 144, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 28 votes, Mr. Kane 12 votes, Mr. Murphy 16 votes, Mr. Arthur Roe 1 vote, Mr. Devine 18 votes, Mr. Hubbard 1 vote, Mr. LePage 1 vote, Mr. Watson 1 vote, Mr. Burns 2 votes.

Mr. KANE (Saline). Mr. Secretary, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 5.

"Resolved, That a committee of three members be appointed by the Secretary of State, to wait upon Justice Frank K. Dunn, of the Supreme Court, and request him to administer the oath of office to Hon. Francis E. Williamson, a member-elect of this House."

(Resolution adopted.)

SECRETARY OF STATE STEVENSON. On this committee I will appoint Messrs. Kane, Rinehart and Burres.

Mr. KANE (Saline). Mr. Secretary, your committee begs to report that the Hon. Justice Dunn, of the Supreme Court, is present and ready to perform the duty of administering the oath of office to Representative Francis E. Williamson.

Whereupon the oath was administered to Hon. Francis E. Williamson, member-elect, and the clerk directed to place his name on the roll as a member of the House.

SECRETARY OF STATE STEVENSON. The clerk will call the roll of the House for the eighth ballot on the question of a temporary speaker.

(Roll called by clerk.)

The result of the eighth ballot is: Total number of votes cast 143, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Kane 13 votes, Mr. Murphy 16 votes, Mr. Arthur Roe 2 votes, Mr. O'Rourke 15 votes, Mr. Merritt 1 vote, Mr. Devine 1 vote, Mr. Hubbard 1 vote, Mr. LePage 1 vote, Mr. Burns 2 votes.

No person having received a constitutional majority there is no election and the clerk will call the roll for the ninth ballot.

(Roll called by clerk.)

The result of the ninth ballot is: Total number of votes cast 143, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Kane 13 votes, Mr. Murphy 16 votes, Mr. Arthur Roe 2 votes, Mr. O'Rourke 15 votes, Mr. Merritt 1 vote, Mr. Devine 1 vote, Mr. Hubbard 1 vote, Mr. LePage 1 vote, Mr. Burns 2 votes.

SECRETARY OF STATE STEVENSON. We have now concluded the ninth ballot and no person has received the constitutional majority for the election of temporary speaker, and there is no choice. What is the further pleasure of the House?

Mr. SHANAHAN (Cook). I move that this House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed, and the House adjourned.

WEDNESDAY, JANUARY 13, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. J. Jay Duggan.

Journal of previous day read. On motion of Mr. Mulcahy (Cook), further reading dispensed with and Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment yesterday being the selection of a temporary speaker, the clerk will call the roll for the tenth ballot.

(Roll called by clerk.)

The result of the tenth ballot is: Total number of votes cast 144, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 26 votes, Mr. Kane 15 votes, Mr. Weber 22 votes, Mr. LePage 16 votes, Mr. Hubbard 1 vote, Mr. Devine 1 vote, Mr. Rentchler 1 vote, Mr. Burns 1 vote, Mr. Huston 1 vote.

No person having received a constitutional majority, there is no election and the clerk will call the roll for the eleventh ballot.

(Roll called by clerk.)

The result of the eleventh ballot is: Total number of votes cast 146, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 27 votes, Mr. LePage 16 votes, Mr. Kasserman 14 votes, Mr. Weber 22 votes, Mr. Devine 1 vote, Mr. Cooper 1 vote, Mr. Rentchler 1 vote, Mr. Hubbard 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority for temporary speaker, there is no election and the clerk will proceed to call the roll for the twelfth ballot.

(Roll called by clerk.)

The result of the twelfth ballot is: Total number of votes cast 143, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Kasserman 12 votes, Mr. Farrell 18 votes, Mr. LePage 16 votes, Mr. Weber 1 vote, Mr. Devine 1 vote, Mr. Cooper 1 vote, Mr. Rentchler 1 vote, Mr. Burns 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority for temporary speaker, there is no choice and the clerk will proceed to call the roll for the thirteenth ballot.

(Roll called by clerk.)

The result of the thirteenth ballot is: Total number of votes cast 145, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 27 votes, Mr. LePage 16 votes, Mr. Farrell 22 votes, Mr. Huston 14 votes, Mr. Devine 1 vote, Mr. Kasserman 1 vote, Mr. Rentchler 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election of a temporary speaker.

Mr. SHANAHAN (Cook). I move that this House take a recess until 4:00 o'clock this afternoon.

Motion prevailed and recess taken until 4:00 o'clock p. m. same day.

Four o'clock p. m., re-convened.

SECRETARY OF STATE STEVENSON. The order of business at the hour of taking a recess being the selection of a temporary speaker, the clerk will call the roll for the fourteenth ballot.

(Roll called by clerk.)

The result of the fourteenth ballot is: Total number of votes cast 146, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 25 votes, Mr. Richardson 15 votes, Mr. LePage 16 votes, Mr. Schubert 23 votes, Mr.

Purdunn 2 votes, Mr. Devine 1 vote, Mr. Rentchler 1 vote, Mr. Arthur Roe 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election and the clerk will proceed to call the roll for the fifteenth ballot.

(Roll called by clerk.)

The result of the fifteenth ballot is: Total number of votes cast 145, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 26 votes, Mr. Richardson 15 votes, Mr. LePage 16 votes, Mr. Purdunn 23 votes, Mr. Devine 1 vote, Mr. Rentchler 1 vote, Mr. Williamson 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice for temporary speaker.

Mr. KANE (Saline). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed and the House stood adjourned

THURSDAY, JANUARY 14, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. Edward S. Combs.

Journal of previous day read. On motion of Mr. Smejkal (Cook), further reading dispensed with and Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment on yesterday being the selection of a temporary speaker, clerk will call the roll for the sixteenth ballot.

(Roll called by clerk.)

The result of the sixteenth ballot is: Total number of votes cast 145, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Purdunn 35 votes, Mr. Rethemeier 16 votes, Mr. Merritt 1 vote, Mr. Fieldstack 1 vote, Mr. Mitchell 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice for temporary speaker and the clerk will proceed to call the roll for the seventeenth ballot.

(Roll called by clerk.)

The result of the seventeenth ballot is: Total number of votes cast 144, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 30 votes, Mr. Groves 14 votes, Mr. Rethmeier 16 votes, Mr. Mitchell 18 votes, Mr. Purdunn 1 vote, Mr. Huston 1 vote, Mr. Merritt 1 vote, Mr. Fieldstack 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice for temporary speaker and the clerk will proceed to call the roll for the eighteenth ballot.

(Roll called by clerk.)

The result of the eighteenth ballot is: Total number of votes cast 143, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 28 votes, Mr. Groves 14 votes, Mr. Rethmeier 16 votes, Mr. Merritt 20 votes, Mr. Green 1 vote, Mr. Fieldstack 1 vote, Mr. Donahue 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice for temporary speaker.

Mr. DONAHUE (McLean). I desire to offer the following resolution and move its adoption:

SECRETARY OF STATE STEVENSON. The resolution will be brought forward and read.

HOUSE RESOLUTION No. 6.

THE CLERK (Reading). *Resolved*. That the House, beginning January 19, 1915, hold sessions each day thereafter, except Sundays and legal holidays, until a speaker is elected.

SECRETARY OF STATE STEVENSON. The question is on the adoption of the resolution.

(Resolution adopted.)

Mr. IGOE (Cook). Mr. Secretary, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 7.

THE CLERK (Reading). *Resolved*. That the House do now adjourn until Saturday, January 16, 1915, at 10:00 o'clock a. m., when a perfunctory session shall be held, and no business transacted, and that a further adjournment shall then be taken until Tuesday, January 19, 1915, at 10:00 o'clock a. m.

Resolution adopted and the House adjourned.

SATURDAY, JANUARY 16, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. James Howard.

Journal of previous day read. On motion of Mr. Merritt (Sangamon), further reading dispensed with and Journal ordered approved.

Mr. RICHARDSON (Christian). I move that this House do now adjourn until Tuesday, January 19, 1915, at 10:00 o'clock a m.

Motion prevailed and the House adjourned.

TUESDAY, JANUARY 19, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. James Howard.

Journal of previous day read. On motion of Mr. Merritt (Sangamon), further reading dispensed with and Journal ordered approved.

SECRETARY OF STATE STEVENSON. Mr. Sonneman wishes to make a statement this morning.

Mr. SONNEMAN (Macoupin). I would like to ask the unanimous consent of this House to be excused from further attendance at the session today and be recorded as voting for Mr. Provine, so that I may attend the funeral of our distinguished citizen, the late General John I. Rinaker.

SECRETARY OF STATE STEVENSON. If there are no objections, leave is granted.

The order of business at the hour of adjournment on the last legislative day being the selection of a temporary speaker, the clerk will now call the roll for the nineteenth ballot.

(Roll called by clerk.)

The result of the nineteenth ballot is: Total number of votes cast 132, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 2 votes, Mr. Williamson 11 votes, Mr. Gorman 35 votes, Mr. Mitchell 6 votes, Mr. Vickers 16 votes, Mr. Merritt 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election and the clerk will call the roll for the twentieth ballot for election of a temporary speaker.

(Roll called by clerk.)

The result of the twentieth ballot is: Total number of votes cast 131, of which Mr. Provine received 60 votes, Mr. Lee O'Neil Browne 23 votes, Mr. Merritt 25 votes, Mr. Vickers 16 votes, Mr. Gorman 4 votes, Mr. Williamson 1 vote, Mr. Donahue 1 vote, Mr. Shanahan 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election and the clerk will call the roll for the twenty-first ballot.

(Roll called by clerk.)

The result of the twenty-first ballot is: Total number of votes cast 131, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 17 votes, Mr. Vickers 16 votes, Mr. Burns 26 votes, Mr. Hubbard 9 votes, Mr. Richardson 1 vote, Mr. Hunston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election, and the clerk will call the roll for the twenty-second ballot.

Mr. TICE (Menard). I desire to move that when this House adjourns, that it adjourn until 2:00 o'clock this afternoon. I will explain the object of that motion. Perhaps all understand that one day last week a conference of the various members of the House was held relative to the foot and mouth disease, which has created such havoc among the live stock interests of the State, and a committee was appointed to wait upon Governor Dunne and he has invited some expert veterinarians from various parts of the United States to appear before this body and give us information that we very much desire. The object, therefore, in making this motion is that we may invite these distinguished parties to appear before this House and address us on the subject.

I desire to follow this motion with another motion.

Mr. SHANAHAN (Cook). You ask that when the House adjourns that it adjourn until 2:00 o'clock?

Mr. TICE (Menard). Yes.

Mr. SHANAHAN (Cook). And the purpose of the afternoon session is only for the purpose of listening to these speakers and for no other purpose?

Mr. TICE (Menard). For no other purpose.

Mr. SHANAHAN (Cook). It must be understood that this is by unanimous consent and let the record so show. The only business that can be transacted is the calling of the roll for a temporary speaker.

SECRETARY OF STATE STEVENSON. There is a motion pending that the House when it adjourns, adjourn to meet at 2:00 o'clock for the purpose of listening to addresses on the subject of foot and mouth disease. All in favor will say "aye," contrary "no." The motion is unanimously carried.

Mr. TICE (Menard). I thank you. Then, Mr. Secretary, as chairman of the committee appointed last week by the members there represented, I move you that the secretary appoint a committee of six, comprised of three democrats and three republicans, representing the majority parties of the House, to convey this invitation to Governor Dunne and his invited guests, and also to the Honorable Senate, to sit with us this afternoon, and this committee will also have charge of any necessary arrangements.

Motion prevailed.

SECRETARY OF STATE STEVENSON. On this committee I will appoint Messrs. Devine, Dalton, Foster, Scanlan, Lantz and Tompkins.

Mr. IGOE (Cook). I move that this House do now adjourn until 2:00 o'clock this afternoon.

(Motion lost.)

SECRETARY OF STATE STEVENSON. The clerk will now proceed to call the roll for the twenty-second ballot for the selection of a temporary speaker.

(Roll called by clerk.)

The result of the twenty-second ballot is: Total number of votes cast 133, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 26 votes, Mr. Vickers 16 votes, Mr. Rinehart 27 votes, Mr. Groves 2 votes, Mr. McCormick 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no choice.

Mr. SHANAHAN (Cook). I move that there be no further balloting for temporary speaker until 10:00 o'clock tomorrow morning and that the session this afternoon be for the purpose of listening to these invited guests talking on the foot and mouth disease.

(Motion prevailed.)

Mr. SHANAHAN (Cook). I move that the House take a recess until 2:00 o'clock this afternoon.

Motion prevailed and the House recessed till 2:00 p. m. same day.

WEDNESDAY, JANUARY 20, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. James Howard.

Journal of previous day read. On motion of Mr. Mulcahy (Cook), further reading dispensed with and Journal ordered approved.

Mr. DEVINE (Lee). I desire to offer the following resolution:

"WHEREAS, A large number of cattle and horses have been summarily slaughtered in this State to prevent the spread of hoof and mouth disease; and,

WHEREAS, It appears that the owners of infected or exposed stock are apprehensive for the reason that they have not been assured that their losses will be recompensed in whole or in part, thereby causing delay in the efforts of the live stock authorities of this State and nation in combating this dreadful evil; and,

WHEREAS, It does not appear that this body will be able to perfect a permanent organization in any certain or definite time; therefore, be it

Resolved, That the Honorable Secretary of State, the temporary presiding officer of this body, be, unanimously empowered to appoint a non-partisan committee of fifteen members of this body from the different sections of the State to cooperate with the Governor, and to investigate the probable amount of loss caused by the slaughter of such animals, and also to investigate the probable amount of loss to the owners of such live stock that may in the future be slaughtered and report back to this body at their earliest practicable convenience, to the end that the proper appropriation may be made; and, be it further

Resolved, That the members of this committee be reappointed by the Speaker of the House when the permanent organization of this House has been perfected."

Mr. SHANAHAN (Cook). I don't think that resolution is in order at this time. It, in a manner, provides for the appropriation of money, but I doubt if this House, at this time, ought to in any way be involved in any business except that which is at hand, the election of a speaker.

I think the membership of this House fully realizes the danger of this disease, and I believe that the great majority, if not all the membership, of this House, is ready and willing to do everything in its power to aid the Governor and the other State officials in stamping out the disease as rapidly as possible, and make good any loss that might come to the live stock interests of this State, but I don't think at this time that we ought to pass any resolution that pertains to the appropriation of money or to the appointment of committees which would become permanent committees in the House.

Mr. DEVINE (Lee). This resolution does not provide for any appropriation. It simply provides for an investigation as to the amount that it might be necessary to appropriate.

One of the difficulties which the State officers are having today in enforcing the law is the fact that the farmers have no assurance that there will be an appropriation made by this body. I believe it is the sense of the members here that the appropriate appropriation should be made, but if this resolution could be unanimously passed here this morning, it would be reassuring in its effect, and while it may not be strictly proper, as the gentleman from Cook suggested, yet I believe that it will be an opportunity on the part of this House to show its hand in the matter, and I don't see that any difficulty can result by passing the resolution.

Mr. BROWNE (LaSalle). I don't believe that anyone in this House has at heart the subject more than I, but I agree with the gentleman from Cook that it would be a practical stultification for the members of this House to attempt to pass this resolution at this time. It is entirely out of order.

We are not in a position to transact business legally at all. We are not organized, and any passing of this resolution, or attempt to pass it, at this time, would place us in a ridiculous and absurd position before the world, that is, anybody that understands legislative matters. I think it is clearly out of order and ought not to be attempted at all.

SECRETARY OF STATE STEVENSON. Are there any further remarks?

Mr. ELLIS (Kane). I think that some action should be taken by this Legislature in reference to this matter. Whether it is the proper time or not now, is a question. There seems to be some opposition to this resolution, and in my judgment, it would be a serious mistake should we take up this resolution and vote it down. It would create the impression over the State that this Legislature is not going to take any action relative to meeting the obligation which the State is supposed to assume.

Mr. HUBBARD (Greene). I think it would be the proper thing at this time to withdraw the resolution.

Mr. TICE (Menard). To transact the business that has been presented here, or to act upon this resolution?

I confirm the statements made by the gentleman from Lee, that this body owes it, due to the situation in the State at this time, to give some expression as to whether or not the great live stock industry of our State can receive consideration and relief at our hands. If I am not seriously mistaken, and if I correctly judge the situation amongst live stock growers, breeders, and feeders of the State, one of the great handicaps which our officials have been laboring under is the doubt and the suspicion that this body may not do its part in providing the appropriation that will pay for 50 per cent of the loss and the expense entailed because of the plague that is in our State.

The wording of the resolution might be a little different, but still, the import of it and the effect of it is what we are really seeking. It will be very easy, in my judgment, to ascertain from the records in the State departments as to what amount should be appropriated. And I believe, gentlemen, that by passing this resolution, or something of similar import, that you will have taken a step forward in suppressing this plague that infests us which has cost the farmers of our State so much in the way of loss of property and inconvenience in their profession.

Mr. BROWNE (LaSalle). Don't you think that the suggestion of the Representative from this side, Mr. Hubbard, was a very apt one and a very appropriate one under the circumstances?

Mr. TICE (Menard). I didn't get the gentleman's suggestion.

Mr. BROWNE (LaSalle). I want to suggest to you personally that I am for this appropriation—will be when it comes. I think almost every member of this House probably will be, but it seems to me that the presentation of this resolution at this time is a jeopardizing of the very thing we are trying to bring about.

Mr. O'ROURKE (Cook). If there is any delay in regard to giving assurance to the farmers of the State of Illinois as to being recompensed for the damage done, it could not be charged to anybody but the republicans of this House. If they elect a speaker, they have got the votes over there. Then you can take that resolution up and we will vote on it. (Applause.)

Mr. SHANAHAN (Cook). I want it to be understood that I am as much interested in this proposition as the gentlemen who come from the farming communities, and I am for any appropriation that is necessary to cover this great loss, but I understand that it is entirely out of order at this time, in that the resolution provides for the appointment of a committee which will become a permanent committee after the organization of this House, which is entirely wrong. Now, if the desire is to get the sentiment of this body, if the desire is to have the live stock interests of the State know that the membership of this House is willing to pass the necessary appropriation, then the proper thing to do is for this assembly to meet as a body, not the

organized General Assembly with the Secretary of State presiding, but with some member, after the House had adjourned, and pass a resolution so that the live stock interests of the State may know that we as members of the General Assembly, are willing to pass any appropriation that will be necessary to meet this loss. For that reason I am opposed to the passage of this or any other resolution pertaining to any such measure until this House is properly organized.

Mr. McCORMICK (Cook). I desire to offer this amendment to the resolution: Strike out all of—

Mr. IGOE (Cook). I rise to the point of order that this resolution is out of order.

THE SECRETARY. The point of order is well taken, and the matter cannot be considered—cannot be favorably acted upon unless by unanimous consent.

Mr. IGOE (Cook). I think that the better way would be to follow Mr. Hubbard's suggestion, and have Mr. Devine withdraw that resolution. I don't think it hardly fair to make the presiding officer of this House carry the burden of having to rule this resolution out of order.

Mr. FOSTER (Schuyler). Mr. Secretary, the chair has ruled that the resolution is out of order, and the gentleman's remarks are not pertinent.

Mr. HUBBARD (Greene). I would like to make an explanation of what I was driving at. I want it understood now that I am strongly for the substance of that resolution, but my idea was this: That we don't want to take any action here that will leave any impression out over the State that there is a possibility of this Legislature not meeting the obligation which the State has imposed upon it. If this could be by unanimous vote, then it would be all right, but if there is a question about it, and it is on the Secretary of State to decide this question, it seems to me that the proper thing to do would be to have this resolution withdrawn and to hold our meeting, as suggested by the gentleman from Cook, and let us get at this and let the farmers of the State of Illinois know what we are going to do.

SECRETARY OF STATE STEVENSON. Does the gentleman desire to withdraw his resolution?

Mr. DEVINE (Lee). I will offer another one.

Mr. SHANAHAN (Cook). I move that the House take a recess for ten minutes.

(Motion prevailed.)

(Informal recess, continuing as follows.)

Mr. DEVINE (Lee). I wish to offer the following resolution:

THE CLERK (Reading). "That it be the sense of this House that the live stock interests of this State be reimbursed for the necessary losses sustained in the stamping out of the hoof and mouth disease."

(Resolution adopted.)

SECRETARY OF STATE STEVENSON. The next order of business being the selection of a temporary speaker, the clerk will call the roll for the twenty-third ballot.

(Roll called by clerk.)

The result of the twenty-third ballot is: Total number of votes cast 139, of which Mr. Devine received 62 votes, Mr. Lee O'Neil Browne 32 votes, Mr. Fieldstack 16 votes, Mr. Kane 20 votes, Mr. O'Connell 2 votes, Mr. Burns 2 votes, Mr. Devine 2 votes, Mr. Moore 1 vote, Mr. Mulcahy 1 vote, Mr. Gorman 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice, and the clerk will call the roll for the twenty-fourth ballot.

Mr. O'ROURKE (Cook). I rise to a question of personal privilege. I regret that I have occasion to call the attention of this House to an article printed in a number of newspapers in my district, and which article is signed by my colleague, whom I have always, at all times, held in the greatest respect. I believe the article is an extreme article. I believe the article—the intent of it—possibly, at the time it was written, was not appreciated by the gentleman. Because he happens to be from my district, makes me feel much more sorrowful that I have occasion to call this to the attention of this House, and in behalf of my colleagues on this side of the House, I believe they are entitled to an apology.

I will read this article, or part of it. I don't care how much or what he may attach to myself. I am able to take care of any deficiencies that I may possibly have myself, but I do have respect for not only the colleagues on this side of the House that associate with me, but the gentlemen on the opposite side of the House. Therefore, I read this little simple tune of an article. (Reading.)

"The democrats are in hopeless confusion. They cannot be assembled except in the House. They cannot be driven into party caucus with the whip of scorpions. The traditional democratic tiger has divided into groups of Kilkenny cats. My witty....." Now, what do you know about that? "My witty democratic colleague, Mr. O'Rourke, stated yesterday....." It is an absolute untruth. "The democrats had at last been able to hold a caucus with four members present, and only three of them drunk." (Laughter.)

I want to say that perhaps men on the other side of the House are intoxicated with their power, and don't know how to use it.

Mr. PIERSON (Cook). Mr. Secretary and Gentlemen: I wrote the article. I wrote the article, just as I have written articles for the past ten years to the papers of my district. I supposed I was a friend of my democratic colleague. I supposed I was telling the truth when I said he was a witty gentleman. I still believe so. I heard the report on the street here in Springfield that the democrats had at last corralled four members and held a caucus, and the remark was attributed to my democratic friend that he had said that only three of them were drunk. Perhaps that is where the error arises. I am willing to admit that only 50 per cent of them were drunk. If that will do any good, I will admit that none of them were drunk, and that my friend was simply cracking a joke. Gentlemen, I am sorry to take the valuable time of this House on so trifling a matter. I had no thought of reflecting upon anybody. I have not reflected upon anybody. I have simply taken the license of a newspaper writer, and written a little levity; a poor joke, perhaps, but with no malice.

Mr. IGOE (Cook). I would like to ask Mr. Pierson if 50 per cent of the people over here are sober?

Mr. PIERSON (Cook). I believe I said I was willing to admit that 50 per cent were drunk if that would be acceptable to the gentlemen over there.

Mr. IGOE (Cook). Well, I want to say it isn't acceptable. Did Mr. O'Rourke tell you that there were four drunk? Isn't that what you say in that article?

Mr. PIERSON (Cook). I understood that to be what he said.

Mr. IGOE (Cook). You wrote it.

Mr. PIERSON (Cook). Will you let me answer?

Mr. IGOE (Cook). Maybe you were affected in that way when you wrote the article. Now, Mr. Chairman, as one of the men who sit on this side of the House, I want to say to that particular gentleman standing over there, who comes from the same county from which I come, I want to say that a man who would use his pen and sell the result of that pen in such a dirty, dishonorable and disgraceful manner as he has done is too mean and too low to associate with decent people, and I am willing to stand up here and match my honor and my name and my record and the honor and name of these men who sit around me with any name and any honor and any record that you ever attained in Cook County or down here before the General Assembly. You ought to be ashamed of yourself, and you ought to go from this chamber hanging your head in shame. Shame upon you!

Mr. PIERSON (Cook). I did not dream that our gentlemen on the other side were so seriously affected by my trifling article, and I simply think they are working this thing for no purpose. I have no apologies to make. I shall write all the articles I see fit to write, and say what I please. Furthermore, I shall not be lectured by the young man on the democratic side.

I shall tell the truth. I shall not be intimidated. I shall not be driven from my freedom of correspondence with my local paper, and the gentlemen are simply acting foolish and silly to pay so much attention to a trifling thing like that. I don't believe the democrats are drunkards. I believe the

democratic party is a great political party, and I believe it is not so great but what I can crack a joke about it if I see fit.

Mr. IGOE (Cook). What would you say if they said that about you?

Mr. PIERSON (Cook). I would laugh about it.

Mr. BROWNE (LaSalle). It seems to me—

(VOICES. Roll call!)

THE SECRETARY: The gentleman from LaSalle has the floor.

Mr. BROWNE (LaSalle). It seems to me that some of the gentlemen on this side of the House are making a mountain out of a mole hill in this. The democratic party and the members-elect of the democratic party do not need any charity either along the line of habits or otherwise, from the republican party or the members of the elect, even the "drys," for, strange as it may seem, some of the most proficient and effective "drys" that I have ever seen in the organization work of this House, were the most apt and able handlers of schooners at the dock (Laughter) if you would pay for it; they would not pay for it. I say that we don't think we need any charity on this side of the House along those lines, and it strikes me that in any Assembly, this or any other, that when a man commences to deal in personalities, he is breaking the old saying of David Harum, "that the more you travel, and the more you see, the more you are convinced that there is about as much human nature in some folks as there is in others, if not more," and a man always ought to think before he makes an assault upon somebody else. He ought to look the situation all over, and look at the windows of his own house just a little. We ought to be very charitable. I don't think that we need any charity on this side along the lines suggested. I think that the gentlemen, some of them, who are newer members in the House, possibly, by the time they have been here as long as some of us, and been through as much as some of us, will realize that the gentleman on the republican side made at least one true statement a little while ago when he said he availed himself of the well known newspaper privilege. God knows, he told the truth, because the minute a man goes into the newspaper business, even if he is only a \$12 a week fellow with a little pencil and a pad, he at once is told that that is his license. He is made to know that it is his license to say whatever he pleases at any time or place, irrespective of whether it is true or not, and the quicker you gentlemen get these facts in mind, and realize that our friend over there is not speaking as a representative, not speaking as an American citizen, but simply as a newspaper fellow, the quicker you will overlook these things. (Applause.)

SECRETARY OF STATE STEVENSON. The clerk will now proceed to call the roll for the twenty-fourth ballot.

(Roll called by clerk.)

Mr. KANE (Saline). I would like the consent of the House to explain my vote.

(VOICES. Leave.)

Mr. KANE (Saline). Gentlemen of the Assembly: There is, as we all know, from the present outlook, and past performances, here, a condition existing for which, unless something radical is done, there is no end in view. There is no outlet to be seen. In coming to this Assembly, I passed through the State from here almost to the southern end. On the trains, at the stations, in the hotels—wherever you go—you hear criticism, and nothing but criticism, of the members of this General Assembly for this foolish position—and they are foolish actions—in the election of a presiding officer. This criticism comes from every source. It comes from every political party and from every religious creed. It comes from those affiliated with "wets;" it comes from those affiliated with the "drys." It is almost universal. Now, notwithstanding this situation, there is hardly ever a situation that does not blow some good; there is hardly ever a condition out of which there is nothing pleasant, nothing encouraging. Now, there are some things about this situation in which there is some consolation, at least. There is a general tendency to criticise the democrats and the democratic administration. If the trumps happen to be bad, democrats and democratic administrations are criticised. If the chinch bug comes back in the locality, it is charged up to the democrats and the democratic administration. But there is one consolation in this condition, that the burden, at least, of the criticism at this time, is not on the democrats, who are

getting some rest from this character of criticism. This burden is not on the democrats, and it is not on the progressive party, because they joined in, and they have the habit of joining in. But the criticism still remains.

I am willing to say, upon the whole, that I do not believe in a bi-partisan combination, as I understand the definition of a bi-partisan combination. A bi-partisan combination is where two parties, or two elements, go together, each to derive some mutual advantage from that going together. I want to say, in the present condition, and the gentlemen here voting as they are, there is no such combination. Neither directly nor indirectly have we asked for any concessions, any favors, any privileges, and neither do we expect them. It is all given them on our part, and not even asking to be considered in a bi-partisan way. It is not mutual as far as that is concerned. We are asking nothing. We expect nothing as a matter of favor, but wish merely to fulfill the responsibilities placed upon us by the people of this State to transact the business of this State and cut out so much tomfoolery.

We are taking this position at this time for that purpose, and no other, absolutely. (Applause.) And with that view in end, and only that, while it is a bitter pill to swallow, we are willing to sacrifice our personal feelings in the matter, our personal desires in this matter; we are willing to sacrifice all of them upon the order of the people of this State for the common good of this State that this House may organize, that it may transact the business of attending to the foot and mouth disease, and that we may get down to business and show ourselves to be men worthy of the obligations placed upon us, show to the people of the State of Illinois that we are worthy of the trust we hold, and with that end in view, I now vote for Provine. (Applause.)

Mr. BOYER (Cook). I want to change my vote for Provine to David E. Shanahan.

Mr. SHANAHAN (Cook). I ask unanimous consent to explain my vote. (Leave.)

Gentlemen of the House: There sometimes come embarrassing moments in a man's life, and also embarrassing moments in a man's career as a member of the General Assembly. I think that time has come now with me. I presided over the republican caucus, and I presided over the republican conference of 80 members when we tried to find a basis of compromise and nominate a speaker who might be elected on the floor of this House; and after failure I remained as chairman of the caucus and presided over it until it had finally selected a choice for speaker. A serious division occurred among the members of the republicans, as it seems among the members of the democracy, regarding the "wet" and "dry" question. A question of legislation, and not a question of politics or policy, and one that should never be injected into the caucuses of either of the parties (Applause), a proposition that should be, like all other legislation, decided on the floor of this House by an "aye" and "nay" vote. But notwithstanding, that situation occurred, a number of so-called "wet" republicans, feeling that they voiced the sentiment of their districts, remained away from the republican caucus, because they could not feel that they could be bound by the majority in that caucus to vote for a "dry" speaker. I come from the "wettest" district in the State of Illinois, barring none. I take it as my right and my privilege to vote on the floor of this House on that legislation, the same as on other legislation, and I feel that when that legislation is before this House, that I ought to vote the sentiments of that district, and 98 per cent of it is wet, so consequently I vote for "wet" legislation when I think it is fair, when it is upon the floor of this House, but I did not feel that I could afford to stay away from a republican caucus for that reason only. Consequently, I stayed in the republican caucus and I abided by its results, and I said I would vote for a "dry" speaker on the floor of this House, not as a "dry," not as a "wet," but because he was the choice of the republicans, and I was bound to bow to the will of the majority. (Applause.) But I further stated that I was opposed to a bi-partisan organization of this House; that I was accused of participating in a former bi-partisan organization, and that I desired the 80 republicans of this House to organize this body, and I stated there, and I stated openly, that when it came to a question of organizing this House on the "wet" and "dry" line and electing a speaker by a republican and a

democratic vote, that they would compel me to represent my district and to vote for a "wet" speaker. (Applause.)

I believe in being honest and honorable, and want to go back, gentlemen, to my district, and live politically, and not be accused of electing a "dry" speaker on non-partisan or bi-partisan lines. I am now in the position, although I presided over the caucus, where I am compelled to state what I stated in the caucus, that when that time come, I would be compelled either to not vote or to vote for a "wet" speaker.

I am sorry you have placed me in this position. There are 80 republicans here on the floor of this House, and I contend that those 80 republicans ought to elect a republican by a republican vote! (Applause.) That the republicans ought to be responsible, now that they have the majority, now that the progressives have joined them, that they ought to be responsible for the legislation here, and that they ought to make a record that would aid them in 1916, and I think that these 80 republicans could afford to stay here for a number of weeks, if necessary, in order that they might put their choice over by republican votes and not by democratic and republican votes combined.

For that reason, I ask "to pass."

Mr. TAYLOR (Hardin). I ask unanimous consent to explain my vote. (Leave.)

Mr. Secretary and Gentlemen: As I understand it, about every man in this House was elected as a republican upon a republican platform, as a democrat upon a democratic platform, as a progressive upon a progressive platform, or as a socialist upon a socialist platform. It is true that we have rights, but those rights—I find it nowhere mentioned in the democratic platform, republican platform, or any other platform, no reason why I should abandon my party, go back on its pledges, say to the people that have sent me here that I have forgotten what you elected me upon. I can assign no reason for that for the purpose of assisting the majority party, who have the vote, to elect the speaker of this House. I believe it is their duty to do it, and if there are seventeen men, or more, or less, who have forgotten that they were republicans, who have forgotten the platform upon which they were elected, who have forgotten the pledges they made to their party when they were elected, who have turned aside their election promises, they can account to their people for it, and I desire to say in the best feeling, in all kindness, coming here from a dry territory, I shall vote for 19,000 people in my district, and I will not betray their trust.

I desire to say in all kindness, and with the best feeling for the other members of the dry democracy with which I have been associated that I have not the least fault to find, but we are at the parting of the ways, where I am a democrat.

I vote for Perdunn.

Mr. DAVIS (Knox). I wish to explain my vote. (Leave.)

I simply wish to decline to vote for the reason that I believe that there are enough republicans here to elect the speaker, and that the speaker should be elected by republicans and not by a bi-partisan combination. I pass.

Mr. BIPPUS (Cook). I should like to ask that my vote be changed, and that I be recorded as present and not voting.

THE CLERK. It is so recorded.

Mr. SEIF (Cook). I would like to know how my vote stands. As voting for Mr. Browne—is that correct?

THE CLERK. Yes.

Mr. BURNS (Cook). Mr. Secretary, I would like to call for a verification of the roll.

SECRETARY OF STATE STEVENSON. If you will wait until the roll can be counted, then it can be verified.

The result of the twenty-fourth ballot is: Total number of votes cast 134, of which Mr. Provine received 59 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Fieldstack 16 votes, Mr. Devine 2 votes, Mr. Burns 11 votes, Mr. Shanahan 6 votes, Mr. Purdunn 2 votes, Mr. Kane 1 vote, Mr. Moore 1 vote, Mr. Arthur Roe 1 vote, Mr. Brinkman 1 vote, Mr. Strubinger 1 vote, Mr. Rinehart 1 vote, Mr. Scholes 1 vote, Mr. Scanlan 1 vote, Mr. Richardson 1 vote.

No person having received a constitutional majority, there is no choice.

The clerk will proceed to call the roll for the twenty-fifth ballot, unless there is objection.

Mr. MASON (Cook). I desire the consent of this House to absent myself for the balance of this week. There is some sickness in my family, and I would be glad to remain away for the balance of the week.

(Permission granted.)

SECRETARY OF STATE STEVENSON. The clerk will proceed with the twenty-fifth ballot.

(Roll called.)

Mr. BASEL (Fulton). I would like to explain my vote. (Leave.)

It seems that it has caused quite a little commotion for us democrats to try to help our republican friends come to a conclusion. My people in my district, I think, generally, are interested, and think they have sent here a body of men to do business. They have its success at stake. It is not my purpose to support the republican party, but I am glad that we have found out that men voting for men are not always sincere in their votes. Gentlemen always wish to act as they speak. I vote for W. C. Kane.

SECRETARY OF STATE STEVENSON. The clerk will proceed to call the roll for the twenty-fifth ballot.

(Roll call continued.)

Mr. HUBBARD (Greene). I desire to explain my vote. (Leave.) For nearly three weeks we have been in a deadlock here that has been the laughing stock and the disgust of the people of the State of Illinois. Many of the democrats on this side of the House have pleaded with the republicans to get together and relieve this situation. We do well know that not a one of us who cast our vote for Mr. Provine desired to vote for a republican. We would much prefer to have voted for a democrat. But you held out here, and said the republican party has 80 members and we are going to organize the House, and yet there you stood in a hopelessly divided condition, 17 absolutely refusing to go into a caucus.

Then, how were you ever going to elect a speaker? How long was it going to take you to break this deadlock? We were receiving censure from our constituents at home. They were asking, "What kind of a man is Mr. Provine? Is he square? Is he honest? Will he make you a clean, fair, able presiding officer? If he is, we ask you to go back there and help those republicans to break that deadlock.

It doesn't matter because he is a republican. We know that on our side of the House we were hopelessly divided. Even if we were to unite our whole strength back of one man, we have no chance of electing him, because you would not come across and elect him.

Now, when we gave you every opportunity, we wanted you to assume this responsibility. We swallowed our party pride, and walked over and voted for your man. We did not ask you whether he was dry or wet. We thought he was square and honest and that he would be square and honest and be fair to both sides, fair to the wets and fair to the dries, the democrats and the republicans, and we voted for him, believing that he was that kind of a man, that we might break this deadlock, and I think it is the sentiment of every democrat on this side that if you objected to the democrats voting with you, if you had gotten up and said, "We will break this deadlock and vote for our party," every one of you would have been glad to have changed our vote back to Mr. Kane, and let your vote elect Mr. Provine.

Talk about a bi-partisan combination. There was no bi-partisan combination. There were no promises, express or implied, directly or indirectly. If Mr. Provine had come to us and offered to divide the spoils with us, not a man would have touched him on that proposition. We are not for sale. We do not propose to sell for a mess of putty. Why, we know that two years ago your bi-partisan combination did do that, and you realized before the Legislature adjourned that you had a mighty sickly mess before you. We wouldn't go into that combination two years ago, and we won't go into it this time. We ask nothing in return; we believe that we will be treated as gentlemen on the floor of this House, and we want to see this deadlock broken. We put it squarely up to you. I was told at the start that they were not sincere. We wanted to know that, and we do know it now. The respon-

sibility is on you, the republican party of the State of Illinois, and there we propose to let it rest.

Now, I will explain that I am going to come back and vote for a democrat. I am going to vote for William C. Kane.

Mr. LIPSHULCH (Cook). I ask leave to explain my vote. Having been saked repeatedly to give a reason why I vote a certain way, and realizing further that 77 votes will elect a speaker and that 76 votes will fail of election, it at once becomes apparent that those who are interested in this epoch making struggle, have a right to be interested in the individual vote, and I ask you therefore to do me the honor and indulge me while I make it clear to those who wish to know.

When the session first opened and I took my oath of office, I found the House was divided by an aisle; that on our side the democratic side, was submission and it was quite apparent that everybody felt that it was not their province or good fortune to command and that they were willing to abide by the great American institution, "the will of the majority." On the other side of the aisle seemed to repose, the numbers that go to make might, and therefore, anticipating that they are actuated by one motive and principle, "that their sun would radiate rays of hope and promise which would pierce the clouds of our submissiveness," so we settled to an inertia on our side. Soon after I was horrified in seeing the child of hope on the other side, smothered, and the corpse thereof placed at the door of the democratic side of the House. I at once realized that it was within our own ranks that I would eventually have to find my bearings, and, looking about I found "Barkis" in every seat that my eye caught, and unconsciously I began to follow him from seat to seat until I found a blind alley, when I realized I was chasing a "will' o' the wisp." I felt like a lost soul in the Netherlands and I yearned for rest, comfort and security, and to describe my attitude I must necessarily quote the following passage: "I am young and ye are old, therefore I hold back and durst not show my opinion." I said, days should speak and a multitude of years should teach wisdom. Alas! I found that age was not old and that years did not always carry wisdom, yet I waited on listening for their reasonings whilst they searched out for what to say. Many things were said by many members on many occasions and what was said by them caused me to wait for further words.

Then it happened that a member from our own ranks jumped hurdles over the aisle and into the ranks of our friends, the enemy, which was repulsed; after which occurrence my friend spoke in very plaintiff and mournful ecstasy and there and then he showed that he was the champion of right and wrong, that he was the Atlas of the democratic party who carried not only the iniquities of his own party, but the burden of all, on the nape of his firm neck. He unloaded twice, my friend did, and twice "the pot of lentals" were thrown back into his face, and how it did make him furious; my noble friend. I have too profound a respect for the deep knowledge of things our learned and eminent citizen possesses and therefore never would tolerate a charge, that he did not understand the first time that his proferments were not wanted on the other side. Then why, I asked myself, did not our friend and those who follow him come back home and try to organize our own 70 members, at least as an effective measure to help break the dead-lock, and perchance, run the horrible risk of electing a speaker from amidst the party that made it possible for him to be honored with a seat in this House for the second time. Why did he uproot the republicans, 80 strong, for not being willing to join the tremendous yet fatal number of "13," of which his following consisted. Is it possible that these 13 "God annointed emancipators, thought it necessary that they offer their purity on the cross of self sacrifice," or could they not see the desecration of the trust reposed in them? It struck me that it would have been more becoming for the 70 democrats to put forth a united and sincere front and invite a few of the republicans to help them, a solidified unit, for the good of the State and their electorate, to do that for which they have here assembled. I felt then like asking my friend in the kindest spirit,

whether the gauntlet of insincerity thrown into the opposite camp has not proven a stone from a glass house.

I honestly believe that the boundary of sublimity has been mistakenly overstepped by our friends on both sides. I never feared that the corpse could not be transported back to the republican side, where it properly belonged.

I say in the name of honest decency, let us first be square with ourselves.

As for myself, I am through chasing perpetual motion, I am with the man whose qualifications are eminent, whose learning is most ample, whose resourcefulness is as unlimited as his manly intentions, whose training is all that can be desired, whose fitness is graciously conceded even by his enemies and in whose hands the destiny of our grand State would be supremely safe. I am with the man who is in the race on the square, and it is for this reason that I kept recording my vote for "Lee O'Neil Browne."

(Roll call concluded.)

SECRETARY OF STATE STEVENSON. The result of the twenty-fifth ballot is: Total votes cast 141, of which Mr. Provine received 62 votes, Mr. Browne 29 votes, Mr. Kane 12 votes, Mr. Rinehart 11 votes, Mr. Fieldstack 16 votes, Mr. Arthur Roe 3 votes, Mr. Devine 2 votes, Mr. Taylor 1 vote, Mr. Moore 1 vote, Mr. Huston 1 vote, Mr. McCormick 1 vote, Mr. Shanahan 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. There is no choice. What is the pleasure of the House?

Mr. SHANAHAN (Cook). I move that this House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed and the House adjourned.

THURSDAY, JANUARY 21, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. James Howard.

Journal of previous day read. On motion of Mr. Epstein (Cook), further reading dispensed with and Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hours of adjournment yesterday being the election of a temporary speaker, the clerk will now call the roll for the twenty-sixth ballot.

Mr. R. E. WILSON (Cook). I wish to ask unanimous consent of the House to have Mr. Fahy recorded as voting for Mr. Browne. He was called away and was recorded last night by proxy in the caucus, and he asked to be recorded on the floor of the House, if he was not here.

SECRETARY OF STATE STEVENSON. If there is no objection, Mr. Fahy will be recorded as voting for Mr. Browne.

The clerk will call the roll for the twenty-sixth ballot for the selection of a temporary speaker.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the twenty-sixth ballot is: Total number of votes cast, 144, of which Mr. Provine received 62, votes, Mr. Lee O'Neil Browne 37 votes, Mr. Kane 11 votes, Mr. Garesche 13 votes, Mr. Lynch 16 votes, Mr. Burns 2 votes, Mr. Arthur Roe 1 vote, Mr. Huston 1 vote, Mr. Harvey 1 vote.

SECRETARY OF STATE STEVENSON. There being no choice, no person having received the necessary constitutional majority, the clerk will call the roll for the twenty-seventh ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the twenty-seventh ballot is: Total number of votes cast, 141, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 38 votes, Mr. Kane 11 votes, Mr. Lynch 16 votes, Mr. Garesche 9 votes, Mr. Burns 3 votes, Mr. Harvey 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice, and the clerk will call the roll for the twenty-eighth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the twenty-eighth ballot is: Total number of votes cast, 146, of which Mr. Provine received 63 votes, Mr. Lee O'Neil Browne 38 votes, Mr. Kane 13 votes, Mr. Lynch 16 votes, Mr. Hrubby 10 votes, Mr. Gorman 2 votes, Mr. Burns 2 votes, Mr. Huston 1 vote, Mr. Harvey 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice, and the clerk will call the roll for the twenty-ninth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the twenty-ninth ballot is: Total number of votes cast, 145, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 38 votes, Mr. Kane 14 votes, Mr. Lynch 16 votes, Mr. Hrubby 10 votes, Mr. Arthur Roe 2 votes, Mr. Burns 1 vote, Mr. Huston 1 vote, Mr. Harvey 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, the clerk will call the roll for the thirtieth ballot.

(Roll called by clerk.)

Mr. MAUCKER (Rock Island). It is necessary that I leave, and I wish to be recorded as voting for Mr. Browne.

Mr. GRIFFIN (Cook). I wish to be recorded as voting for Mr. Browne.

Mr. BROWNE (LaSalle). I understand that the absence of these gentlemen, especially Mr. Maucker, will cover at least a week.

Mr. MAUCKER (Rock Island). It is absolutely necessary.

Mr. HUBBARD (Greene). I understand there are fourteen of us here who would like to be recorded as voting for Mr. Kane.

Mr. BROWNE (LaSalle). This is more important than that, and you would say so.

Mr. MAUCKER (Rock Island). I will truthfully say that the arrangement was made two months ago for this appointment.

Mr. SHANAHAN (Cook). I think at this time we should have an understanding in this House here about the recording of votes, so that the preceding officer may not be put in a very embarrassing position at some time during these roll calls.

It is entirely irregular and improper to record any man who is not in his seat, and if the vote was challenged, or a verification of the roll was called for, and the man was not here, he could not be recorded. And if this courtesy is going to be extended two months, and I have no objection to it, it ought to be with the understanding that the vote would be recorded after the roll call, so that the absent members now being recorded will not have any final bearing on the result.

We do not desire, I believe, on either side of the House, that an election shall be declared for a speaker by recording some absent member to make the necessary 77 votes. And for fear that question may come up at some future time, I think the House better understand the situation, and I make the suggestion, if this courtesy is going to be extended to members, that they be recorded after the roll call has been added, in order that those names will not finally decide the result.

SECRETARY OF STATE STEVENSON. As the chair understands it, this is a matter of courtesy, anyhow, isn't it? It has to be extended by unanimous consent?

Mr. SHANAHAN (Cook). Well, if we give unanimous consent, and then two or three days later the vote is recorded, and an election is declared by that vote, then may the unanimous consent be withdrawn?

Mr. BROWNE (LaSalle). There is no value in this unanimous consent for the recording of a vote unless it has the same force and validity that it would have if he were here, the same force and validity on the determination of an election and everything else. Otherwise, it has no value.

Mr. DONAHUE (McLean). I don't mind these absent members having their vote recorded, but I don't believe that these votes ought to determine the election of the speaker—the absent vote. If there are not 77 votes to elect a speaker, that absent vote ought not to be counted.

Mr. HUBBARD (Greene). Mr. Secretary, I cannot see the legality of anyone having their vote recorded by unanimous consent.

A vote is never counted in any election unless that vote is cast by that party himself. It seems to me that it is wholly illegal and that this body has no legal authority to permit any member of this body to be recorded as voting for or against any man on any measure, and has no authority to do so, and I raise that point of order.

Mr. SHANAHAN (Cook). I give notice now that I will raise the constitutional question as to the election of a speaker if the result should be declared in that manner, or if these votes are recorded on a ballot where 77 votes are cast for any one man for speaker. And, furthermore, we have given unanimous consent for members to absent themselves during this week. Next week I am going to object to any men being recorded who is not present and voting.

Mr. BROWNE (LaSalle). In view of the action taken by the gentleman from Cook, if the chair sustains that view of it, that the votes cast by unanimous consent for an absent member have no force or validity, except as a mere matter of courtesy, and cannot be counted on an election, then I shall object to any votes being counted at all, for any purpose, unless the man is here in his seat.

Mr. SHANAHAN (Cook). All right.

Mr. HUSTON (McDonough). That is the correct position, absolutely. I think this matter has been abused for years, and I am now in favor of stopping the whole business. If a man wants to vote, let him be here and vote.

(VOICE. Do you want to adjourn this Legislature forever?)

Mr. FOSTER (Schuyler). What is the ruling of the chair on the point of order raised by the gentleman from Cook?

SECRETARY OF STATE STEVENSON. Will you please repeat it?

Mr. HUBBARD (Greene). That the request made that absent members may be recorded as voting for a speaker is out of order, or for anything else, is out of order. It is unconstitutional; and that this House has no authority to grant unanimous consent. It is not within the power of this House to record a man as voting for any person, on any measure, unless he is here and votes himself. That is the point of order I would like to make.

SECRETARY OF STATE STEVENSON. What has been done heretofore, I am advised, has always been by unanimous consent. If the House wishes to put this up to the House to determine—

Mr. BROWNE (LaSalle). I think that the chair should determine this now.

SECRETARY OF STATE STEVENSON. I am advised that what has been done in the past has been altogether a matter of courtesy to the member and upon unanimous consent, and no vote in the future in a matter important as this ought to be recorded unless the member is present and voting himself. It is understood that that will be the ruling of the chair during this contest. (Applause.)

(Roll call continued.)

SECRETARY OF STATE STEVENSON. The chair understands that Mr. Maucker made the request on this ballot to be recorded as voting for Mr. Browne. Is Mr. Maucker present?

Mr. MAUCKER (Rock Island). Yes.

SECRETARY OF STATE STEVENSON. He will be so recorded.

The result of the thirtieth ballot is: Total number of votes cast 142, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 31 votes, Mr. Kane 12 votes, Mr. Lynch 16 votes, Mr. Hoffman 11 votes, Mr. Igoe 2 votes, Mr. Huston 1 vote, Mr. Hruby 1 vote, Mr. Harvey 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice, and the clerk will proceed to call the roll again, if that is the pleasure of the House.

Mr. BROWNE (LaSalle). I would like to move at this time, that when this House adjourns today, it adjourns until Saturday of this week for a perfunctory session, and then to Tuesday of next week, at 10:00 o'clock, and I would like to be heard just a moment on it. (Leave.)

It seems to me that it must have occurred to the members of the House that there is no value or force in balloting any more today. I cannot see where there will be any value in balloting for a short time tomorrow morning until the going away of the train at 11:55, or possibly 1:30. I believe more can be accomplished outside of the House by consistent negotiation, getting together, thinking it over, and so forth, than can be accomplished here. Already there are a number of members who are not present, and I will say to the new members here, that we probably understand that better, having been through it, that by tomorrow, the absentees will be so many that the roll call will be all shot full of holes.

Now, there is a good cause, and a good reason, for those from Chicago wanting to go home today. Petitions must be filed there in Cook County not later than Monday, and the petitions must be gotten ready and prepared. A great many want to go for that reason who are going to go anyway.

Now, there isn't any value in having the roll called here with a lot of members absent. It isn't going to do anybody any good. I don't believe we can accomplish anything before next week, and that is the force of my motion, and it is made in all good faith and sincerity, and with a full understanding of the resolution that has been heretofore passed. I believe that you ought to look at it in this light, and I think it will be to the benefit of the House and members more than it would to stay here.

Mr. SHANAHAN (Cook). While there is considerable merit in what the gentleman from LaSalle has said, that the membership of this House

would go on record in favor of holding a perfunctory session tomorrow, and then take their grips and go for the first train that they can get to take them to their homes, nevertheless, a time has come when an effort should be made by this House to have a Friday session, no matter what little may be accomplished, or how few may be here.

Last evening at the republican conference it was decided by practically unanimous vote that we should have at least a vote for a Friday session, and in obedience to that conference, I must voice their sentiment that they intend to remain and vote tomorrow.

I think, as the gentleman from LaSalle has said, that when we come here tomorrow, a great many who decided to stay will have gone away. But, nevertheless, a sentiment has grown up out in the State that we are evading our duty, and that we are coming here but a few hours each day, going through a performance, adjourning for a couple of hours to meet the next day, doing the same on the third day, and then going back to our homes, where we have got to answer numerous questions from constituents as to why we don't accomplish something at Springfield. I know a great many men here have business affairs that they want to attend to tomorrow. I know that a great many men from Chicago want to be on hand to file their petitions on the first day of filing, on Saturday. Nevertheless, I think that we ought to attempt to have a session tomorrow, and I am voicing the suggestion and the recommendation of the republican caucus that they desire to have a session tomorrow.

Mr. HUBBARD (Greene). Mr. Secretary, I am in favor of staying here every Saturday, if necessary, to elect a speaker (Applause), on the republican side. However, gentlemen, I see no necessity for the democrats staying. We were served notice that you were to organize the House, you republicans, and when you are going to do it, we don't know. You won't accept help from a democrat, and you served notice on us that you would not give any help to the democrats, and now I am in favor of the republicans staying here six days in the week.

(VOICE. What are you going to do.)

(VOICE. Make it seven.)

Mr. HUBBARD (Greene). What are we going to do? The democrats might as well go home and stay there until you republicans elect a speaker.

(VOICES. Leave!)

Mr. HUBBARD (Greene). We are getting mighty tired of staying here and seeing the farce that is being played on that side. We don't want it said that the democrats are sitting over here and killing time. The republicans are killing the time, and we want the people of the State of Illinois to know that fact. (Applause.)

We don't propose to sit here any longer. We are going to stand and fight for the election of a speaker of some sort, whether he is "wet" or "dry," republican or democratic. We are tired of this farce, and the farce is now on that side of the House. I think you should stay here six days in the week. Don't lay it to us, tie up our hands, and then say, "Now, then, let's make a pretext of coming here tomorrow." You ought to be here, and stay here, until you have threshed out your differences.

Mr. BROWNE (LaSalle). One of the cardinal principles, as I take it, of democracy, is candor and fairness, and with that spirit, I don't feel that I ought to, as a member of the democratic side, permit my republican friends to be castigated in this kind of a way beyond their deserts. I think they deserve something, but not that much. I would like to make an inquiry, in the first instance, from the gentleman who was dealing the whip of scorpions, as to what particular brands of democracy he refers to, and I would suggest, furthermore, that up to the present time we have about all that we can wash out and iron out over here, without attempting to dictate to the republicans as to what they shall do. (Applause.) If the gentleman would be as anxious to bury some of his feelings and some of his views in the common desire to get together, why it is possible that we might be in a better position thereby to take a few shots across the aisle.

Mr. TICE (Menard). With reference to the motion made by the gentleman, I desire to offer an emphatic protest against this House adjourning today until next Saturday for a perfunctory session, and then until next Tuesday.

As a republican, I am tired of the taunts coming from the other side of the House that the republicans are in the majority and ought to organize. I don't know that we are any more divided than they are themselves. And my memory goes back only, perhaps, to two years ago, when it was necessary for the republicans to organize a democratic house for them.

Mr. O'ROURKE (Cook). We didn't have a majority.

Mr. HUBBARD (Menard). How many did the democrats have in the House two years ago? Seventy-two.

Mr. TICE (Menard). All right, suppose they did.

Mr. Secretary, as a republican, I admit and I state frankly, that the majority of burdens of the legislation of this session rests upon the republican party, and as an individual republican, I accept that responsibility; and as an individual republican, I stand ready to bear my part of that responsibility, and awaken the republicans of this House to their portion of it. It is our duty, as republicans, to stay here tomorrow and demonstrate to the people of Illinois that we are trying, at least, to solve the problem; and I violate no precedents when I say to this House that the republicans of this House are now taking steps that we believe will reach a solution.

There is no reason why the republicans of this House should follow a democratic lead, and fritter away more time this week, and more time next week, following that democratic lead, but it is the duty of the republicans here to carry out the pledges made in the republican conference last night, and get down to regular work and do business. We can, if we will, stay right on the job and tend to our business, and I think every republican in this House ought to vote against this resolution. Stay here for a session tomorrow and let our committees who are at work on this proposition have today and tonight to solve the problem.

Mr. BROWNE (LaSalle). In view of the hysteria that has been caused over on the other side by reason of my motion, I withdraw the motion.

Mr. SHANAHAN (Cook). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed and the House adjourned.

FRIDAY, JANUARY 22, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. George T. Gunter.

Journal of previous day read: On motion of Mr. Smejkal (Cook), further reading dispensed with and Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment yesterday being the election of a temporary speaker, the clerk will now call the roll for the thirty-first ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The result of the thirty-first ballot is: Total votes cast 115, of which Mr. Provine received 58 votes, Mr. Lee O'Neil Browne 23 votes, Mr. Igoe 11 votes, Mr. Kasserman 6 votes, Mr. Gardner 15 votes, Mr. Arthur Roe 1 vote, Mr. Cooper 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice.

Mr. SHANAHAN. I move that when this House adjourns today, that it stand adjourned until 10:00 o'clock tomorrow morning, when a perfunctory session shall be held and no business transacted, and that a further adjournment be taken until 10:00 o'clock Tuesday morning next.

(Motion prevailed.)

Mr. COOPER (Wayne). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 8.

"WHEREAS, Alonzo K. Vickers, of East St. Louis, one of the Justices of the Supreme Court of this State, has been called from the scene of his earthly duties to the higher activities of life everlasting; and

"WHEREAS, Mr. Vickers was a member of the Thirty-fifth General Assembly, and for many years one of the leading men of Illinois, active at the bar, profound in his attainment upon the Circuit, the Appellate, and Supreme Bench, and in his decease the State has lost one of its most distinguished citizens, wise counsellors, and patriotic men; therefore, be it

"Resolved, That this body express its deep sense of sorrow at the loss of Mr. Vickers, to his community, to his county, and to the State; and, be it further

"Resolved, That a copy of these resolutions be spread upon the Journal of this body, in regular session assembled, and that an engrossed copy be forwarded to the family of the deceased, and that as a further mark of respect to his memory, this House do now adjourn."

(Resolution unanimously adopted by a rising vote.)

SECRETARY OF STATE STEVENSON. The chair will appoint Messrs. Cooper, Curran, Desmond, LePage, Kane, Rentchler and Kasserman as a committee to attend the funeral of the late Justice Vickers.

Whereupon the House adjourned.

SATURDAY, JANUARY 23, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. George T. Gunter.

Journal of previous day read. On motion of Mr. Atwood (Ogle), further reading dispensed with and the Journal ordered approved.

Mr. MERRITT (Sangamon). I move that the House do now adjourn until Tuesday, January 26, 1915, at 10:00 o'clock in the morning.

Motion prevailed, and the House adjourned.

TUESDAY, JANUARY 26, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. George T. Gunter.

Journal of previous day read. On motion of Mr. Mulcany (Cook), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment being the selection of a temporary speaker, the clerk will call the roll for the thirty-second ballot.

(Roll called by clerk.)

The result of the thirty-second ballot is: Total number of votes cast 141, of which Mr. Provine received 59 votes, Mr. Lee O'Neil Browne 35 votes, Mr. Kane 13 votes, Mr. Hoffman 13 votes, Mr. Charles Curren 16 votes, Mr. Arthur Roe 2 votes, Mr. Igoe 1 vote, Mr. Turner 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election and the clerk will call the roll for the thirty-third ballot.

(Roll called by clerk.)

The result of the thirty-third ballot is: Total number of votes cast 140, of which Mr. Provine received 60 votes, Mr. Lee O'Neil Browne 31 votes, Mr. Kane 14 votes, Mr. Charles Curren 16 votes, Mr. Igoe 15 votes, Mr. Turner 1 vote, Mr. Richardson 1 vote, Mr. Hoffman 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election, and the clerk will call the roll for the thirty-fourth ballot.

(Roll called by clerk.)

The result of the thirty-fourth ballot is: Total number of votes cast 140, of which Mr. Provine received 60 votes, Mr. Lee O'Neil Browne 31 votes, Mr. Kane 13 votes, Mr. Charles Curren 16 votes, Mr. Morrasy 16 votes, Mr. Quisenberry 2 votes, Mr. Turner 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election, and the clerk will call the roll for the thirty-fifth ballot.

(Roll called by clerk.)

The result of the thirty-fifth ballot is: Total number of votes cast 140, of which Mr. Provine received 60 votes, Mr. Lee O'Neil Browne 32 votes, Mr. Kane 14 votes, Mr. Charles Curren 16 votes, Mr. Morrasy 12 votes, Mr. Quisenberry 2 votes, Mr. Turner 1 vote, Mr. Merritt 1 vote, Mr. Dalton 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice and the clerk will call the roll for the thirty-sixth ballot.

(Roll called by clerk.)

The result of the thirty-sixth ballot is: Total number of votes cast 142, of which Mr. Provine received 60 votes, Mr. Lee O'Neil Browne 32 votes, Mr. Kane 13 votes, Mr. Charles Curren 16 votes, Mr. Franz 16 votes, Mr. Devine 2 votes, Mr. Turner 1 vote, Mr. Arthur Roe 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election and the clerk will call the roll for the thirty-seventh ballot.

Mr. SHANAHAN (Cook). The hour is late and I move that at this time the House take a recess until 3:00 o'clock this afternoon.

Motion prevailed and the House recessed till 3:00 p. m. same day.

Three o'clock p. m., re-convened.

Secretary of State Stevenson, presiding, ex officio.

SECRETARY OF STATE STEVENSON. The order of business at the hour the recess was taken this morning being the election of a temporary speaker, the clerk will call the roll for the thirty-seventh ballot.

(Roll called by clerk.)

The result of the thirty-seventh ballot is: Total number of votes cast 138, of which Mr. Provine received 56 votes, Mr. Lee O'Neil Browne 35 votes, Mr. Kane 13 votes, Mr. Charles Curren 16 votes, Mr. Franz 12 votes, Mr. Kasserman 3 votes, Mr. Turner 1 vote, Mr. Kilens 1 vote, Mr. Huston 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election and the clerk will call the roll for the thirty-eighth ballot.

(Roll called by clerk.)

The result of the thirty-eighth ballot is: Total number of votes cast 142, of which Mr. Provine received 59 votes, Mr. Lee O'Neil Browne 35 votes, Mr. Kane 14 votes, Mr. Charles Curren 16 votes, Mr. Morris 10 votes, Mr. Kasserman 3 votes, Mr. Arthur Roe 2 votes, Mr. Turner 1 vote, Mr. Franz 1 vote, Mr. Lipshulch 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election.

Mr. SHANAHAN (Cook). Mr. Secretary, I now move that this House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed, and the House adjourned.

WEDNESDAY, JANUARY 27, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rabbi Sidney Telesche.

Journal of previous day read. On motion of Mr. McGloon (Cook), further reading dispensed with and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment yesterday was the selection of a temporary speaker, and the clerk will call the roll for the thirty-ninth ballot.

(Roll called by clerk.)

The result of the thirty-ninth ballot is: Total number of votes cast 136, of which Mr. Provine received 62 votes, Mr. Lee O'Neil Browne 28 votes, Mr. Kane 14 votes, Mr. Donahue 12 votes, Mr. Harvey 16 votes, Mr. Burns 1 vote, Mr. Lynch 1 vote, Mr. Huston 1 vote, Mr. Prendergast 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election, and the clerk will call the roll for fortieth ballot.

(Roll called by clerk.)

Mr. BUTLER (Sangamon). I beg leave to explain my vote. (Leave.)

I have noticed a silence on the part of the opposite side of the chamber during the early part of this roll call, and I have heard that it presages the coming of a storm. What I wish to say is, God pity a poor republican on a sea like this!

I see there are certain gentlemen from the other side who are coming over in order to make a bi-partisan election of a speaker.

But as the faces appear over the ship of state, I do not know whether it presages friendship, or whether they are climbing aboard to scuttle the ship of state.

In a place like this, and until I understand what are the motives, and what are the purposes of the gentlemen in the bringing of gifts like the Greeks of old, it is necessary for me to adhere to that standard of merit that has never yet forsaken me, and cast my vote for someone whom I know stands out prominently as a fair man, and I shall have to vote in the present situation for W. J. Butler. (Laughter.)

Mr. KANE (Saline). I would like to explain my vote. (Leave.)

There is a limit at which forbearance ceases to be a virtue. We believe that limit has about been reached, and the people of the State of Illinois believe that that limit has about been reached. We want to again reaffirm and deny that there is any kind of a bi-partisan combination.

I want to say now, so far as I am concerned, that I want no committee-ships, and I will enter into writing, so far as I am concerned, that I will not accept any. I say to you that we mean exactly what we say. You may hiss and groan, if you please, but I say to you upon the honor of each and every member here, that we ask nothing, we have asked nothing, we accept nothing. Our opinion is, gentlemen, that you have brought before the people of the State, as it were, two twin straw men, two twin boogie men that you are sitting up here. You are hunting for a man that is small enough to wear your collar and who is tame enough for you to put a ring in his nose. That is what you are looking for. We are not going to stand for it, and we don't believe that the man we vote for is that small a man. We are voting for Walter M. Provine.

Mr. RICHARDSON (Christian). I would like to explain my vote. (Leave.)

The other day when the republicans on the other side said, "Hold on,

we will try and thresh out our own troubles; we don't want help," I thought that maybe a few days would settle this matter.

When I look on the democratic side, I see here just three faces that were here when I was here some years ago. On that side I see four or five, maybe half a dozen. Now, gentlemen, I want to say this; that I have met with the "drys" in committee on this side, and I have met with the "wets." We have discussed the matter on this side pro and con. I think there ought to be a common ground for the democratic party to get on. It looks as if there are men voting for my worthy colleague, Mr. Provine, as long as they see there is no chance for him to be elected. There is not a man here in the room but knows how I stand. Now, what are we going to do? I think the only thing we can do is to do what we think is right, and today, gentlemen, I am going to vote as I have often voted.

I got a letter last week signed by three men. There was one "wet" democrat, a "dry" republican, and another gentleman belonging to another party, all urging me to vote for Provine. I think we have come to the parting of the ways, and we want to show our sincerity in the organization of this party, and today, gentlemen, I want to say that I will vote for Mr. Provine.

(Roll call continued.)

(Upon request, Messrs. Holaday, Boyer, Bippus, Helwig and Young recorded as present and not voting.)

Mr. MITCHELL (Cook). I wish to call for a verification of the roll.

SECRETARY OF STATE STEVENSON. It will be verified. Are there any further changes? If not, the clerk will verify the roll.

(Roll verified.)

SECRETARY OF STATE STEVENSON. The fortieth ballot, total vote 131, of which Mr. Provine received 59 votes, Mr. Lee O'Neil Browne 30 votes, Mr. Kane 4 votes, Mr. Donahue 12 votes, Mr. Harvey 16 votes, Mr. Burns 2 votes, Mr. Shanahan 2 votes, Mr. Lynch 1 vote, Mr. Butler 1 vote, Mr. Scholes 1 vote, Mr. Brinkman 1 vote, Mr. Leech 1 vote, Mr. Jackson 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election. The clerk will proceed to call the roll for the forty-first ballot.

(Roll called.)

Mr. HUBBARD (Greene). I desire to explain my vote. (Leave.)

Mr. Secretary and Gentlemen of the Assembly: We are now entering on the fourth week of one of the most disgusting deadlocks that was ever witnessed in Illinois or in any other state. Why, it is a deadlock that is pretty hard to escape. There have been various explanations of the deadlock. Some claim that it is a "wet" proposition and some that it is a "dry" proposition. Some on that side of the House have told me that it is a desire to unite the republican party; that the reason you insist upon holding this deadlock is until you can agree upon a man upon whom you can all unite. Now, just what the reason is, I don't know whether you know yourselves, or not.

You have been holding us here for four weeks. We have pleaded with you to break the deadlock, and you say you are going to break the deadlock, and you don't seem to be any nearer to that now than the day when you first organized this House. I want to say to you—to the gentlemen who referred to the bi-partisan combine on that side, that it is with the utmost regret that I am compelled to join hands with the republicans to elect a speaker of this House. It is not a pleasant task to do, but there is a greater responsibility resting upon me here in this State than the responsibility of voting a mossback ticket, and holding up this House for an indefinite time and blocking the wheels of progress, as we are doing, and I want right now to let this responsibility fall where it belongs.

We are getting tired and disgusted with this, and we are not half as tired and disgusted with the proceedings of this Legislature as the people of the State of Illinois.

I want to say to those seventeen who held out in the caucus, that I believe they are infinitely more sincere in their actions, and have better grounds upon which to stand, than those thirteen who withdrew their votes from Mr. Provine because we voted for him. I want to say to you that upon

you, the thirteen who have been sitting there and pretending to be for Mr. Provine—and I have my opinion about it—that there are many of you who have been conniving with the seventeen. That is how I feel about it, and that is how the people of the State of Illinois feel about it.

Upon these men who have been claiming to be for Mr. Provine, I claim the responsibility of this deadlock now rests, and on Mr. Shanahan, Mr. Smejkal, Mr. Thompson, Mr. Young, Mr. Leech, Mr. Holaday, Mr. Helwig, Mr. Bippus, Mr. Boyd, Mr. Brinkman, Mr. Butler, Mr. Jackson and Mr. Scholes. Now, that is where I think the responsibility rests, and I want it to rest there.

Mr. BOYD (Henry). You said Boyd.

Mr. HUBBARD (Greene). Mr. Boyer, I mean.

Now, then, gentlemen, we are standing here with seventeen votes on this side. We can continue it. You say you have united upon a candidate, and you say to us that you are going to elect your man, you are going to unite the republican party.

Now, I want to answer the statement made by a man back there that this is a bi-partisan combination. I wish to say here, and I believe I voice the feelings of everyone who voted for Mr. Provine, that there is no ulterior motive. We are doing it because we desire to break this deadlock, and we want it broken. We have not received a promise, expressed or implied, directly or indirectly, and, as for myself, I do not care if you don't put me on a single committee. I don't care anything about it. I will retain my seat on the floor of this House and do the best I can without going on any committee. I want to say to you that this kind of pussey foot politics must be given a blow in this House that will kill it in this Legislature, and I hope it will be killed.

I cast my vote for Mr. Provine.

Mr. O'ROURKE (Cook). The gentlemen who are so magnanimous in distributing the democratic votes are not so "volitious"—do you want to know what that is, Rothschild?"—but they are trying to harness and consolidate the seventy votes on this side of the House. Why don't you, gentlemen, with your magnanimity, slip some of it over on your own hearthstone, instead of trying to make the people of the State of Illinois think you are larger than the party that sent you here.

You appeal to me not as a mossback democrat, but as an ordinary democrat, no more and no less, and I respect you along that line, no further. And this hippodrome stuff—men are now using that kind of stuff for nickel shows. They present that to children in the various communities of the State.

Therefore, I am not going to vote for any mossback democrat this time. I am still going to be right here, present and not voting. (Applause.)

Mr. LIPSHULCH (Cook). I would like to say a few words in explanation of my vote.

Gentlemen of the House: It is well nigh unto four to five weeks that we have been endeavoring, some earnestly and some hypocritically to elect a speaker. It is to those who four-flush here and parade under false colors that I am addressing myself to. Some of the gentlemen on this floor are so very anxious to see a speaker elected, that in the anxiety to do so they get mixed up and forget to do the right thing.

They even forget their party affiliation. These hypocritical gentlemen are playing an Hermaphroditical politics and should, therefore, be known as a new species, namely, Hermaphrodites. They are neither republicans or democrats; they have neither principle or purpose. Like "Topsy" they just growed. They are here because they are here. They continually harp on the fact that they have made no agreements—that they are not bipartisan in their make-up. Why do they feel that way—why do they think it is necessary that they tell us that all the time? No one questions them any more than any one else. I ask you does such action look good to you? I for one repudiate the uncalled for action of such democrats.

I say that they still have a chance to redeem themselves. They can still show that they are democrats who can be trusted with the party princi-

ples. They can do that very nicely by voting for one man in their own party, a real big democrat, Lee O'Neil Browne.

Mr. BUTLER (Sangamon). Mr. Secretary, may I explain my vote? (Leave.) I desire to say that there are two totally disinterested gentlemen in this Assembly, and I think that the magnanimity should not go unrewarded. I vote for Mr. Hubbard.

SECRETARY OF STATE STEVENSON. Forty-first ballot, total vote 132, of which Mr. Provine received 59 votes, Mr. Lee O'Neil Browne 31 votes, Mr. Quisenberry 15 votes, Mr. Harvey 16 votes, Mr. Shanahan 4 votes, Mr. Jackson 1 vote, Mr. Lynch 1 vote, Mr. Kane 1 vote, Mr. Hubbard 1 vote, Mr. Brinkman 1 vote, Mr. Scholes 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election.

Mr. SHANAHAN (Cook). I have consulted quite a few on both sides of the House, and it seems to be the general opinion that it might be well to take an adjournment until tomorrow morning in order that this committee may be put to work, and I move that this House do now adjourn until 10:00 o'clock tomorrow morning.

Mr. FOSTER (Schuyler). Will you withdraw that motion for a moment, Mr. Secretary, for the purpose of an orderly matter, getting the matter before this House. I would like to ask the indulgence of this House for a recess of five minutes for the purpose of convening for the matter of considering a resolution that I desire to offer which is of vital interest to the livestock interests of Illinois, and it is, perhaps, a little different from some we have been hearing on that line. I move you, with your permission, I move that there be a five minute recess for the purpose of considering a resolution.

SECRETARY OF STATE STEVENSON. Gentlemen, the question is on the adoption of the resolution. As many as are in favor will say "aye;" those opposed "no." The ayes have it.

(Recess taken for five minutes.)

THE SECRETARY. The House will come to order.

Mr. SHANAHAN (Cook). I move that this House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed and the House adjourned.

THURSDAY, JANUARY 28, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. Frank W. Alien.

Journal of the previous day read. On motion of Mr. Shephard (Jersey), further reading dispensed with and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment yesterday being the election of a temporary speaker, the clerk will proceed to call the roll for the forty-second ballot.

(Roll called by clerk.)

Mr. THOMAS CURRAN (Cook). I wish to explain my vote this morning. (Leave.)

Yesterday when this House adjourned, they adjourned so the republicans could get together and see if we could select a speaker. The gentlemen on the other side of the House accused us of not wanting to elect a speaker unless he was a man who would "wear the collar of the seventeen." Now, we met yesterday afternoon; we could not agree. We met last evening again, and we worked until half past one this morning trying to select a candidate. The seventeen republicans, or the republicans of the seventeen bolters, as they call us, offered them practically everything we could down to one or two men, and the gentleman on the committee, whom Mr. McBride controls, absolutely refused to go any further until he could consult some man in Springfield.

Now, I want them to know that our seventeen did everything in their power to select a candidate that could be elected here this morning, and it was not our seventeen who have prevented the election of a republican candidate here this morning. It is the other fellows. They have objected to practically every man that has labored in this House, although he was not signed up with the Anti-Saloon League. They refused everything that we offered them. We offered no man at all who had signed up with our side, but they rejected everything.

I am stating this so the democrats on that side of the House will know that we made an honest effort yesterday to select a candidate that could be voted for here this morning.

I vote for Robert Moore this morning.

Mr. McCORMICK (Cook). Until what time did the gentleman suggest we adjourn to?

Mr. THOMAS CURRAN (Cook). I didn't suggest that we adjourn to any time.

SECRETARY OF STATE STEVENSON. Forty-second ballot, total vote 145, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 33 votes, Mr. Kane 14 votes, Mr. Ray 16 votes, Mr. Moore 16 votes, Mr. Foster 2 votes, Mr. Huston 1 vote, Mr. Murphy 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority there is no election.

The chair desires to announce that the publication of the proceedings of the recent meeting to discuss the hoof and mouth disease is now on hand, and if the members will write to the Secretary, indicating how many copies they want, they will be forwarded at once to their home address.

The clerk will call the roll for the forty-third ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Forty-third ballot; total vote 141, of which Mr. Provine received 61 votes, Mr. Lee O'Neil Browne 32 votes, Mr. Kane 14 votes, Mr. Moore 16 votes, Mr. Ray 14 votes, Mr. Foster 2 votes, Mr. Huston 1 vote, Mr. Rentchler 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election.

Mr. SHANAHAN (Cook). I desire to move that this House take a recess until 2:00 o'clock this afternoon. Upon that question I would like to be heard—to try to test the House as to what they desire to do about an afternoon session—about a session tomorrow and a session on Tuesday. Tuesday is primary day, or registration day, the only registration day previous to the primaries, and the great majority of the Chicago members will be absent on Tuesday.

We attempted to hold a session, and did hold a kind of a session, last Friday, but were not very successful. I am merely making this motion in order that the House may decide for itself what it desires to do, whether it desires to have a session this afternoon or not (Voices: No!) If that motion is voted down, then we can decide as to whether or not they want a session tomorrow.

In order that the members may decide for themselves, I move that the House take a recess until 2:00 o'clock this afternoon. Now, there is a division on both sides of the House as to whether we ought to have a session this afternoon, and whether we ought to have a session tomorrow, and I hope that the members will vote their honest opinions, and if they vote to have a session tomorrow, that they will be here, and not go home.

The session last Friday was not successful. If it is necessary, we will have a roll call on it.

Mr. BROWNE (LaSalle). Now, what I have to say on that motion, I am not trying to convenience myself or portray my own likes or desires in the matter. It is perfectly immaterial to me, and I know it is to a number on this side, whether we stay here this afternoon, tomorrow, Saturday, Sunday, or whether we go home now. But that is not the question. Over the protest of a number of the older members of this House, who have had experience in these matters and who know the futility of attempting to do anything on Friday until the last two weeks of the session, it was determined last week to remain over until Friday.

Mr. Secretary and Gentlemen, you remember I suggested that a great many would go home and would not stay and you could not keep them here, and that prophecy was fulfilled. Especially this side, I am sorry to say, was conspicuous for its empty seats.

Now, that is what will occur every time, and it will become more so with each time because of what happened before. Now, there were a good many more here last Friday than you will have tomorrow if you stay. There were a good many more here in the afternoon of last Thursday than you will have this afternoon. A great many have got to go home, especially from Cook County, have got to go home today, and it seems to me that in view of the condition of this House, of the situation as it now is, of the strained condition, perhaps I might add, the bitter condition, that it is the height of foolishness for us to remain here even for this afternoon, and batter away at a useless, foolish task that will only serve to leave the differences the tighter and make them harder to solve.

I think that an interim, I think that a recess, I think that a few days will do more to solve this, away from the House, than a month steady right here now at this time, and I am opposed to the motion for that reason.

If you are going to do anything at all, either stay and have a session tomorrow, or adjourn now, so that the gentlemen who intend to go can take the 1:30 and other earlier trains. Do not have a session for this afternoon unless you want to keep the farce up and try and have one tomorrow.

I am opposed to the motion, and I think that at heart, nine-tenths of the members on this floor are, and a great many of those that will vote for this motion, if they do vote for it, will vote for it out of a spirit of ugliness, out of a spirit of trying to keep somebody here until they do something. That will never get anybody any place. That will never get anybody any place, and it is foolish. Let us vote, men, and act sensibly. Let us adjourn and go home and give the feelings a chance to cool and get us into a condition where we can come back and look each other in the face next week without scowling.

Mr. SHANAHAN (Cook). Mr. Secretary, I desire to state that I have not made this motion with a view of punishing anybody or insisting on a

person's staying here. I can stay here this afternoon and tomorrow and Saturday—will stay if the House is going to stay, and I told the Secretary before we convened this morning that I would canvass the House and find out, and at that time, after the first canvass, the majority were in favor of going home, but later the others desired to have a session this afternoon, and without stating whether I am for afternoon session or tomorrow session, I hope that the members will honestly vote on this proposition, and if they are going to be here, be here, and if they have got to go home and they think it is not advisable to stay here, get up like men and say so. Don't dodge around.

Mr. O'ROURKE (Cook). Half the members of this House haven't got any home now. If we stay here another week, the other half won't have any.

Mr. BROWNE (LaSalle). Mr. Secretary, that will help some, but when they all get in that condition, perhaps they will have imbibed sufficient gray matter and sufficient party ideas and feelings so that there will be a little harmony.

Mr. O'ROURKE (Cook). And the third House has been working for three weeks. We want to give them three weeks more, I suppose, to work on. Nobody wishes to see the third House, and is not looking for them.

(VOICES. Question!)

SECRETARY OF STATE STEVENSON. The question is on the adoption of the resolution. Resolution is lost.

Mr. SHANAHAN (Cook). We have decided the question that they did not want to adjourn until 2:00 o'clock this afternoon. Now, I make this motion to test the House. I move that we have a session tomorrow. Now, let us test the House; let us be honest about it.

(VOICE. Do not put that up. Move to adjourn until next Wednesday.)

Mr. SHANAHAN (Cook). No, I will move that we have a session tomorrow.

(VOICES. Roll call; question!)

SECRETARY OF STATE STEVENSON. The question is on the adoption of the resolution. All those who are of the opinion that the resolution should be adopted will say "aye;" those opposed "no."

(VOICES. Roll call. There is a division of the House.)

Mr. IGOE (Cook). I think the only way honestly to decide the question so every man will speak the thing he wants this record to show is by a roll call.

Mr. BROWNE (LaSalle). Why not a standing vote?

Mr. IGOE (Cook). They will go home. Suppose they do. The people in this State want us to get down here and decide something.

(VOICES. Roll call!)

SECRETARY OF STATE STEVENSON. The Secretary suggests a rising vote. (Voices. No!)—a rising vote, if it is entirely satisfactory. Those who are in favor of the motion will rise.

(VOICE. The aisles will be cleared!)

Mr. ROE (Fayette). On which motion, Mr. Secretary?

Mr. SHANAHAN (Cook). My motion was, that we have a session tomorrow.

SECRETARY OF STATE STEVENSON. It is that we have a session tomorrow. All those in favor of that motion will please rise.

Mr. DONAHUE (McLean). There was a resolution adopted here that we hold sessions continuously except Sunday until a speaker was elected. That resolution was passed here by this House.

SECRETARY OF STATE STEVENSON. That is true, as I recall it; the resolution was offered by you, but there is a motion before the House at present.

Mr. BROWNE (LaSalle). Something that it has done.

SECRETARY OF STATE STEVENSON. The question now is on the motion to have a session tomorrow. All those in favor of that motion will rise.

Mr. McCORMICK (Cook). I would like to ask Mr. Shurtleff, who is serving on this committee, if they think that if their committee fails to achieve anything this afternoon it is worth while to stay tomorrow?

(Rising vote.)

SECRETARY OF STATE STEVENSON. Seventy "ayes." Now, those opposed will please rise; 70 to 43, and the motion prevails.

Mr. IGOE (Cook). I now move that this House take a recess until 3:00 o'clock this afternoon.

Mr. BROWNE (LaSalle). The other motion, as I recall it, was made until 2:00 o'clock.

Mr. IGOE (Cook). Two o'clock; that is correct.

Mr. BROWNE (LaSalle). As a substitute motion, I move you that this House holds a session on Saturday of this week. I want to see whether you are fourflushing.

Mr. IGOE (Cook). Mr. Secretary, I move the substitute be laid upon the table.

Mr. BROWNE (LaSalle). Sure. Yes, you fourflusher!

(VOICES. Question!)

SECRETARY OF STATE STEVENSON. The question is, shall the substitute lie on the table? As many as are in favor will say "aye;" those opposed "no." The "ayes" have it.

Mr. IGOE (Cook). I now move the previous question, which is that this House do now take a recess until 3:00 o'clock.

(VOICES. I second the motion. Roll call!)

SECRETARY OF STATE STEVENSON. The question is on the adoption of the resolution. As many as are in favor will say "aye;" those opposed "no." The "ayes" have it.

Whereupon, a recess was taken until 3:00 p. m., same date.

Three o'clock p. m., House re-convened.

SECRETARY OF STATE STEVENSON. The House will come to order. The order of business at the hour of adjournment this morning being the election of a temporary speaker, the clerk will now call the roll for the forty-fourth ballot.

Mr. O'ROURKE (Cook). I desire to offer the following resolution.

SECRETARY OF STATE STEVENSON. The resolution will be brought forward and read.

THE CLERK (Reading):

"Resolved, That this House elect two speakers; one 'wet' and the other 'dry,' and be it further

"Resolved, That it be the sense of this House, after said election, that the 'dry' speaker shall preside when 'wet' legislation is on the floor, and the 'wet' speaker preside when the 'dry' measures are under discussion."

SECRETARY OF STATE STEVENSON. The clerk will call the roll for the forty-fourth ballot.

(Roll called by clerk.)

Mr. McGLOON (Cook). I have been requested to announce that Mr. Jacobson was called to Chicago by wire on account of the death of a close personal friend of his, and he wishes the consent of the House for leave.

(VOICES. Leave.)

Mr. HUBBARD (Greene). I desire to explain the absence of Mr. Strubinger. He was called to Kansas City account of the serious illness of his wife's sister. She is critically ill, and he will be unable to be here this week.

Mr. MERRITT (Sangamon). I would like to ask leave of absence for Mr. Farrell, as he is quite ill.

(Roll call concluded.)

SECRETARY OF STATE STEVENSON. Forty-fourth ballot; total vote 122, of which Mr. Provine received 56 votes, Mr. Lee O'Neil Browne 21 votes, Mr. Moore 16 votes, Mr. O'Rourke 12 votes, Mr. Kane 5 votes, Mr. Jackson 2 votes, Mr. Shanahan 2 votes, Mr. Brinkman 1 vote, Mr. Wilson 1 vote, Mr. Prendergast 1 vote, Mr. Arthur Roe 1 vote, Mr. Scholes 1 vote, Mr. Igoe 1 vote, Mr. Burns 1 vote, Mr. Leech 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority for temporary speaker, there is no election, and the clerk will call the roll for the forty-fifth ballot.

(VOICES. Clear the aisle.)

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Forty-fifth ballot; total vote

121, of which Mr. Provine received 52 votes, Mr. Lee O'Neil Browne 18 votes, Mr. Moore 16 votes, Mr. O'Connell 16 votes, Mr. Kane 8 votes, Mr. Igoe 3 votes, Mr. Pace 1 vote, Mr. G. H. Wilson 1 vote, Mr. Burns 1 vote, Mr. Shanahan 1 vote, Mr. Huston 1 vote, Mr. Moore 1 vote, Mr. Richardson 1 vote, Mr. Smejkal 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election, and the clerk will call the roll for the forty-sixth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Forty-sixth ballot; total vote 112, of which Mr. Provine received 48 votes, Mr. Lee O'Neil Browne 19 votes, Mr. Kane 12 votes, Mr. Moore 16 votes, Mr. Placek 11 votes, Mr. Igoe 2 votes, Mr. Pace 1 vote, Mr. G. H. Wilson 1 vote, Mr. Huston 1 vote, Mr. Mitchell 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election——

Mr. F. J. RYAN (Cook). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 9.

Resolved, That when this House adjourns today, it stand adjourned until 10:00 o'clock next Saturday morning at 10:00 oclock, when a perfunctory session will be held, and that it then be further adjourned and stand adjourned until the hour of 10:00 o'clock, on Wednesday morning next."

I am one of those members who would like to remain here, if it would solve the problem of the election of a temporary speaker, but at this time it seems to be worse than it was three weeks ago; the empty chairs are here, and no votes are being cast to amount to anything, so on account of that and registration day, I believe we ought to adjourn until Wednesday morning, next, and in the meantime we may do something to solve the problem. I hope the resolution will pass.

Mr. PURDUNN (Clark). I would suggest that the resolution be amended so that a session be shown on Monday.

Mr. F. J. RYAN (Cook). I am satisfied to make it Monday.

SECRETARY OF STATE STEVENSON. The question is on the adoption of the resolution. As many as are of the opinion that the resolution should be adopted will say "aye." Those opposed "no." The "ayes" have it. Resolution adopted.

Mr. SHANAHAN (Cook). Do I understand that resolution was adopted? The House now, practically, stands adjourned until Wednesday; and when this House adjourns now that it will stand adjourned until Wednesday except for two perfunctory sessions on Saturday and Monday?

SECRETARY OF STATE STEVENSON. Yes, that is right.

Mr. SHANAHAN (Cook). Saturday and Monday?

SECRETARY OF STATE STEVENSON. Both Saturday and Monday.

Mr. SHANAHAN (Cook). I move that this House do now adjourn.

SECRETARY OF STATE STEVENSON. As many as are in favor of the motion will signify by saying "aye." Those opposed "no." (Motion prevails.)

Mr. BROWNE (LaSalle). I think that there is a little misunderstanding. I think the clerk should notify the House that this means Wednesday morning at 10:00.

SECRETARY OF STATE STEVENSON. The House is now adjourned until next Wednesday morning at 10:00 oclock.

Whereupon, the House adjourned until Wednesday, February 3, at 10:00 o'clock a. m.

WEDNESDAY, FEBRUARY 3, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. S. H. Boyer.

Journal of previous day read. On motion of Mr. Mulcahy (Cook), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment on Thursday being the election of a temporary speaker, the clerk will now call the roll for the forty-seventh ballot.

The secretary desires to announce he received a letter from Capt. James Farrell stating he is unable to be present today and asking that he be excused. If there is no objection, leave will be granted. (VOICES. Leave.)

Mr. O'ROURKE (Cook). I wish to state a telegram, or telephone, came stating that Mr. Gorman will be attending the funeral of Mr. Frank Quinn's father and will not be here today.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Forty-seventh ballot, total vote 140, of which Mr. Lee O'Neil Browne received 30 votes, Mr. Cooper 21 votes, Mr. Rentchler 15 votes, Mr. Wm. J. Graham 10 votes, Mr. Boyd 7 votes, Mr. McCormick 7 votes, Mr. Shurtleff 5 votes, Mr. Rinehart 4 votes, Mr. Lantz 4 votes, Mr. Turnbaugh 3 votes, Mr. Tice 3 votes, Mr. Scanlan 3 votes, Mr. Shanahan 2 votes, Mr. Tompkins 2 votes, Mr. Rothschild 2 votes, Mr. Sonnemann, 2 votes, Mr. Holaday 2 votes, Mr. Kessinger 2 votes, Mr. Kane 1 vote, Mr. Flagg 1 vote, Mr. Lyon 1 vote, Mr. Burres 1 vote, Mr. Pace 1 vote, Mr. Smejkal 1 vote, Mr. Frankhauser 1 vote, Mr. O'Rourke 1 vote, Mr. Mitchell 1 vote, Mr. Hamlin 1 vote, Mr. Igoe 1 vote, Mr. Placek 1 vote, Mr. DeYoung 1 vote, Mr. Harvey 1 vote, Mr. Watson 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election.

Mr. BUTLER (Sangamon). Was that a roll call that you just finished, or a vote on the speaker?

Mr. O'ROURKE (Cook). I desire to offer the following resolution:

SECRETARY OF STATE STEVENSON. The resolution will be brought forward and read.

THE CLERK. (Reading.)

"Resolved, That our friends, the enemy, that is, the republican section of this House, most strenuously object to any bi-partisan deal; therefore, be it

"Resolved, By the democrats that the custodian of the building is hereby instructed to proceed at once and have a new lavatory placed on the democratic side of this House, not that we are afraid of being afflicted with the foot and mouth disease, but 'safety first' is our slogan."

SECRETARY OF STATE STEVENSON. Ex-Lieutenant Governor Oglesby, of the Panama Commission, requests the Secretary to announce that on Wednesday evening, February 10th, at 7:30 o'clock in the State Arsenal there will be a moving picture exhibition of all the State buildings, and other points of interest in the State.

These pictures are later to be exhibited at the exposition. The seats will be reserved for the members of the House and their families.

The clerk will call the roll for the forty-eighth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Forty-eighth ballot, total vote 139, of which Mr. Lee O'Neil Browne received 26 votes, Mr. Cooper 21 votes, Mr. Rentchler 15 votes, Mr. Wm. J. Graham 9 votes, Mr. Hruby 8 votes, Mr. Boyd 7 votes, Mr. McCormick 6 votes, Mr. Pace 5 votes, Mr. Turnbaugh 3 votes, Mr. Shanahan 3 votes, Mr. Shurtleff 3 votes, Mr. Gregory 3 votes, Mr.

Smejkal 2 votes, Mr. Frankhauser 2 votes, Mr. Lantz 2 votes, Mr. Meents 2 votes, Mr. Watson 2 votes, Mr. Dudgeon 2 votes, Mr. Flagg 1 vote, Mr. Kane 1 vote, Mr. Butler 1 vote, Mr. Pierson 1 vote, Mr. Shephard 1 vote, Mr. Hamlin 1 vote, Mr. Kessinger 1 vote, Mr. Young 1 vote, Mr. Burres 1 vote, Mr. Burns 1 vote, Mr. Scanlan 1 vote, Mr. Prendergast 1 vote, Mr. Harvey 1 vote, Mr. Barker 1 vote, Mr. Wood 1 vote, Mr. Perkins 1 vote, Mr. Helwig 1 vote, Mr. F. J. Ryan 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election, and the clerk will now call the roll for the forty-ninth ballot.

(Roll called.)

SECRETARY OF STATE STEVENSON. Gentlemen, there is so much confusion the clerk is unable to hear the responses.

Mr. O'ROURKE (Cook). Mr. Secretary, I desire to explain my vote. (Leave.)

According to all the rules of order, from Hoyle up, I ought, at this time, to vote for my colleague and neighbor, Mr. DeYoung, and I believe three-quarters of the men in this House think that any man who will do what I am going to do, is three-quarters inebriated. I am going to do this with all candor and with full assurance that the gentleman will be elected speaker of this House.

I am going to vote for my colleague, Mr. Louis Pierson. (Applause.)

(Roll call concluded.)

Mr. O'ROURKE (Cook). I desire to change my vote from Mr. Pierson to Mr. DeYoung.

SECRETARY OF STATE STEVENSON. Forty-ninth ballot, total vote 135, of which Mr. Lee O'Neil Browne received 30 votes, Mr. Cooper 20 votes, Mr. Rentchler 15 votes, Mr. Wm. J. Graham 11 votes, Mr. DeYoung 11 votes, Mr. McCormick 6 votes, Mr. Lantz 8 votes, Mr. Shanahan 5 votes, Mr. Shurtleff 4 votes, Mr. Pace 4 votes, Mr. Hruby 3 votes, Mr. Rotschild 3 votes, Mr. Lyon 2 votes, Mr. Tompkins 2 votes, Mr. Kane 1 vote, Mr. Igoe 1 vote, Mr. G. H. Wilson 1 vote, Mr. F. J. Ryan 1 vote, Mr. Burns 1 vote, Mr. Frankhauser 1 vote, Mr. Santry 1 vote, Mr. Harvey 1 vote, Mr. Smejkal 1 vote, Mr. Davis 1 vote, Mr. Vursell 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority there is no election.

THE CLERK. Announcement is hereby made of an informal talk this evening at 8:15 o'clock in the Capitol library on parliamentary practice in the House.

Last Wednesday evening twenty members of the House came together informally and listened to the second of two very interesting, instructive talks by older members of the General Assembly.

It was also mutually agreed to have a different chairman each evening and also decided to invite as the next speaker Hon. David Shanahan and Hon. Lee O'Neil Browne. This meeting will be held providing there is no sessions of this House and no conference in reference to the selection of a speaker.

Mr. O'ROURKE (Cook). Before you proceed on the next ballot I just want to challenge the gentlemen over in the trenches, to dare them to vote for a democrat.

THE CLERK. There will be a conference of all the House democrats tonight at 8:00 o'clock sharp in the north ordinary on the second floor or the St. Nicholas hotel. All are requested to be present.

Mr. SHANAHAN (Cook). I move that this House take a recess until 4:00 o'clock this afternoon.

(VOICES. No!)

SECRETARY OF STATE STEVENSON. The question is on the adoption of the motion. As many as are in favor will say "aye."

Mr. BROWNE (LaSalle). I move, as a substitute, that we take a recess until 10:00 o'clock tomorrow morning.

SECRETARY OF STATE STEVENSON. The vote is on the substitute. As many as are in favor will say "aye"; those opposed "no."

(VOICES. No!)

SECRETARY OF STATE STEVENSON. A rising vote. Those in favor will stand. Those who are opposed will please rise.

The vote 57 to 67. The substitute is lost.

The question recurs on the original motion. As many as are in favor will say "aye." Those opposed, "no." The ayes have it. The House takes a recess until 4:00 o'clock.

Whereupon, a recess was taken until 4:00 o'clock p. m. same day.

Four o'clock p. m., re-convened.

SECRETARY OF STATE STEVENSON. The House will be in order.

Mr. SHANAHAN (Cook). The republicans are in conference and would like to continue, and I will ask the democrats if it will be satisfactory to take an adjournment until tomorrow morning at 10:00 o'clock?

I move this House do now adjourn until 10:00 o'clock tomorrow morning.

SECRETARY OF STATE STEVENSON. The question is on the adoption of the motion. As many as are in favor will say "aye;" the opposed "no."

The "ayes" have it. We will adjourn until tomorrow morning.

Whereupon, the House adjourned until Thursday, February 4, 1915, at 10:00 o'clock a. m.

THURSDAY, FEBRUARY 4, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. S. H. Boyer.

Journal of previous day read. On motion of Mr. Jacobson (Cook), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment yesterday was the election of a temporary speaker, and no one having received the necessary constitutional majority, there was no choice. The clerk will call the roll for the fiftieth ballot.

(Roll called by clerk.)

The result of the fiftieth ballot is: Total number of votes cast 139, of which Mr. W. J. Graham received 50 votes, Mr. Lee O'Neil Browne 32 votes, Mr. Igoe 28 votes, Mr. Shanahan 3 votes, Mr. Hamlin 2 votes, Mr. Shurtleff 2 votes, Mr. McCormick 2 votes, Mr. Vickers 1 vote, Mr. Festerling 15 votes, Mr. Arthur Roe 1 vote, Mr. Frankhauser 1 vote, Mr. Turnbaugh 1 vote, Mr. Cooper 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice and the clerk will call the roll for the fifty-first ballot.

(Roll called by clerk.)

The result of the fifty-first ballot is: Total number of votes cast 140, of which Mr. W. J. Graham received 51 votes, Mr. Lee O'Neil Browne 33 votes, Mr. Igoe 29 votes, Mr. Festerling 15 votes, Mr. Thon 5 votes, Mr. Shanahan 2 votes, Mr. Vickers 1 vote, Mr. Cooper 1 vote, Mr. Turnbaugh 1 vote, Mr. Rothschild 1 vote, Mr. Shurtleff 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice.

Mr. SHANAHAN (Cook). I move that the House take a recess until the hour of 4:00 o'clock this afternoon.

Motion prevailed and the House recessed until 4:00 p. m. same day.

Four o'clock p. m., re-convened.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment this morning being the selection of a temporary speaker, the clerk will now call the roll for the fifty-second ballot.

(Roll called by clerk.)

The result of the fifty-second ballot is: Total votes cast 142, of which Mr. Lee O'Neil Browne received 32 votes, Mr. Shurtleff 18 votes, Mr. Festerling 16 votes, Mr. Kane 13 votes, Mr. Igoe 12 votes, Mr. Kessinger 12 votes, Mr. Lantz 11 votes, Mr. Scholes 3 votes, Mr. Tice 2 votes, Mr. Bruce 2 votes, Mr. Gorman 2 votes, Mr. Hamlin 2 votes, Mr. Rinehart 2 votes, Mr. Shanahan 8 votes, Mr. Rothschild 1 vote, Mr. Vickers 1 vote, Mr. Ellis 1 vote, Mr. Bentley 1 vote, Mr. Turnbaugh 1 vote, Mr. Frankhauser 1 vote, Mr. Pace 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice and the clerk will call the roll for the fifty-third ballot for the selection of a temporary speaker.

(Roll called by clerk.)

The result of the fifty-third ballot is: Total number of votes cast 139, of which Mr. Lee O'Neil Browne received 33 votes, Mr. Igoe 24 votes, Mr. Shurtleff 20 votes, Mr. Festerling 16 votes, Mr. Frankhauser 11 votes, Mr. Shanahan 10 votes, Mr. Lantz 7 votes, Mr. Young 5 votes, Mr. Kessinger 2 votes, Mr. Helwig 2 votes, Mr. Gorman 2 votes, Mr. Scholes 1 vote, Mr. Kasserman 1 vote, Mr. Vickers 1 vote, Mr. Brinkman 1 vote, Mr. Bruce 1 vote, Mr. Bentley 1 vote, Mr. Lyle 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice.

Mr. McCORMICK (Cook). I move that when the House adjourns today, it stand adjourned until Saturday, February 6, at 10:00 o'clock a. m., and at that time a perfunctory session shall be held and no business transacted, and that a further adjournment shall then be taken until Tuesday, February 9, 1915, at 10:00 o'clock a. m.

(Motion prevailed.)

Mr. W. M. BROWN (Cook). I wish to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 10.

"WHEREAS, Hon. George M. Boyd, a former member of the House from Cook County, departed this life at his home on February 2, 1915; and

WHEREAS, He was a distinguished and honored citizen of this State, and a prominent and influential member of the House, and highly esteemed in the community in which he lived; therefore, be it

Resolved, That the House of Representatives of the Forty-ninth General Assembly tender to his family and friends their sincere sympathy in their loss; and, be it further

Resolved, That these resolutions be spread upon the Journal of the House, and that a suitably engrossed copy be forwarded by the clerk to the family of the deceased, and that as a further mark of respect to his memory, the House do now adjourn."

The resolution was unanimously adopted and the House adjourned

TUESDAY, FEBRUARY 9, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. N. J. McCracken.

Journal of previous day read: On motion of Mr. Epstein (Cook), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment being the selection of a temporary speaker, the clerk will call the roll for the fifty-fourth ballot.

(Roll called by clerk.)

The result of the fifty-fourth ballot is: Total number of votes cast 133, of which Mr. Lee O'Neil Browne received 32 votes, Mr. Tice 20 votes, Mr. Bippus 18 votes, Mr. Shurtleff 17 votes, Mr. Kane 13 votes, Mr. Shanahan 7 votes, Mr. W. J. Graham 3 votes, Mr. Richardson 2 votes, Mr. Sonnemann 2 votes, Mr. Rinehart 2 votes, Mr. Turnbaugh 3 votes, Mr. Igoe 5 votes, Mr. Jackson 1 vote, Mr. Boyd 1 vote, Mr. Burns 1 vote, Mr. Brinkman 1 vote, Mr. Huston 1 vote, Mr. Gorman 1 vote, Mr. Purdunn 1 vote, Mr. Scanlan 1 vote, Mr. F. J. Ryan 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice.

Mr. ARTHUR ROE (Fayette). I wish to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 11.

"WHEREAS, The House of Representatives has been in session now for five weeks endeavoring to elect a temporary speaker; and

"WHEREAS, It is the utmost desire of each and every member that the House proceed to organize, elect a temporary speaker, and proceed with the transaction of business; therefore, be it

"*Resolved*, That the House shall, beginning at the hour of 10:00 o'clock a. m., Wednesday, February 10, 1915, remain in session continuously until a speaker shall have been elected; and that in order to expedite this result, the voting shall proceed as follows:

"*First*—At the conclusion of the first roll call on Wednesday, February 10, aforesaid for the election of speaker if no one has a constitutional majority, then those voted for on said ballot shall constitute the only candidates eligible to be voted for on future ballots.

"*Second*—At the conclusion of the next succeeding ballot, if no candidate has a constitutional majority, then the candidate having the lowest number of votes on said ballot, shall not be eligible as a candidate, and shall not be voted for on future ballots: *Provided, however*, that if two or more candidates shall have received the same number of votes for speaker, which number shall be the lowest number of votes cast for any candidate for speaker, then said two or more candidates receiving the lowest number of votes, shall be dropped, and thereafter be eliminated as a candidate. That the balloting shall proceed thereafter in like manner eliminating the candidate or candidates receiving the lowest number of votes on each ballot until some candidate shall receive a constitutional majority."

Mr. DONAHUE (McLean). The resolution is out of order. There is no resolution in order for adjournment. The Constitution provides that the Secretary of State shall preside. The gentleman who has offered this resolution has done as much as any man in the House to prevent an organization of this House. He has refused to go into the democratic caucus and he is just as much responsible as any man in this House.

Mr. IGOE (Cook). After he has stirred up the hornet's nest I suppose he is happy. Any time any man in this corner says something, they start to growl and show their teeth. I want to tell you people on the other side, that it does not require much courage to sit over there and stand for decency and honesty, but when you are sitting down in this corner, it does. (Applause.)

This resolution is introduced in good faith. You people have a majority of the votes in this House and enough to elect a speaker.

(A verbal altercation between Messrs. Igoe and Browne followed, which was ruled out of order and is omitted from the record.)

Mr. McCORMICK (Cook). I raise a point of order on the resolution.

SECRETARY OF STATE STEVENSON. The precedent is that a constitutional majority is necessary to elect and that is 77.

Mr. MITCHELL (Cook). Is that a precedent or does the Constitution so read?

SECRETARY OF STATE STEVENSON. It is a precedent adopted by this House and as the speaker is responsible for important legislation, he should receive surely as many votes as would carry a bill of minor importance and 77 votes is required for that purpose, otherwise, it might be possible by a less number to depose the speaker and elect another in his place.

Therefore, the resolution is out of order.

Mr. McCORMICK (Cook). If the resolution were submitted to a vote, I will vote against it. There is enough ground for criticism back of his resolution. I will not press the point of order against it.

Mr. ARTHUR ROE (Fayette). What are the objections?

Mr. McCORMICK (Cook). The thing is unconstitutional.

Mr. ARTHUR ROE (Fayette). It is fair, isn't it?

Mr. McCORMICK (Cook). I will not enter into a controversy with the gentleman. I have waived my point of order.

Mr. SHANAHAN (Cook). We have had numerous resolutions offered in the past five weeks, some in good faith and some as jokes. While we have not been doing a great deal of actual business, yet these resolutions are taking up the time of the House. The only thing that is in order is the calling of the roll for the election of a speaker, or a motion to take a recess or to adjourn to a definite time.

SECRETARY OF STATE STEVENSON. We will take a rising vote on the resolution.

(Resolution is lost.)

The clerk will call the roll for the fifty-fifth ballot for the election of a temporary speaker.

(Roll called by clerk.)

The result of the fifty-fifth ballot is: Total number of votes cast 132, of which Mr. Shanahan received 36 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Tice 27 votes, Mr. Kane 13 votes, Mr. Shurtleff 9 votes, Mr. Igoe 4 votes, Mr. Burns 3 votes, Mr. Gorman 2 votes, Mr. Rinehart 2 votes, Mr. Richardson 2 votes, Mr. Huston 1 vote, Mr. Lyon 1 vote, Mr. Rothschild 1 vote, Mr. DeYoung 1 vote, Mr. W. J. Graham 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice, and the clerk will call the roll for the fifty-sixth ballot.

(Roll called by clerk.)

The result of the fifty-sixth ballot is: Total number of votes cast 137, of which Mr. Shanahan received 34 votes, Mr. Lee O'Neil Browne 30 votes, Mr. Tice 28 votes, Mr. Kane 15 votes, Mr. Shurtleff 7 votes, Mr. Igoe 6 votes, Mr. Sonnemann 3 votes, Mr. Burns 2 votes, Mr. Devine 2 votes, Mr. W. J. Graham 2 votes, Mr. Quisenberry 1 vote, Mr. Helwig 1 vote, Mr. Pace 1 vote, Mr. Donahue 1 vote, Mr. Rothschild 1 vote, Mr. Prendergast 1 vote, Mr. Rinehart 1 vote, Mr. DeYoung 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice and the clerk will call the roll for the fifty-seventh ballot for temporary speaker.

(Roll called by clerk.)

The result of the fifty-seventh ballot is: Total number of votes cast 137, of which Mr. Tice received 31 votes, Mr. Shanahan 31 votes, Mr. Lee O'Neil Browne 29 votes, Mr. Kane 14 votes, Mr. Igoe 6 votes, Mr. Sonne-

mann 5 votes, Mr. Shurtleff 3 votes, Mr. Lewis G. Stevenson 2 votes, Mr. Devine 2 votes, Mr. W. J. Graham 2 votes, Mr. Rinehart 2 votes, Mr. Quisenberry 1 vote, Mr. West 1 vote, Mr. Turner 1 vote, Mr. Placek 1 vote, Mr. Donahue 1 vote, Mr. Arthur Roe 1 vote, Mr. Dudgeon 1 vote, Mr. Epstein 1 vote, Mr. Rothschild 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice.

Mr. SHEPHARD (Jersey). I move that the House adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed, and the House adjourned.

WEDNESDAY, FEBRUARY 10, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. W. J. Johnson.

Journal of previous day read. On motion of Mr. Mulcahy (Cook), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment being the selection of a temporary speaker, and no one having received the necessary constitutional majority the clerk will call the roll for the fifty-eighth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Fifty-eighth ballot; total vote 143, of which Mr. W. J. Graham received 50 votes, Mr. Lee O'Neil Browne 31 votes, Mr. Thomason 22 votes, Mr. Holaday 17 votes, Mr. Igoe 5 votes, Mr. Shanahan 6 votes, Mr. Gorman 3 votes, Mr. Rothschild 2 votes, Mr. Rinehart 2 votes, Mr. Shurtleff 1 vote, Mr. Pace 1 vote, Mr. Burns 1 vote, Mr. Arthur Roe 1 vote, Mr. Scanlan 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election. The clerk will call the roll for the fifty-ninth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. The Secretary would ask the members to please be quiet, as the clerk is unable to get the responses at all.

SECRETARY OF STATE STEVENSON. Fifty-ninth ballot; total vote 142, of which Mr. W. J. Graham received 59 votes, Mr. Lee O'Neil Browne 28 votes, Mr. Holaday 21 votes, Mr. Gorman 15 votes, Mr. Thomason 5 votes, Mr. Rothschild 3 votes, Mr. Shanahan 3 votes, Mr. Igoe 2 votes, Mr. Donahue 1 vote, Mr. Hubbard 1 vote, Mr. Scanlan 1 vote, Mr. Groves 1 vote, Mr. Kane 1 vote, Mr. Richardson 1 vote.

SECRETARY OF STATE STEVENSON. No person having received a constitutional majority, there is no election and the clerk will call the roll for the sixtieth ballot.

(Roll called by clerk.)

SECRETARY OF STATE STEVENSON. Sixtieth ballot; total vote 134, of which Mr. W. J. Graham received 55 votes, Mr. Lee O'Neil Browne 28 votes, Mr. Holaday 23 votes, Mr. Gorman 8 votes, Mr. Rothschild 2 votes, Mr. Igoe 2 votes, Mr. Shanahan 2 votes, Mr. Burns 2 votes, Mr. Thompson 2 votes, Mr. Kasserman 2 votes, Mr. Hubbard 1 vote, Mr. Scanlan 1 vote, Mr. Donahue 1 vote, Mr. G. H. Wilson 1 vote, Mr. Kane 1 vote, Mr. Taylor 1 vote, Mr. Williamson 1 vote, Mr. T. E. Graham 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election.

Mr. SHANAHAN (Cook). I move that this House take a recess until 4:00 o'clock this afternoon.

THE CLERK. A conference of House democrats will be held in room 13 immediately after recess. Every democrat who claims allegiance to the democratic party ought to, and are requested to, be present at the conference.

SECRETARY OF STATE STEVENSON. The question is on the adoption of the motion. As many as are of the opinion—

Mr. SHANAHAN (Cook). Before that motion is carried, I would like to ask leave to be absent from the session this afternoon, as I am a member of the Illinois Commission to the Panama-Pacific Exposition, and the commission meets in the Governor's office at 4:00 o'clock. I would like the clerk also to announce about the moving pictures in the Arsenal tonight

THE CLERK. There will be a moving picture exhibition at 7:30 in the Arsenal, showing the pictures of the Panama-Pacific Exposition. Motion prevailed, and the House recessed till 4:00 p. m. same day.

Four o'clock p. m., re-convened.

SECRETARY OF STATE STEVENSON. The order of business at the hour of recess being the selection of a temporary speaker, the clerk will call the roll.

(Roll called by clerk.)

Mr. F. J. RYAN (Cook). J. W. Ryan was called to Chicago on important business, and wants to be excused for this afternoon.

SECRETARY OF STATE STEVENSON. Sixty-first ballot; total vote 135, of which Mr. W. J. Graham received 56 votes; Mr. Lee O'Neil Browne 31 votes, Mr. Holaday 20 votes, Mr. Gorman 8 votes, Mr. Kane 3 votes, Mr. Richardson 3 votes, Mr. Burns 2 votes, Mr. Taylor 2 votes, Mr. T. E. Graham 2 votes, Mr. Jackson 1 vote, Mr. McCormick 1 vote, Mr. Igoe 1 vote, Mr. Brinkman 1 vote, Mr. Scholes 1 vote, Mr. F. J. Ryan 1 vote, Mr. Ray 1 vote, Mr. Scanlan 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election, and the clerk will call the roll for the sixty-second ballot.

(Roll called by clerk.)

Mr. BROWNE (LaSalle). Mr. Jacobson was called home by urgent business, and desires to be excused.

(Roll call concluded.)

SECRETARY OF STATE STEVENSON. Sixty-second ballot; total vote 133, of which Mr. W. J. Graham received 58 votes, Mr. Lee O'Neil Browne 26 votes, Mr. Holaday 20 votes, Mr. T. E. Graham 8 votes, Mr. O'Rourke 4 votes, Mr. Gorman 4 votes, Mr. Taylor 3 votes, Mr. Igoe 3 votes, Mr. Jackson 1 vote, Mr. Brinkman 1 vote, Mr. Donahue 1 vote, Mr. Shephard 1 vote, Mr. Thompson 1 vote, Mr. Murphy 1 vote, Mr. Burns 1 vote.

SECRETARY OF STATE STEVENSON. No one having received a constitutional majority, there is no election.

Mr. TICE (Menard). I move that this House do now adjourn until 10:00 o'clock tomorrow.

Motion prevailed, and the House adjourned.

THURSDAY, FEBRUARY 11, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. Edward Haughton.

Journal of previous day read. On motion of Mr. Atwood (Ogle), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment yesterday was the selection of a temporary speaker. The clerk will call the roll for the sixty-third ballot.

(Roll called by clerk.)

The result of the sixty-third ballot is: Total votes cast 128, of which Mr. W. J. Graham received 60 votes, Mr. Lee O'Neil Browne 27 votes, Mr. Shanahan 18 votes, Mr. Igoe 10 votes, Mr. Gorman 2 votes, Mr. Scholes 2 votes, Mr. O'Rourke 2 votes, Mr. Tice 1 vote, Mr. Jackson 1 vote, Mr. Brinkman 1 vote, Mr. Foster 1 vote, Mr. Thompson 1 vote, Mr. Kane 1 vote, Mr. Rinehart 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, the clerk will call the roll for the sixty-fourth ballot.

(Roll called by clerk.)

The result of the sixty-fourth ballot is: Total votes cast 121, of which Mr. W. J. Graham received 65 votes, Mr. Lee O'Neil Browne 24 votes, Mr. Shanahan 18 votes, Mr. Igoe 4 votes, Mr. Foster 2 votes, Mr. Tice 1 vote, Mr. Jackson 1 vote, Mr. Gorman 1 vote, Mr. Brinkman 1 vote, Mr. Burns 1 vote, Mr. Boyer 1 vote, Mr. Kane 1 vote, Mr. Scholes 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election, and the clerk will call the roll for the sixty-fifth ballot.

(Roll called by clerk.)

During the roll call, upon their respective names being reached, the following members explained their votes as follows:

Mr. LEE O'NEIL BROWNE (LaSalle). I want to explain my vote. I think we have all in this House for the last six weeks labored hard and conscientiously to elect a speaker. One trouble has been that there has been too many purposes with no possibility of uniting the purposes and making it one common end and aim.

My principal reason for rising this morning to explain my vote is because for some reason or other, unknown to myself, except it just happens, that the press, or that part of it largely which takes care of the interests of the G. O. P., seems to think that we are furnishing the public with a little cheap capital and they claim that I am one stone in the way of the selection of a speaker. That is absurd, as any person with an ounce of brains knows, when you realize that on the republican side of this House there are 80 members and there has been no time since this session opened when they could not have gotten together and elected a speaker of their own. It only takes 77 votes out of 80 to do that. There is no use in trying to make a scape-goat out of Browne or anybody else. The fault has been there and at the doors of the gentlemen on the other side of the aisle. Everyone knows that, that has any power to think, and this idea of trying to shift the responsibility is not consistent. It shows the desperateness of the occasion and the needs and the means that accompany it.

In view of the things that have been said to me and in view of the fact of what I have done has been misconstrued, and I want to say that there has been no time in the last three weeks when I was not ready to step down and out on my side of the House—yes, or on the other side of the

House—at the behest of the democrats, if necessary, and let some one else take the place.

I received 41 votes in caucus, after the caucus was held open for three long weeks to all the democrats to give them a chance to come in and say whether they were democrats or not. That situation could not have existed under the old system before the primary law was enacted.

Notwithstanding all the facts in this matter, I have no ambition to be speaker of this House. I have served too long in this House and too hard and too well to believe that the position of speaker is a smooth path or an easy way or one fraught with happiness or sunshine. Any man that takes that position will have a job on his hands that will send him home ten years older at the end of the session, and I know it, and all the old members know it.

I say, I have no ambition to hold that position, and I started in the race to begin with at the behest of several friends of mine who had served here, mostly from Cook County, who wanted me to make the race, and I submitted myself.

Now, the time has come when I am tired, sick and weary of the constant stings and arrows, not only from people on this side calling themselves democrats, but even some of my good friends across the aisle, and I refuse longer to be placed in that kind of a position when I don't deserve it. I am going to smoke out a few of those gentlemen. We have smoked them out in conference and we are going to know where they are. I want to show now where they are and I want to show them that I am bigger than they are and the whole bunch of them that have been fighting me, because I will do something that not one of them would do if he was placed in my position, and I do it still remembering that I have friends on this side of the House who would go down with the ship if I said so.

I am going to advise my good and true friends on this side of the House to follow my advice today and see if these other fellows will follow the advice they have been receiving from the floor below. We will see whether you are on the level or not.

On this ballot I am going to vote for David E. Shanahan for speaker of this House. (Applause.)

Mr. LIPSHULCH (Cook). I beg the indulgence of the members of this House for a few minutes so I can explain my vote.

There were in this State, we hear, some disgruntled feeling expressed that it is about time that a speaker is elected and that the business of the State taken up. We have passed 65 ballots and in all that we have shown no definite plan or purpose. It is true that some members here are disposed to do what is right, and amongst those I wish to say that I am happy to find a great many of the so-called new members.

It is ridiculous to my mind for people to stand on this floor and continually juggle with the words "you new member."

Mr. Secretary and Gentlemen: I want to tell you why we have so many new members this session. The people in the respective districts watch the action of the members they send down here, as they do in this case, and after they watch the career of the man for sometime they may decide, like any other employer, to change the personnel of their employees, and thus because the old members in the different districts did not satisfy their constituency and did not come up to the standard laid down for them by their respective districts is why they have seen fit to send down others in their stead, so that the new members, I say, have a constituency the same as have those who are old members. It is also true that the old members have a great deal more of experience in the modus operandi of the House workings, but that does not preclude the possibility that a new member may be able to distinguish between right and wrong and if it were not for that fact that the people in my district thought that I know how to help them and that at the proper time and under necessary circumstances I would know how to acquit myself in a manner quite satisfactory to them, they would not send me here, and in this spirit I feel that I have the right—nay it is my duty to lend a word on behalf of questions as they arise for what they may be worth in the end.

I want to state further that I belong to no clique and that I am not a Browne tool as has been charged. I am pretty much alive and will agree that I have been for a long time a Browne man and I say again, advisedly, in the fullest sense of the word, and because of being a man, I throw back the imputation to those who are entitled to it and who really are nothing but tools in the hands of their makers. I am open in my thought and can afford to be so because I was elected on that platform and have refused during my entire campaign to pledge myself to anybody or anything, as the records will in the future show when those questions come before the House. And having declared my freedom, I will say that I am a democrat, and a wet democrat, coming from one of the wettest districts in the State of Illinois. It is no more than right that if I could not agree with the sentiments of my district that I should quit the job or carry out their bidding.

I have tried hard, as have other worthy gentlemen on this floor, to elect a democratic speaker and a wet democratic speaker, but seeing the futility of the attempt, and being obliged to do my duty under circumstances as they arise, and seeing the possibility that by concerted action of both sides of the House, namely, that of the wets, we can elect a speaker, and I think it becomes our duty to at once throw our shoulders to the wheel and help carry the issue.

In looking about for a man on this floor, I find from inquiry of his past and from his doings during the session at present, that he stands out pre-eminently as the fit candidate, and one who bids fair to make good, and in the vote that I am going to cast now, I trust that my constituency and the people of the whole State will have no reason to regret and I am almost sure that such is the case, and I, therefore, take the pleasure and the honor to cast my ballot for the clean and able man, David E. Shanahan.

Mr. RICHARDSON (Christian). (On roll call.) We have spent another week and nothing has been done. I don't know whether my friend Browne refers to me as being one who he is going to smoke out, but whether he does or not, I am going to cast my vote this time for speaker for the Honorable William J. Graham.

Mr. FRANK RYAN (Cook). (On roll call.) I for one don't need to explain my vote. I am one who has stood here for the last six weeks and have voted for my friend Browne on almost every ballot, not because it was Browne, but because he was a democratic caucus nominee, and I am proud of that fact; that I have stuck by such a cause and such a man and such an issue, but there is more than that, gentlemen. The issue comes up on the question of personal liberty in this State of Illinois, and those who are crossing the aisle and voting for some of the men over there are not standing for democracy and what it stands for—personal liberty.

I have known Mr. Shanahan as long as anybody in this House and I voted for Mr. Browne, as I thought he was the best man. Now, then, as the time has come when we have got to vote for the second best man, in my judgment, I take pleasure, without being called a bi-partisan, but a non-partisan, and cast my vote for the Honorable David E. Shanahan. (Applause.)

Mr. SHANAHAN (Cook). (On roll call.) I am sorry that I am compelled to rise this morning and address the members of this General Assembly, but I feel that the time has come when I have got to make a further statement. I have served many years in this House, and during those long years of service I have made many warm friends—friendships that I shall cherish during my whole life—and during that period I have accumulated numerous and different kinds of enemies, which every man in public life who has got red blood in his veins must gather as the years go by.

I have been accused of almost every crime on the calendar that a man in public life can be accused of, but in all the accusations that have been made, no one has ever said that Dave Shanahan broke his word, and I am too old now for anyone to say that I am a political crook, and if I were to allow the members of this General Assembly to vote for me today and elect me speaker by votes from both sides of the aisle after the statements that I had made a few weeks ago, Dave Shanahan would be a political crook.

Every man would say that I, by some means or other, juggled the situation so that Mr. Provine was deprived of the election as speaker of this House.

I stated on the floor of this House when the democrats came over and voted for Mr. Provine that on account of conditions in my Senatorial district on the "wet" and "dry" proposition that I could not afford to vote for a dry speaker, unless he was the choice of the republican caucus, and he was being elected by the 80 republican votes of this House, but when the republican candidate, through friends or otherwise, maneuvered to take the "dry" democratic votes and thereby make an election that the people in my district would say was not the republican caucus nominee, but that I was voting on the "wet" and "dry" proposition and that I have voted to put in a "dry" speaker, which would ruin me in my district, and for that reason, under those circumstances, and at that time, I could not vote for Mr. Provine, although he and I have been friends for many years.

I made that statement then and it was good logic, and it is good logic now, and I cannot see now where I can withdraw the statement I made at that time, although I believe that the situation has changed in the past five weeks, and if I were to make the statement originally now, I would be compelled to make a different statement.

Now, on this side of the House seventy men have come to me personally and stated that they were ready to vote for me for speaker, but certain questions have arisen. Certain prejudices exist among everybody and most naturally. A man's religion, nationality, and everything else is considered in bodies like this. I have no reason to complain because some men upon the floor of this House may be compelled to vote against me because I am Dave Shanahan. I am proud of being who I am. I have no hesitancy in saying that if a man votes for me, that is his privilege. I want to say to you men on the democratic side who have been so kind as to vote for me today, that I appreciate your votes, and I will appreciate it as long as I live. The man doesn't live and the man doesn't exist today on the floor of this House who can say that Dave Shanahan ever asked him for his vote, or that Dave Shanahan ever made a promise of any kind as to what he would do were he to be speaker of this House. Mr. Browne never received a promise from me. I knew no more about his actions this morning than someone who was never in this House knew about it. I was not consulted by Mr. Browne and was not consulted by the administration forces, and was not consulted by Mr. Igoe, and I want to say to you that the rumor that was going around last night that I had arranged to take care of the administration is a down-right falsehood, and I never talked to Governor Dunne one moment about the organization of this House from the time I came here until this time. No one of Governor Dunne's friends said to me, "What will you do if you are speaker of this House?" Not one of the anti-Dunne men have said, "What will you do if you are speaker of this House?" No Sherman man or no Deneen man or any other person has asked me, "What will you do if you are speaker of this House?"

There is one thing I can do and I am going to do, and that is to be a man. The only thing I can say today is that I thank you, gentlemen, from the bottom of my heart for the votes that you have cast for me, both republican and democrats, and I would be glad to aid my "wet" friends in organizing this House and put in a "wet" speaker if it is going to be put on the "wet" and "dry" lines, as by so doing I will be best representing 98 per cent of the people of my district. I am a republican from the sole of my feet to the top of my head, and I want this House organized by the eighty republican votes, and I had hoped that we would have a successful session this year, and might be able to go before the people in 1916 and say, "This is the record of a republican General Assembly, and upon that record we present our candidates for the suffrage of the people." I am afraid that on account of the action of some of our republican friends that time has gone by and that this House is going to be organized on a bi-partisan basis.

Some promises are out and other promises will be made, but I want to assure you, gentlemen, that whatever you do, I will be a humble member of this House, trying to do my full duty, to represent the people of my district and the people of the State of Illinois, and I will serve to the best of my capacity any man who presides over the destinies of this House, pro-

viding he presides honestly and fairly for all the members of the General Assembly.

I thank you. (Applause.)

Mr. G. H. WILSON (Adams). Do I understand that you refuse to accept the nomination for speaker under the present circumstances?

Mr. SHANAHAN (Cook). I do, sir.

(Roll call concluded.)

SECRETARY OF STATE STEVENSON. The result of the sixty-fifth ballot for temporary speaker is: Total number of votes cast 126, of which Mr. W. J. Graham received 68 votes, Mr. Shanahan 39 votes, Mr. Arthur Roe 3 votes, Mr. Gorman 3 votes, Mr. Jackson 2 votes, Mr. Igoe 2 votes, Mr. Foster 2 votes, Mr. Tice 1 vote, Mr. Scholes 1 vote, Mr. Hubbard 1 vote, Mr. Devine 1 vote, Mr. Holaday 1 vote, Mr. Kane 1 vote, Mr. Shephard 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no choice, and the clerk will call the roll for the sixty-sixth ballot.

(Roll called by clerk.)

During roll call, upon reaching their respective names, the following explanations of votes followed:

Mr. BURRET (Champaign). Sometimes it is necessary in our lives to show that we are men. I have said in the past six weeks that I was going to vote for a republican in this House and I didn't care whether he was "wet" or "dry" but he must be a republican. I said during the last campaign that I am opposed to a bi-partisan organization in this House and I have never asked a single candidate as to who he would appoint and I don't care. I don't even want a page appointed. I have thought seriously about this matter and I put it up to my friends and constituents in my district and in view of the recent republican victory in the last elections, we ought to have a republican speaker. I have arrived at a point in my life where I don't care for the opinion of the public as long as I have my self-respect.

I have the greatest admiration and respect for the gentleman who has presided over the deliberations of the Committee on Appropriations for the last twenty odd years. I also have the highest respect for my friend, Mr. Graham, but at this time I am going to cast my vote for David E. Shanahan for speaker of this House. (Applause.)

Mr. WILLIAM J. BUTLER (Sangamon). I would like, Mr. Speaker, to say a few words in explanation of my vote. I will come a little nearer the front of the House as this House, I have not the least doubt, is standing tip-toe to hear every word from my mouth. (Laughter.) I would like first of all to burden this House with a little story which I think is quite in line with the situation this House finds itself in. It also described it shorter than I can describe it.

There was a good bishop on a boat in mid-ocean which had just struck an iceberg, and the ship began to list and the passengers were getting uneasy, and finally the bishop could wait no longer and he went to the captain of the ship and said: "Captain, the passengers demand to know what situation we are in, and we demand to know what is our condition." The captain said, "you are beyond all human help; you are beyond all human hope, you are now in the hands of the Almighty." The bishop looked up at him and said, "Good God, is it as bad as that?" (Applause.)

That is the condition of this House. Now I will tell you how we can get a speaker elected for this House and that is to develop a real good fight, and I will do my share. I have always found that the best and most lasting friendships grew out of a good fight, and if I can produce one, I will do it now.

You know what is really at the foundation of this deadlock—the newspapers. For several years the newspapers have been spreading their dope over the land breaking down party organizations. Anybody who has had the courage to go into a caucus and be bound by it was damned and was to be outcast. What they wanted was for the people to come together, not belonging to any party and give their individual views. They have done everything to bring about disorganization. Everybody is now a law unto himself. Damn the republican party and damn the democratic party, has

been the burden of all newspaper dope; get away from organization, down with the caucuses, away with the conferences, stand up and without any connection with anybody or anything cast your sentiments; and by the eternal gods you have got disorganization in perfection. (Applause.) You haven't a republican, democratic or any other form of government except a newspaper form of government.

Later on in this session I am going to reveal to you the character of some of the newspapers that undertake to run the government and I have got it. Don't let anybody be mistaken about that. You have party disorganization and have the caucus broken down. Under the old system you could not break a caucus and now you can't get one. Where is the trouble? The newspapers and their anti-organization, anti-party, and anti-machine propaganda on the one hand, and the anti-majority direct primary laws on the other. (Applause.)

We have in all the parties now as a prominent issue the wet and dry issue. The drys are more uncontrollable than the wets. They draw about themselves the cloak of sanctity, and they admit they are the most intelligent, the most able, the most pious, most moral and the sole depository of all that is holy. Superiority, is their watchword. Just at the present time we are giving our attention to the wet and dry issues. In between we have the liberals of which I am one, and I am sorry to say through the punishment we are receiving. On the one hand we have the cranky wets and on the other extreme the bigoted drys, with a fine chance to get together. You have broken down the party organization. Each fellow is a law unto himself. The cloaks with which the drys surround themselves they say is white. That is because of the little of human sympathy that is under it.

On the other hand the wets are supposed to be covered with a cloak of red. That is because there is more of the red blood of humanity in the wets than the drys and their cloak has more color.

If a dry is elected by republican votes, I am for him, but when you make a wet and dry issue, I tell you that I propose to stick to the wet candidate.

Down in my district it seemed that all of the drys got together and voted for my friend Lyon, and the liberals—well, in a sense I claim to be elected by the liberals, by the wets, and I think I am right in saying so. Heretofore the wets have split their votes, and I served notice on Mr. Lyon, this time that he better look after himself with his drys and I would take care of my friends on the wet issue, and the result was we were both elected.

I want a republican elected, and I am ready to say that I will stick to a republican until hell freezes over. (Applause.) But if it is going to be a bi-partisan combination along wet and dry lines I am going to be for a wet republican for the same length of time. At this time I am going to cast my vote for David E. Shanahan. ((Applause.))

(Roll call concluded.)

SECRETARY OF STATE STEVENSON. The result of this vote is: Total number of ballots cast 121, of which Mr. W. J. Graham received 61 votes, Mr. Shanahan 47 votes, Mr. Gorman 5 votes, Mr. Arthur Roe 4 votes, Mr. Igoe 2 votes, Mr. Scholes 1 vote, Mr. Kane 1 vote.

SECRETARY OF STATE STEVENSON. There being no one having received the necessary constitutional majority there is no choice.

Mr. SHANAHAN (Cook). I am about to make a motion. I have talked to the clerk and he informs me that we have never had a session of this House on Lincoln's birthday. A number of members are away due to make Lincoln day speeches in different parts of the State and I move that this House do now adjourn until Saturday morning when we have a perfunctory session and no business be transacted, and further adjourn until Tuesday morning next at 10:00 o'clock. I know that a number have signified their intention of staying here for the Lincoln banquet, but the clerk says we have never held a session of the House on Lincoln's birthday.

Mr. McCORMICK (Cook). Do we realize that a number of the members have already left and are about to leave?

Mr. SHANAHAN (Cook). That is why I am making this motion. I make that motion Mr. Secretary.

Motion prevailed, and the House adjourned.

TUESDAY, FEBRUARY 16, 1915.**10:00 o'Clock A. M.**

House of Representatives met, pursuant to adjournment.

Secretary of State Stevenson, presiding, ex officio.

Prayer by Rev. James Howard.

Journal of previous day read. On motion of Mr. Maucker (Rock Island), further reading dispensed with, and the Journal ordered approved.

SECRETARY OF STATE STEVENSON. The order of business at the hour of adjournment being the selection of a temporary speaker, and there being no choice, the clerk will call the roll for the sixty-seventh ballot for the selection of a temporary speaker.

(Roll called by clerk.)

The result of the sixty-seventh ballot is: Total number of votes cast 136, of which Mr. Shanahan received 57 votes, Mr. Shurtleff 22 votes, Mr. Farrell 20 votes, Mr. Pace 13 votes, Mr. Elliott 11 votes, Mr. Scholes 5 votes, Mr. Rothschild 4 votes, Mr. Burns 1 vote, Mr. DeYoung 1 vote, Mr. Merritt 1 vote, Mr. O'Rourke 1 vote.

SECRETARY OF STATE STEVENSON. No person having received the necessary constitutional majority, there is no election, and the clerk will proceed to call the roll for the sixty-eighth ballot.

(Roll called by the clerk.)

During roll call the following members explained their votes, as follows:

Mr. GARESCHE (Madison). In the past seven weeks I have voted for two or three different candidates on this side of the House. I had hoped at one time that the democrats might possibly elect a speaker. I don't think any such hope as that exists now. I have watched the efforts of our brothers on the other side and I had hopes that they would get together and I don't think now that there is any such hope as that existing. I believe the time has come now when a so-called bi-partisan combination should be effected. I beleieve there is one man in this General Assembly who can be elected here this morning. I believe that he is a man thoroughly fitted for the position of speaker of this House. I think, if I am correctly informed, that in point of service he is the oldest man in this Assembly. I think, therefore, that he is thoroughly qualified and capable of presiding over this Assembly during this session and I believe my friends on the other side of the House have confidence in him. My friends on this side of the House should have confidence in him as he so fairly presided over our appropriations committee two years ago.

I think in view of all the rumors we have heard and mis-statements we have seen in the papers that in justice to myself I should explain my vote. I want to say now that the man I am going to vote for has neither directly or indirectly made any personal promise to me or any promise to any of my friends. I say this in the absolute spirit of candor, truth and sincerity, and I say furthermore, that if he is elected, I expect nothing from him. I am going to vote for this man now because I think that the time has come to cast aside party affiliations and get down to business here, for which purpose we were elected. I can do this in perfect sincerity with the promise I made in my campaign, that I would go to Springfield and not first represent my party, but my State. The situation demands the election of a speaker and I vote for David E. Shanahan. (Applause.)

Mr. HUBBARD (Greene). (Explaining vote.) I think we all agree that the people of the State of Illinois are disgusted with the proceedings of this House in an effort to elect a presiding officer. I think we are agreed that we are all sick of the four-flushing that has been going on here for six long weeks and now we come back here at the first of this week and start in the biggest game of four-flushing that this House has yet indulged in, in

casting your votes for a man who has repeatedly said on the floor of this House and to private parties and in the caucus of his party that under no circumstances would he accept the election as speaker except that he be elected only by the republican votes. There is only one true conclusion that you can draw from your voting the way you are this morning, and that is that Mr. Shanahan was four-flushing when he made the statement that he did on the floor of the House, or you are four-flushing in trying to elect him. There is no use in beating the devil about the bush. We all heard his statement. If you can elect a wet man, if that is the issue, elect your wet man if you have the votes. If you elect a dry man, let us elect him, but let us stop this four-flushing now. If you are voting for a man who wont accept the position, why waste the time. He says he will not accept it, except upon the republican votes. I cast my vote for Mr. Elliott.

Mr. IGOE (Cook). Part of the remarks of Mr. Hubbard were true, and that part of it which refers to the wet and dry fight is true. I have said before and I say it now that this wet and dry fight, in the language of the street, is all bunk, and it has been bunk ever since we came here, but we on this side of the House are not to blame for that bunk. We never had a majority here and we have always been in the minority and the people on the other side of the House have a majority and their duty under the peculiar Constitution of this State was to elect a speaker and to organize this House.

Now, for seven weeks we have sat in this chamber with them and for seven weeks we have seen a part flounder around unable to head-in anywhere and absolutely disorganized. I am one member of this House who is big enough to say that if the republican party when they are in a majority cannot organize, then the evil of it falls on their shoulders and should not be visited upon the people of this great State, because we on this side also represent a portion of the people of this State, and I can only repeat what my good friend Mr. Garesche said, that first of all I am a citizen of Illinois and above my party and above all else comes the State and I owe a duty to that State and to the people of that State.

If the republicans cannot organize and if with our aid a speaker can be elected and the organization of this House brought about, then it is our duty to give our vote in such a manner and for such a man as will bring that result about.

There has been much talk in the papers and there has been much talk upon the street and in the hotel lobbies about a bi-partisan combination. Men have thrown up their hands in horror at the mention of such a thing, but my friends, a bi-partisan organization is either good or bad, I judge, by the object sought to be obtained by such a partisan organization, or rather bi-partisan organization, and when the object of such an arrangement is proper and wise for the best interests of the State, then I defy any man in Illinois to honestly criticize our going from this side of the aisle to the other side in order to obtain the result which we are after, and that is the election of a speaker, and stopping further criticism.

Now, I served last session with the man for whom I am going to vote and ever did I find him a man of his word; a man of integrity and honor and a man whose first duty was a service that he sought to perform to his State and I have always found him a man in whom implicit confidence might be had at all times.

My friends or those who come from Cook County must see another great question presenting itself to you that demands solution from this Assembly speedily in order that the great courts of our county and in order that the judges who now sit upon the bench of the Supreme Court may be nominated at a primary of the people and unless this House is organized and unless we get down to business speedily, we are going back some twenty-three or four years to the dark ages in the use of the ballot. I am unwilling as one of the residents of Cook County to sit here longer and to flirt with such a danger, and without a promise to me or my friends, or without any promises of any kind whatsoever, I now have the honor, and I deem it a great honor indeed, to cast my vote for David E. Shanahan. (Applause.)

Mr. MAUCKER (Rock Island). I have for the past six weeks voted for a democratic candidate for speaker. It has been demonstrated that it is impossible to elect a democrat and this is the first morning that I have been willing to cross the line. I disapprove of a bi-partisan organization, but in

this instance I don't consider it as such. It is a voluntary movement on the part of the democrats to cross the line to vote for a gentleman we are voting for this morning, and every democrat will confirm my statement that we have no promises of any kind made to us by the gentleman who in all probability will be elected speaker this morning. I think the gentleman has said a number of times that he did not desire the votes of the democrats of this House, but still he can ill afford to face the people of this great State after he is elected to refuse this great honor. I desire to give my vote this morning for David E. Shanahan. (Applause.)

Mr. O'ROURKE (Cook). I don't desire to explain my vote this morning, but I want to vote for David E. Shanahan. (Applause.)

Mr. ARTHUR ROE (Fayette). I am about to do something this morning that I never before did in all my life and I don't know just how to do it. I did once, I believe, vote for a school director on a republican ticket.

Now that I am going to do this, I don't know but what there is a little mystery to myself, but I am going to do it just the same without any equivocation for this reason; first because I believe it is the duty of any member who is elected and takes his seat here, to end this dead-lock. Another is that I believe that it is our duty for the interest of the people and the State in general that we proceed to organize this House by electing a speaker to preside over the business of this House.

It is true that the man I am going to vote for has said upon the floor of this House that he would not take the position with the help of the members from this side of the House, but I will ask him as one member from this side of the House not to take that position, because he, as well as each member here owes, to the people of the State a duty and should he not accept it would leave the State in a worse and more embarrassing position than it is in at the present time, and it would be his duty to retract and reconsider that statement in view of the circumstances surrounding this House and the people of this State, and therefore, I cast my vote for David E. Shanahan. (Applause.)

Mr. SANTRY (Cook). The gentlemen on this side of the House, according to my friend Hubbard, have been accused of four-flushing. I have been elected by the people of my district to come down here and represent those people and I have tried to do that in my humble way. I have sat here six weeks and I cast my vote for my friend the Honorable Lee O'Neil Browne and I don't think that during all that time I was four-flushing, and I rise at this time to tell my friend Mr. Hubbard that I am not four-flushing now when I cast my vote for the man I believe is capable of being speaker of this House, the Honorable David E. Shanahan. (Applause.)

Mr. DAVIS (Knox). In casting my vote it is not with me any question of wet or dry. I was elected here as a republican and refused to join a combination in the early stages when I thought it was possible for the republicans to get together and elect a speaker with republican votes. That time has passed. It appears now that there is a possibility of electing a speaker, and the people demand that a speaker be elected and for that reason, because I am a republican and because there is a demand that a speaker be elected, I cast my vote for David E. Shanahan. (Applause.)

(Roll call concluded.)

Mr. ROTHSCHILD (Cook). Pending the announcement of the vote I move we take a recess.

Mr. IGOE (Cook). Nothing can be done until the roll call is announced.

Mr. SHURTLEFF (McHenry). I ask the unanimous consent of the House, pending the count of the vote, that the House be at ease for five minutes. It is not a recess or an adjournment, but merely that the House stand at ease while the clerk counts the roll call.

Mr. IGOE (Cook). What is the reason?

Mr. SHURTLEFF (McHenry). For the good of the People of the State of Illinois. (Applause.)

SECRETARY OF STATE STEVENSON. The result of the sixty-eighth ballot is as follows: Total number of votes cast 138, of which Mr. Shanahan received 80 votes, Mr. Shurtleff 24 votes, Mr. Pace 12 votes, Mr. Elliott 12 votes, Mr. Rothschild 3 votes, Mr. Kane 2 votes, Mr. Scholes 1 vote, Mr. Frankhauser 1 vote, Mr. Hamlin 1 vote, Mr. DeYoung 1 vote, Mr. Farrell 1 vote.

SECRETARY OF STATE STEVENSON. David E. Shanahan of Cook County having received the necessary constitutional majority of the members' votes of the Forty-ninth General Assembly for the position of speaker of the House, I therefore declare him elected temporary speaker of this House of Representatives. (Continued applause.)

Mr. SHURTLEFF (McHenry). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 12.

"Resolved, That a committee of nine members be appointed by the Secretary of State to conduct the temporary speaker to the chair."

Resolution is adopted.

SECRETARY OF STATE STEVENSON. As provided by the resolution the chair appoints on this committee: Messrs. Provine, Browne, W. J. Graham, Shurtleff, Tice, Igoe, Kane, Elliott, and Farrell.

(Informal intermission taken.)

Mr. PROVINE (Christian). Your committee, Mr. Secretary, has the honor to present the Honorable David E. Shanahan, of Cook County, temporary speaker-elect of the Forty-ninth General Assembly. (Applause.)

Mr. SHANAHAN (Cook). I am prepared to take the oath of office, but before I do so I desire to ask a few questions.

At this time I desire to ask of any and every man on the floor of this House if he, of himself or from any other person, knows of any promise or pledge, either written, verbal or implied, that I have given as to what my conduct will be as the presiding officer of this House, and as to what I will do with the distribution of patronage and the assignment of committees, in so far as the speaker will be empowered, or as to what will be done upon any measure in this House. If any man knows of any such pledge or promise I want him to rise now (no response). I am ready to take the oath, Mr. Secretary.

After the oath was administered by Secretary of State Stevenson, Mr. Shanahan addressed the House as follows:

"MEMBERS OF THE FORTIETH GENERAL ASSEMBLY, LADIES AND GENTLEMEN: It is hard for me to express what is in my heart today but I assure you one and all that I thank you for the distinguished honor just conferred upon me at your hands. For seven long weeks you have labored in this House to effect a temporary organization, but for various and sundry reasons you have been unable to do so.

"Many issues have crept in which have kept the parties apart on both sides of the aisle. I have frankly stated to the members of this General Assembly that I was not a candidate for the position of speaker; that I didn't desire the place; that I had never asked any man on the floor of this House to vote for me for that position; and that I could not vote for any candidate for temporary speaker that was to be elected by votes from different sides of the House.

"I stated frankly six weeks ago when everyone thought that this House would organize within a few hours after the statement was made. I made a similar statement on the floor of this House last Thursday. I am still of the same opinion personally, but since last Thursday I have been importuned, not only by the members of this House, but by citizens of Illinois from every section of the State; by telegrams; by letters and by word of mouth.

"I have consulted with the leading republicans of Illinois; I have consulted with leading democrats of Illinois; and have consulted the ablest jurists on the bench in the State of Illinois and in the county of Cook, and they have advised me that in this emergency, notwithstanding the statements I have made heretofore, that it was my duty as a member of this General Assembly to accept the responsibility and for the General Assembly to get down to actual work; that if the deadlock were continued longer it would be a scandal in the State of Illinois. And, gentlemen, I went to Chicago and consulted with leading republicans there, and with the editors of the larger papers, and explained the situation to them, that if it eventually became a wet and dry fight in this House, and that when that time,

if the wets of the House (an issue that should never have crept in here) lined up on one side and the drys on the other, and I was the choice of the wets and elected, that then the question would be whether I was a quitter or whether I would accept the responsibility placed upon me, and that the people in my district would condemn me, coming from a wet district, if I refused to accept that responsibility. (Applause.)

"In accepting this position as temporary speaker I want to say to you drys in this House that you will receive at my hands the same courtesy and the same treatment that my wet friends will receive. (Applause.)

"I want to say to my wet friends that you will receive every courtesy and every favor that you are entitled, and not one word or one inch more. (Applause.)

"I want to say further that these questions are questions of legislation, of no more importance than the average bill that comes on the floor of this House, and that so far as it may lie in my power, the wet and dry bills will be fought out on the floor of the House on a roll call, each man responding to his name so that this question will be settled for all time and that hereafter there will be no such question as wet and dry brought out on the floor of this House in its organization.

"In order that we may do business and do it at once, I shall insist, if it lies in my power, that as early a date as possible be set in order that those bills may be considered, and considered upon their merits alone. If the wets in the House have the votes to put over legislation, let them do so by a roll call. On the other hand, if the drys in the House have the votes, let them put it over by roll call.

"I sincerely thank you for the honor conferred upon me today and, while I am in this chair as your temporary presiding officer, I ask from each and every one of you, as individuals, not representing a party or a faction, your earnest cooperation to make this session a success. And with an abiding faith in Him from whom all blessings flow, I ask for the light and strength to guide me in carrying this session to a successful termination.

"I await the further pleasure of this honorable body." (Applause.)

The next order of business is the election of temporary clerk of this House.

Mr. SMEJKAL (Cook). I nominate Mr. B. H. McCann for the position of temporary clerk of the House of Representatives.

TEMPORARY SPEAKER SHANAHAN. If there are no further nominations, the clerk will call the roll.

(The roll called by the clerk.)

The result of this roll call is: Total number of votes cast 140, of which Mr. B. H. McCann received 132, and Mr. Hill 8 votes. The chair declares Mr. B. H. McCann duly elected temporary clerk.

Mr. TICE (Menard). I wish to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 13.

"WHEREAS, The Hon. Lewis G. Stevenson, Secretary of State, has presided over the deliberations of the House from January 6 to February 16, pending the election of a temporary speaker, with uniform courtesy and fairness to all; therefore, be it

"Resolved, That we extend to him a vote of thanks as an evidence of our appreciation of his able and efficient service during such time; and, be it further

"Resolved, That the clerk present to the said Lewis G. Stevenson a suitably engrossed copy of this resolution, and that the same be spread at large upon the records of the House."

The resolution unanimously adopted.

Mr. McCORMICK. I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed, and the House adjourned.

WEDNESDAY, FEBRUARY 17, 1915.

10:00 o'Clock A. M.

House of Representatives met, pursuant to adjournment.

Temporary Speaker Shanahan in the chair.

Prayer by the Rev. Charles G. Sterling.

Journal of previous day read. On motion of Mr. Holaday (Vermilion), further reading dispensed with and Journal ordered approved.

Mr. BURNS (Cook). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 14.

"Resolved, That the House now proceed to the election of a temporary doorkeeper."

Resolution adopted.

Mr. BURNS (Cook). I desire to nominate Mr. John Maloney for the position of temporary doorkeeper.

TEMPORARY SPEAKER SHANAHAN. If there are no further nominations, the chair will declare Mr. Maloney unanimously selected as temporary doorkeeper. It is not necessary to call the roll on this, as there is only one man nominated.

Mr. TURNBAUGH (Carroll). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 15.

"Resolved, That a Committee on Credentials, consisting of nine members, be appointed by the temporary speaker, to which committee shall be referred the certificates of election, held by the members-elect of this House."

Resolution adopted.

TEMPORARY SPEAKER SHANAHAN. On this committee the chair will appoint Messrs. Turnbaugh, Tice, Lynch, Scholes, Dahlberg, F. J. Ryan, Burns, Fahy and Kane.

The House will be at ease pending the report of the committee.

Mr. TURNBAUGH (Carroll). Your committee desires to make the following report:

We, your Committee on Credentials, beg leave to report that we have carefully examined the certificates of election and find that the following named members hold the certificates from the Governor of the State of Illinois, showing their election to the House of Representatives of the Forty-ninth General Assembly, entitling them to seats upon the floor of the House.

(Signed) JOHN D. TURNBAUGH,
GOTTHARD A. DAHLBERG,
JOHN S. BURNS,
W. C. KANE,
ROBERT SCHOLES,
FRANK J. RYAN,
HOMER J. TICE,
JOHN F. LYNCH,
MICHAEL FAHY,
Committee.

District.	Name.	Address.	County.	Party.
1.....	John Griffin.....	2020 Indiana Avenue, Chicago.....	Cook.....	Dem.
	William M. Brinkman.....	3119 Indiana Avenue, Chicago.....	do.....	Rep.
	Sheadrick B. Turner.....	21 E. Twenty-eighth Street, Chicago.....	do.....	Rep.
2.....	Geo. U. Lipshulch.....	920 S. Ashland Boulevard, Chicago.....	do.....	Dem.
	Frank Ryan.....	2139 W. Thirteenth Street, Chicago.....	do.....	Dem.
	John J. Gardner.....	1523 W. Thirteenth Street, Chicago.....	do.....	Rep.
3.....	John P. Walsh.....	701 W. Thirty-first Street, Chicago.....	do.....	Dem.
	Edward M. Santry.....	116 E. Thirty-sixth Place, Chicago.....	do.....	Dem.
	Robert R. Jackson.....	435 E. Thirty-seventh Street, Chicago.....	do.....	Rep.
4.....	George C. Hilton.....	5440 Winchester Avenue, Chicago.....	do.....	Dem.
	Hubert Kilens.....	5026 S. Ashland Avenue, Chicago.....	do.....	Dem.
	Thomas A. Boyer.....	4458 Emeral Avenue, Chicago.....	do.....	Rep.
5.....	Michael L. Igoe.....	5429 Greenwood Avenue, Chicago.....	do.....	Dem.
	Isaac S. Rothschild.....	4715 Michigan Avenue, Chicago.....	do.....	Rep.
	John H. Helwig.....	6931 Vernon Avenue, Chicago.....	do.....	Rep.
6.....	Joseph A. Weber.....	3134 N. Robey Street, Chicago.....	do.....	Dem.
	Robert E. Wilson.....	4025 Greenview Avenue, Chicago.....	do.....	Dem.
	William M. Brown.....	2161 Eastwood Avenue, Chicago.....	do.....	Rep.
7.....	J. J. O'Rourke.....	15534 Vine Avenue, Harvey.....	do.....	Dem.
	Louis J. Pierson.....	730 Lake Avenue, Wilmette.....	do.....	Rep.
	Frederic R. DeYoung.....	50 155th Street, Harvey.....	do.....	Rep.
8.....	Thomas E. Graham.....	Ingleside.....	Lake.....	Dem.
	Edward D. Shurtleff.....	Marengo.....	McHenry.....	Rep.
	James H. Vickers.....	Harvard.....	do.....	Rep.
9.....	Robert J. Mulcahy.....	3243 Archer Avenue, Chicago.....	Cook.....	Dem.
	Joseph Placek.....	2333 S. Kedzie Avenue, Chicago.....	do.....	Dem.
	David E. Shanahan.....	115 S. Dearborn Street, Chicago.....	do.....	Rep.
10.....	H. S. Hicks.....	Rockford, R. F. D. No. 3.....	Winneago.....	Prog.
	John A. Atwood.....	Stillman Valley.....	Ogle.....	Rep.
	Emil A. Festerling.....	314 Walnut Street, Rockford.....	Winnebago.....	Rep.
11.....	Frank J. Ryan.....	6828 Bishop Street, Chicago.....	Cook.....	Dem.
	Henry F. Schuberth.....	7832 Lowe Avenue, Chicago.....	do.....	Dem.
	John H. Lyle.....	6305 Yale Avenue, Chicago.....	do.....	Rep.
12.....	Charles F. Franz.....	240 Liberty Street, Freeport.....	Stephenson.....	Dem.
	R. R. Thompson.....	Kent.....	do.....	Dem.
	John D. Turnbaugh.....	Mt. Carroll.....	Carroll.....	Rep.
13.....	James W. Ryan.....	9035 Burlev Avenue, Chicago.....	Cook.....	Dem.
	Gotthard A. Dahlberg.....	24 W. 113th Street, Chicago.....	Cook.....	Rep.
	C. A. Young.....	2809 E. Seventy-sixth Street, Chicago.....	do.....	Rep.
14.....	Frank R. Dalton.....	Aurora.....	Kane.....	Dem.
	DeGoy B. Ellis.....	635 Spring Street, Elgin.....	do.....	Rep.
	Harold C. Kessinger.....	171 S. LaSalle Street, Aurora.....	do.....	Rep.
15.....	Joseph O. Hruby.....	1806 S. Racine Avenue, Chicago.....	Cook.....	Dem.
	Peter F. Smith.....	1608 S. Union Avenue, Chicago.....	do.....	Dem.
	Thomas Curran.....	2023 S. Racine Avenue, Chicago.....	do.....	Rep.
16.....	Michael Fahy.....	Toluca.....	Marshall.....	Dem.
	Simon E. Lantz.....	Congerville.....	Woodford.....	Rep.
	William H. Bentley.....	703 E. Madison Street, Pontiac.....	Livingston.....	Rep.
17.....	John S. Burns.....	622 Blue Island Avenue, Chicago.....	Cook.....	Dem.
	Jacob W. Epstein.....	1133 Newberry Avenue, Chicago.....	do.....	Dem.
	Edward J. Smejkal.....	560 Bunker Street, Chicago.....	do.....	Rep.
18.....	Thomas N. Gorman.....	224 Peoria Avenue, Peoria.....	Peoria.....	Dem.
	Robert Scholes.....	1800 Seventh Avenue, Peoria.....	do.....	Rep.
	John F. Lynch.....	Chillicothe.....	do.....	Rep.
19.....	James T. Prendergast.....	1233 S. Lawndale Avenue, Chicago.....	Cook.....	Dem.
	James C. McGloon.....	1544 S. Trumbull Avenue, Chicago.....	do.....	Dem.
	Solomon P. Roderick.....	1328 S. Spaulding Avenue, Chicago.....	do.....	Rep.
20.....	Daniel O'Connell.....	Kinsman.....	Grundy.....	Dem.
	Richard R. Meents.....	Ashkum.....	Iroquois.....	Rep.
	Israel Dudgeon.....	Morris.....	Grundy.....	Rep.
21.....	Benjamin M. Mitchell.....	3246 Washington Boulevard, Chicago.....	Cook.....	Dem.
	Frederick J. Bippus.....	4733 W. Chicago Avenue, Chicago.....	do.....	Rep.
	Thomas P. Devereux.....	1357 W. Ohio Street, Chicago.....	do.....	Rep.
22.....	G. A. Ray.....	Rossville.....	Vermilion.....	Dem.
	William P. Holaday.....	Georgetown.....	do.....	Rep.
	Abraham L. Stanfield.....	205 E. Court Street, Paris.....	Edgar.....	Rep.
23.....	Goerge R. Bruce.....	1419 N. Ridgeway Avenue, Chicago.....	Cook.....	Dem.
	William G. Thon.....	2210 Cortez Street, Chicago.....	do.....	Rep.
	Christian M. Madsen.....	3220 Cortez Street, Chicago.....	do.....	Soc.
24.....	Francis E. Williamson.....	505 Indiana Avenue, Urbana.....	Champaign.....	Dem.
	William F. Burres.....	208 W. Elm Street, Urbana.....	do.....	Rep.
	Charles A. Gregory.....	Lovington.....	Moultrie.....	Rep.
25.....	John G. Jacobson.....	1625 N. Claremont Av., Chicago.....	Cook.....	Dem.
	Charles L. Fieldstack.....	4016 N. Harding Avenue, Chicago.....	do.....	Rep.
	Joseph M. Mason.....	3037 N. Spaulding Avenue, Chicago.....	do.....	Soc.
26.....	Daniel D. Donahue.....	609 N. Madison Street, Bloomington.....	McLean.....	Dem.
	William Rowe.....	Saybrook.....	do.....	Rep.
	James C. Harvey.....	417 Willard Avenue, Bloomington.....	do.....	Rep.
27.....	Joseph A. G. Trandel.....	1332 Julian Street, Chicago.....	Cook.....	Dem.
	James M. Donlan.....	954 W. Madison Street, Chicago.....	do.....	Dem.
	Albert Rostenkowski.....	1237 Noble Street, Chicago.....	do.....	Rep.

District.	Name.	Address.	County.	Party.
28.....	Clifford Quisenberry.....	226 Latham Street, Lincoln.....	Logan.....	Dem.
	Edwin C. Perkins.....	420 Lincoln Avenue, Lincoln.....	do.....	Rep.
	T. C. Buxton.....	Decatur.....	Macon.....	Rep.
29.....	James H. Farrell.....	1147 Wells St., Chicago.....	Cook.....	Dem.
	Bernard J. Conlon.....	444 Pine Street, Chicago.....	do.....	Dem.
	Medill McCormick.....	909 Lake Shore Drive, Chicago.....	do.....	Prog.
30.....	A. M. Foster.....	Rushville.....	Schuyler.....	Dem.
	William M. Groves.....	Petersburg.....	Menard.....	Dem.
	Homer J. Tice.....	Greenview.....	do.....	Rep.
31.....	Frank J. Seif, Jr.....	1529 Orchard Street, Chicago.....	Cook.....	Dem.
	Harry F. Hamlin.....	5730 Malden Street, Chicago.....	do.....	Rep.
	E. I. Frankhauser.....	5517 Winthrop Avenue, Chicago.....	do.....	Rep.
32.....	John Huston.....	Blandinsville.....	McDonough.....	Dem.
	Robert A. Elliott.....	Monmouth.....	Warren.....	Dem.
	James M. Pace.....	Macomb.....	McDonough.....	Rep.
33.....	William C. Maucker.....	744 Seventeenth Street, Rock Island.....	Rock Island.....	Dem.
	Thomas Campbell.....	Rock Island.....	do.....	Rep.
	William J. Graham.....	Aledo.....	Mercer.....	Rep.
34.....	C. A. Purdunn.....	Marshall.....	Clark.....	Dem.
	Harry W. Drake.....	do.....	do.....	Rep.
35.....	John P. Devine.....	Dixon.....	Lee.....	Dem.
	William L. Leech.....	Amboy.....	do.....	Rep.
	F. A. Brewer.....	Tampico.....	Whiteside.....	Rep.
36.....	William H. Hoffman.....	2026 Chestnut Street, Quincy.....	Adams.....	Dem.
	Edwin Thomas Strubinger.....	ElDara.....	Pike.....	Dem.
	George H. Wilson.....	130 S. Twenty-fourth Street, Quincy.....	Adams.....	Rep.
37.....	Frank W. Morrasy.....	Sheffield.....	Bureau.....	Dem.
	Randolph Boyd.....	Galva.....	Henry.....	Rep.
	John Robert Moore.....	Kewanee.....	do.....	Rep.
38.....	William A. Hubbard.....	Carrollton.....	Greene.....	Dem.
	H. A. Shephard.....	Jerseyville.....	Jersey.....	Dem.
	Otto C. Sonnemann.....	Carlinville.....	Macoupin.....	Rep.
39.....	Lee O'Neil Browne.....	Ottawa.....	LaSalle.....	Dem.
	Ole E. Benson.....	315 Guthrie Street, Ottawa.....	do.....	Rep.
	William M. Scanlan.....	Peru.....	do.....	Rep.
40.....	Arthur Roe.....	Vandalia.....	Fayette.....	Dem.
	John C. Richardson.....	Edinburg.....	Christian.....	Dem.
	Walter M. Provine.....	Taylorville.....	do.....	Rep.
41.....	Michael F. Hennebry.....	Wilmington.....	Will.....	Dem.
	William R. McCabe.....	Lockport.....	do.....	Rep.
	Squire F. Tompkins.....	110 Scott Street, Joliet.....	do.....	Rep.
42.....	Walter E. Rinehart.....	Effingham.....	Effingham.....	Dem.
	John W. Thomason.....	Louisville.....	Clay.....	Dem.
	Charles W. Vursell.....	Salem.....	Marion.....	Rep.
43.....	William H. Basel.....	Astoria.....	Fulton.....	Dem.
	Owen B. West.....	Yates City.....	Knox.....	Rep.
	James E. Davis.....	Galesburg.....	do.....	Rep.
44.....	W. T. Morris.....	Duquoin.....	Perry.....	Dem.
	Harry Wilson.....	Pinckneyville.....	do.....	Rep.
	Hawkins O. Murphy.....	do.....	do.....	Rep.
45.....	Edward L. Merritt.....	111 W. Monroe Street, Springfield.....	Sangamon.....	Dem.
	William J. Butler.....	602 S. Fourth Street, Springfield.....	do.....	Rep.
	Thomas E. Lyon.....	849 S. Douglas Avenue, Springfield.....	do.....	Rep.
46.....	John Kasserman.....	Newton.....	Jasper.....	Dem.
	John L. Cooper.....	Fairfield.....	Wayne.....	Dem.
	Charles L. Wood.....	Keenes.....	do.....	Rep.
47.....	Ferdinand A. Garesche.....	Madison.....	Madison.....	Dem.
	Norman G. Flaggs.....	Moro.....	do.....	Rep.
	Chris Rethmeier.....	Edwardsville, R. F. D. No. 4.....	do.....	Rep.
48.....	Carl Green.....	Robinson.....	Crawford.....	Dem.
	Richard F. Taylor.....	Elizabethtown.....	Hardin.....	Dem.
	James A. Watson.....	do.....	do.....	Rep.
49.....	John T. Desmond.....	East St. Louis.....	St. Clair.....	Dem.
	Stephen T. LePage.....	8801 State Street, East St. Louis.....	do.....	Rep.
	James W. Rentchler.....	700 E. "B" Street, Belleville.....	do.....	Rep.
50.....	James H. Felts.....	Marion.....	Williamson.....	Dem.
	Charles Curren.....	Mound City.....	Pulaski.....	Rep.
	C. A. Stewart.....	West Frankfort.....	Franklin.....	Rep.
51.....	W. C. Kane.....	Harrisburg.....	Saline.....	Dem.
	Elwood Barker.....	McLeansboro.....	Hamilton.....	Rep.
	Oral P. Tuttle.....	Harrisburg.....	Saline.....	Rep.

Mr. HUBBARD (Greene). I move that the report of the Committee on Credentials be adopted.

Report unanimously adopted, and the members in the report named were declared entitled to seats on the floor of the House.

Mr. TURNBAUGH (Carroll). The Committee on Credentials desires to make a further report, which the clerk will please read:

"In the matter of the determination of the result of the election for

member of the House of Representatives in the State of Illinois for the Thirty-fourth Senatorial District of Illinois,

Be it resolved, That the speaker of the house be and he is hereby authorized and directed to appoint a committee of five members of the House to proceed, without delay, to recount all legal ballots proper to be counted, so cast in said election in said district, and have full power to subpoena witnesses, books and papers, employ clerks, stenographers and messengers, and do any and all things necessary in and about counting said ballots, and that said committee certify the returns of said recount to the House of Representatives of the Forty-ninth General Assembly.

(Signed) JOHN D. TURNBAUGH,
ROBERT SCHOLES,
GOTTHARD A. DAHLBERG,
W. C. KANE,
JOHN F. LYNCH,
MICHAEL FAHY,
HOMER J. TICE,
JOHN S. BURNS,
FRANK J. RYAN,
Committee."

Report unanimously adopted.

Mr. SMEJKAL (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 16.

"Resolved, That the House now proceed to the election of a speaker and clerk."

(Resolution unanimously adopted.)

TEMPORARY SPEAKER SHANAHAN. I will ask the gentleman from McHenry, Mr. Shurtleff, to preside. (Applause.)

Mr. SHURTLEFF (McHenry). The order of business is the election of a permanent speaker. The clerk will call the roll for that purpose.

(Roll called by clerk.)

During roll call, explanation of votes as follows:

Mr. W. J. GRAHAM (Mercer). I want to explain my vote. During the session of this House up to this time, at various times issues have been injected which should not have been injected into our counsels, namely, the question of wet and dry. On that issue I have uniformly and consistently voted as I thought the interests of my district required and as my constituents desired me to vote and I have been alligned with those that have been called the "drys." Today, however, the vote that is now being taken, in my judgment, is not a test of the question of wet or dry. If it were, my vote would be recorded differently from the way I am going to record it. We have a man as temporary speaker who is going to be the permanent speaker whether with my vote or without it. I am extremely anxious, as is my colleague from my district, to see this Legislature organized and I know it is the part of wisdom to support the man who is going to be speaker and do all I can to help him and therefore I want to vote for David E. Shanahan.

Mr. MEDILL McCORMICK (Cook). (On roll call.) May I say a word before I record my vote?

Yesterday if I had cast my ballot for the temporary speaker I should have indicated, indirectly at least, that I believed in the organization of this House along "wet" or "dry" lines. I don't! I think that a grave mistake was made, a mistake, Mr. Speaker, which will ultimately recoil to the disadvantage of the interests which the gentlemen who elected the speaker believe they are serving or protecting.

Mr. Speaker, if today I were again to withhold my vote, it would appear that I did so because I didn't believe either in the ability or the integrity or the fair dealing of David E. Shanahan. Mr. Speaker, I have known Mr. Shanahan since I was a boy. His fairness is beyond question and his ability above reproach. It is our common duty, not only for our interests, but for the interest of the whole State, as there are other questions to be settled than those of "wet" or "dry," to uphold his hands throughout this session insofar as in me lies and insofar as he will serve the interests of this State, I vote for David E. Shanahan. (Applause.)

(Roll call concluded.)

Mr. SHURTLEFF (McHenry). The result of this ballot is: Total number of votes cast 121, of which Mr. Shanahan received 101 votes, Mr. Kane 7 votes, Mr. Shurtleff 7 votes, Mr. DeYoung 3 votes, Mr. Flagg 1 vote, Mr. Huston 1 vote, Mr. Hubbard 1 vote.

Mr. SHURTLEFF (McHenry). Mr. Shanahan having received the necessary constitutional majority of the votes of the members of this House, I declare him elected the permanent speaker of this House.

Mr. SMEJKAL (Cook). I move that the House reconsider the vote by which Mr. Shanahan was elected speaker.

Mr. CHARLES CURRAN (Pulaski). I move to lay that motion on the table.

Motion was decided in the affirmative.

Mr. McCORMICK (Cook). I wish to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 17.

“Resolved, That a committee of six members be appointed to escort the speaker-elect to the chair.”

Mr. SHURTLEFF (McHenry). On this committee the chair will appoint Messrs. McCormick, Igoe, W. J. Graham, Farrell, Dudgeon, and Gorman.

Whereupon, the committee conducted the speaker, the Hon. David E. Shanahan, to the chair.

Oath of office administered by the Secretary of State, Mr. Lewis G. Stevenson.

SPEAKER SHANAHAN. I am not going to take up the time of the session with any extended remarks. I merely desire to express my appreciation and my thanks at the distinguished honor conferred upon me and further desire to express my thanks to those members who today voted for me in addition to the men who voted for me yesterday, and I shall always appreciate the confidence they have reposed in me, and I want to say to the men who could not go on record as voting for me, that so far as the roll call is concerned, it is past and over. You are all my friends and I have no enemies to punish. I thank you and hope that each and every member here, be he democrat, republican or socialist, will aid me in running this House for the best interests of the whole people of the State of Illinois. I thank you. (Applause.)

The next order of business is the election of a permanent clerk.

(Roll called, Mr. B. H. McCann receiving the unanimous vote of the House for the position of clerk, and was so declared elected by the speaker.)

Mr. SCANLAN (LaSalle). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 18.

“Resolved, That the clerk notify the Senate that the House is organized by the election of a speaker and clerk, and is now ready to proceed with the business of the session.”

(Resolution adopted.)

Mr. FARRELL (Cook). I present the following resolution and move its adoption:

HOUSE RESOLUTION No. 19.

“Resolved, That a committee of seven members be appointed by the speaker, to wait upon the Governor and notify him that the House is organized by the election of a speaker and clerk, and is now ready to receive any communication which he may have to present.”

(Resolution adopted.)

SPEAKER SHANAHAN. On this committee I will appoint Messrs. Farrell, Graham, Holaday, Festerling, Richardson, Santry, and Hamlin.

Mr. SHURTLEFF (McHenry). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 20.

“Resolved, That the speaker be authorized to appoint a Committee on Rules, consisting of seventeen members, of which he shall be chairman.”

Mr. LEE O'NEIL BROWNE (LaSalle). I can see of course that this is a move towards bringing about a change of the rules of this House, a change from the present system to a fancied betterment of the rules, by cutting down the committees and a re-arrangement so that there will be fewer committees. Now I don't believe that this is the time or place for the presentation of that resolution. I don't think there is any necessity for it at this time. I think that it involves matters that should receive free discussion on the floor of this House, in the first instance.

Mr. SHURTLEFF (McHenry). The resolution speaks for itself. What it is looking towards, I don't know. As the House stands today, it has no rules of any kind whatever except the Constitution of the State of Illinois, but there is not any parliamentary rule of any kind that has been adopted that is in force over this body. This resolution merely looks towards the appointment of a committee to submit to this House a plan of rules, and the question that the gentleman raises will be a very proper question to raise whenever this committee makes a report to the House.

It has been customary in former sessions to adopt a set of temporary rules, the old rules, merely for the temporary running of the House. As long as the gentleman from LaSalle has raised the question, I will state frankly that I am opposed to adopting the former rules. I am opposed to this House putting in its rules a provision for the naming of sixty-seven committees. I am opposed to it. This is not, however, the time or place to argue out that question, but I am in favor of the speaker of this House, whom we have so many of us joined in selecting, appointing a fair committee to draft a set of rules and submit them to this body and then we can argue out the different objections.

Mr. LEE O'NEIL BROWNE (LaSalle). The presentation of this motion by the gentleman from McHenry speaks for itself and is significant and I think I can see the rules that will come from that committee now, and that is the reason I arise in my seat and protest and I desire the usual course should be followed, the adoption of temporary rules until this House gets settled down and by a free discussion of the matter gets into a condition to pass upon these questions.

Mr. IGOE (Cook). As one of the men on this side of the House I want to say that I am thoroughly in accord with the remarks of the gentleman from McHenry. We are about to take an adjournment and now is the time to appoint a committee that will go to work and will draft fair rules. I am one who is not willing to throw any stumbling blocks in the path of the new speaker whom we voted for yesterday as temporary speaker and today as permanent speaker. Let him appoint a committee to draft rules, and bring them in on the floor of the House and then discuss the matter.

Mr. LEE O'NEIL BROWNE (LaSalle). I offer a substitute resolution.

HOUSE RESOLUTION No. 21.

"Resolved, That the rules adopted by the last General Assembly be adopted by this House, as the rules of the House."

Mr. IGOE (Cook). I move to table the substitute.

Mr. SHURTLEFF (McHenry). The meaning of the substitute is if it is adopted that the House has tied around its neck the old rules and has fastened on it sixty-seven committees that will stay there unless they are thrown out. I ask for a roll call on this matter.

Mr. BROWNE (LaSalle). I presume I am old-fashioned and not abreast of the times and I presume I am not sufficiently inoculated with the bug of reform to appreciate this proposed departure. I have served here since January, 1901, under substantially the rules that were adopted at the last session and up to last session I have never seen any attempt to seriously change the rules. I never saw any hardship or any evil or anything of that kind resulting from the rules then in force. I found men industriously going from one committee to another and attending to their work.

I am against the cutting down of the number of committees. You will find, if you do this—and I have been a prophet as some of my republican friends tell me—I tell you if you put this system into effect, this session will not have gone by before you regret it.

Mr. SHURTLEFF (McHenry). Just a word. I differ with the gentleman from LaSalle when he says our rules are just the same and the number of committee just the same as they were in 1901. At that time we had about forty committees. Since that time every subject that has come up in the State of Illinois has brought with it a demand for an additional committee. We have Chicago charter, as the Judiciary Committee was not sufficient and they wanted a special committee for Chicago charter. Then they wanted an extra committee for municipal courts, and primary elections, and so on until now we have over sixty-seven different committees.

Let us stand up and cut them out of the book and say they mean nothing, as they don't, like finance, statutory revision and all of those kind.

SPEAKER SHANAHAN. The question is on the adoption of the substitute, offered by the gentleman from LaSalle. (Rising vote: Yeas, 20; nays, 77.) And the substitute is lost.

The question now recurs on the adoption of the resolution offered by the gentleman from McHenry.

(Resolution adopted.)

On this committee the chair will appoint Messrs. Shanahan, Chairman; Shurtleff, McCormick, Lyon, Thomas Curran, Frankhauser, Dudgeon, Tice, Rothschild, Rentchler, Lee O'Neil Browne, Igoe, Arthur Roe, Gorman, Devine, Hubbard, and Garesche.

Mr. FARREL (Cook). Your committee begs leave to report that they have notified the Governor of the organization of the House.

THE DOORKEEPER. A message from the Governor, by his secretary.

SPEAKER SHANAHAN. Admit him.

SECRETARY TO GOVERNOR. William L. Sullivan: Mr. Speaker, I am directed by the Governor to lay before the House of Representatives the following communication:

February 17, 1915.

To the Members of the Forty-ninth General Assembly:

In compliance with the constitutional provision, requiring the Governor, at the commencement of each session, to give to the General Assembly information, by message, of the condition of the State and to recommend such measures as he may deem expedient, I submit the following matters for your consideration:

WATERWAYS.

For many years past there has been in this State an emphatic demand for a waterway between Chicago and the Gulf of Mexico. The practicability of such a waterway was noted by Pere Marquette when he first discovered the portage between the Chicago River and the Des Plaines River centuries ago. Its practicability was further noted by the early pioneers of this State, and the boundary lines of the State were fixed upon its admission to the Union of States so as to provide for this waterway.

The Congress of the United States deeded lands of immense value to the State of Illinois for the purpose of creating this waterway. In the early history of the State, a cut was made and a canal constructed, connecting the south branch of the Chicago River with the Illinois River, which was for many years successfully used in commerce. As the years rolled by, however, it became apparent that the canal then constructed was totally inadequate to meet the demands of advanced, modern transportation. The age of steam and gasoline has rendered obsolete the boats, locks and waterways of the early part of the nineteenth century, and the Illinois and Michigan Canal has rapidly fallen into disuse. As the result, in recent years, the demand for an adequate waterway between the Great Lakes and the Mississippi River has become insistent.

On November 3, 1908, the people of the State by popular vote amended the Constitution so as to permit the issuance of not to exceed \$20,000,000.00 worth of bonds to be used in the construction of an adequate waterway, and in the erection, equipment, and maintenance of power plants, locks, bridges, dams and appliances.

Divers plans for the development of a waterway between Lockport and Utica have been formulated and discussed before the public, but the different

Legislatures of the State have never succeeded as yet in formulating a law for that purpose, and placing it upon the statute books.

In my judgment, the time has arrived for prompt action. The Panama Canal has been opened to the commerce of the world. As the results thereof, the cost of transportation between the eastern and the western seaboard has fallen much below the rates heretofore charged by the railroads. As a result, freight traffic is now being attracted from as far east as the States of Ohio and Indiana to the eastern seaboard by railroad and thence by waterway transportation to the western coast of the United States. Where such competition exists, railroad rates will probably be lowered, and where no competition exists, railroad rates will probably remain as they now are.

If an adequate waterway were opened between Lake Michigan and the Gulf of Mexico, an immense commerce would, in my judgment, develop between points on the Illinois River and points at or near the Great Lakes through the Sanitary District Canal from Chicago to Lockport and thence through a waterway from Lockport to the Mississippi River. At the present time, a navigable depth of over seven feet exists normally for a distance of 262 miles out of a total of 327 miles between Chicago and the Mississippi River. Sixty-five miles between LaSalle on the Illinois River and the Chicago Drainage Canal at Lockport is now limited to a draft of four and one-half feet through the old fossilized Illinois and Michigan Canal, with its inadequate locks constructed three-quarters of a century ago. A channel of eight feet in depth is now maintained in the Mississippi River from Cairo to St. Louis with no early prospect of being further deepened. If an eight-foot depth could be provided for an adequate waterway in the Illinois River and a portion of the Illinois and Michigan Canal between the cities of Utica and Lockport, we would have a waterway of eight feet in depth from Chicago to the Gulf of Mexico.

Such being the situation, I invited last summer, the eminent engineer, Lyman E. Cooley, and E. J. Kelly, Assistant Chief Engineer of the Sanitary District of Chicago, Walter A. Shaw, engineer member of the Illinois Public Utilities Commission, and LeRoy K. Sherman, engineer member of the Illinois Rivers and Lakes Commission, to accompany me down the Illinois and Michigan Canal from Joliet to LaSalle. On that trip of inspection, these gentlemen and myself examined the physical condition of the Illinois and Michigan Canal and the Illinois and DesPlaines Rivers between Joliet and LaSalle, and as the result of that inspection and after a careful inquiry into the practicability of at least an eight-foot channel between Joliet and Utica, these gentlemen have reported, in writing, several schemes or projects for the construction of an eight-foot waterway between Utica and Joliet. One of these schemes or projects, known as project No. 3, they have unanimously endorsed as being entirely feasible and capable of construction within two years at a cost of \$3,075,000.00.

It contemplates the use of the Illinois River for approximately 45 miles and the development and enlargement of about 20 miles of the Illinois and Michigan Canal. A copy of this report which has been endorsed by the Rivers and Lakes Commission of this State will accompany this message, and I herewith recommend it to you for careful examination.

I am convinced that the scheme is entirely feasible; that, considering the immense advantages to be obtained therefrom, it is exceedingly economical, and that it possesses the advantage of not, in any way foreclosing or preventing the creating of a deeper waterway hereafter, if a deeper waterway can be secured in the Mississippi River. If the science of engineering in the future will be able to bring about a greater depth in the Mississippi River than the eight feet which now exists, such depth can also be secured in the proposed channel without in any way impairing the efficiency of the work done under project No. 3. In other words, the construction of this channel in the Illinois River and the Illinois and Michigan Canal between Utica and Joliet will open up within two years, if constructed, a splendid waterway of eight feet in depth from Chicago to the Gulf of Mexico, at a cost of \$3,075,000 or thereabout, and give to the people of this State, as well as those tributary to the Great Lakes, a commerce to New Orleans and the Panama Canal.

I would further call the attention of the Legislature to the fact that, if this waterway be constructed as outlined in project No. 3, \$1,000,000 is available in the treasury of the United States for the dredging and deepening of the Illinois River to an eight-foot depth between Utica and the mouth of the Illinois River where it enters into the Mississippi River. Project No. 3 has been investigated by such influential bodies as the Associations of Commerce, of Chicago, Joliet, LaSalle, Peoria, and other cities and towns along the Illinois and Mississippi Rivers, and, so far as I am informed, it has their unanimous approval.

I therefore recommend the passage of a law providing for the construction of a channel, as recommended by these engineers, and authorizing the issuance of bonds *not to exceed* in amount the sum of \$3,500,000.

REGULATION OF FIRE INSURANCE RATES.

Complaints of excessive rates in fire insurance premiums and of combinations between fire insurance companies to prevent competition in the establishment of reasonable rates in this State have reached me for some time past.

In the spring of 1914, I instructed the Insurance Superintendent, Hon. Rufus M. Potts, to make an investigation into the subject, the result of which investigation he has embodied in a comprehensive report, to which I respectfully request your earnest attention.

In substance, this report declares that there exists a widespread and comprehensive combination among the fire insurance companies doing business in the State, and their annexes and rating organizations and appendages, the effect of which has been to stifle competition and to establish in many lines of insurance unreasonably excessive rates of premiums; such rates being in excess of rates established and charged in other states, although the State of Illinois is favorably situated in reference to fire insurance risks.

The report discloses, as the result of investigation into premiums paid and losses sustained, that, for twenty years past, the insured citizens of this State have been paying for insurance premiums approximately twice as much as has been paid to the insured for fire losses. The report also states that the profits earned by the insurance companies upon their capital stock have been enormous, amounting in some cases to over 100 per cent.

The report shows that, owing to the fact that it is impossible to obtain the dividend figures of European companies, the total profit percentage of all companies doing business in the State cannot be calculated. This can be done, however, for companies domiciled in the United States. The average profit percentage of these companies for 1913, exclusive of dividends, as shown by this report, was 32.8 per cent. They paid an average dividend of 12.3 per cent, so that the total annual profit for 1913 of all the American fire insurance companies doing business in Illinois, as stated in the report, was 45.1 per cent of their capital stock, which is enormous and unreasonable.

The fire insurance companies dispute the conclusion of the report in some particulars, but there are sufficient facts set forth in said report to justify me in reaching the conclusion that the time has come in the history of the State, for effective control by the State of the rates charged for fire insurance. Legislation along this line is imperative. I have been in correspondence and in conference with representatives of the fire insurance interests of the State in the endeavor to agree upon the outlines of a law under which the State shall be empowered to make a thorough and exhaustive examination into the rates charged for fire insurance, and to enable the State further, if it is found that such rates are unreasonable and excessive, to fix and proclaim just and reasonable rates, which shall be charged in the future by all the fire insurance companies doing business in this State.

I am pleased to announce that *gentlemen, representing very important and influential fire insurance interests of the State, have declared their willingness to cooperate with the Insurance Superintendent and his legal staff in and about drafting a bill, under which the right of the State to make such investigations and to fix such rates is recognized, and that they are willing to have such provisions incorporated in a law to be enacted by this Legislature.* The Insurance Superintendent and his counsel and the counsel

for these insurance interests have been engaged for some time past in endeavoring to agree upon the details of such a bill. If such an agreement is reached, such a bill will be presented to this Legislature for its action. Should they not agree upon the details of the bill, one will be presented to the Legislature by the Insurance Superintendent, embodying the fundamental principles of investigation and regulation by the State, hereinbefore referred to, and such other provisions as may be agreed upon between the insurance interests and the Insurance Superintendent, leaving the other details of the bill, which may not be agreed upon, to the careful consideration of this Legislature. Such a law is now in force in the State of Kansas, and has been pronounced valid and constitutional by the Supreme Court of the United States in the case of the German Alliance Insurance Company v. Lewis, decided April 20, 1914.

In that case the court held that, "the business of insurance so far affects the public welfare as to invoke and require governmental regulation."
* * * "In assimilation of insurance to a tax, the companies have been said to be the mere machinery by which the inevitable losses by fire are distributed, so as to fall as lightly as possible on the public at large, *the body of the insured, not the companies, paying the tax*"; and again in the same case, the court declares that fire insurance has "become clothed with a public interest, and, therefore, subject, to be controlled by the public for the common good."

I earnestly recommend the passage of a bill providing for such investigation and regulation in the interest of the citizens of Illinois.

Insurance Superintendent Potts in his report, after an exhaustive examination into insurance conditions, has made certain recommendations with reference to the codification and amplification of the general insurance laws of this State to which I hereby direct your earnest attention.

AMENDMENT TO THE AMENDING CLAUSE OF THE CONSTITUTION OF 1870.

The Constitution adopted by this State in the year 1870 is in many respects an admirable instrument. Its bill of rights is broad and comprehensive, and its distribution of powers of government is in accord with the fundamental laws of most of the states of the Union.

In the march of events, however, it has been found that some few amendments are advisable. So proud of their work were the framers of this Constitution that they framed the article relating to amendments of the Constitution in such a way as to make amendments to the Constitution most difficult, by declaring that, "The General Assembly shall have no power to propose amendments to more than one article of this Constitution at the same session, nor the same article oftener than once in four years." This provision is archaic, inelastic, and unduly onerous. It is so restrictive as at times to operate in practice as a prohibition against amendment. This amendment should be amended so as to permit at least three different articles to be amended at the same session.

Because of the difficulty in amending the present Constitution, some sentiment exists in favor of the adoption of a new Constitution. Whether a new Constitution is adopted or not, in my judgment, the amending clause of the present Constitution should be amended. The amendment of the amending clause could be adopted within two or three years, so as to permit several amendments of the present Constitution to be adopted thereafter. A new Constitution cannot be adopted by the people in the ordinary course of such matters within five or six years.

What the new Constitution, when framed may be, and whether the people will approve of it or not, cannot be known. In the meantime we must proceed, before the adoption of a new Constitution, upon the lines of the old Constitution, and that Constitution should be amended, in its amending clause, so as to permit the people to suggest amendments from time to time to meet the demands of modern progress in legislation.

If a new Constitution be framed and submitted to the people and disapproved, we should have our present Constitution in such shape as to permit it to be more readily amendable than at the present time. If a new Constitution is adopted after the amendment of the present Constitution,

the much needed amendment heretofore suggested would not operate in any way to interfere with a new Constitution, as the present Constitution, and all amendments thereto would be displaced by the new Constitution.

Whatever action be taken in reference to a new Constitution, I, therefore, recommend the amendment of the amending clause of the present Constitution as hereinbefore suggested.

In the past the struggles between the advocates of the initiative and referendum and the advocates of revenue reform for paramount recognition have operated to prevent the adoption of either. With the amending clause amended, as suggested, it will open the way for an early amendment of the Constitution along the lines of revenue reform, the initiative and referendum, and other necessary amendments, all of which could be voted for at the same session and submitted to the people at the same election.

RE-DISTRICTING OF SENATORIAL AND CONGRESSIONAL DISTRICTS.

Senatorial.

The Constitution provides that, "The General Assembly shall apportion the State every ten years into 51 senatorial districts, each of which shall elect one senator and three representatives.

The last senatorial apportionment was made in the year 1901. The new senatorial apportionment should have been made, pursuant to the Constitution, in 1911. Nearly four years have elapsed since the senatorial apportionment should have been made.

I, therefore, recommend, in compliance with the Constitution, that the Legislature re-apportion the senatorial districts of the State.

Congressional.

The last congressional apportionment in this State was made on May 13, 1901. Since that time Illinois has become entitled to two additional congressmen, who are now elected in the State at large.

A new congressional apportionment should also be made at this session to provide for 27 congressional districts.

COST OF ELECTIONS.

Elections for city, village, township, school districts, counties and State are unnecessarily frequent and too costly. In the city of Chicago alone a single primary election costs \$275,000 and a single final election \$320,000.

I would respectfully recommend the passage of bills requiring all city, village, township and school elections to be held on the same day, and have only one such election every two years, and that all county, State, congressional and national elections should be held upon the same day every two years. If the State, county, congressional and national elections are held in the even year, the city, village, township and school elections might be held in the odd year, thus having only one election day each year.

This will considerably reduce both the cost and number of elections and be for the public interest.

I further recommend that elections for all judicial offices be held on a date when no other officials are voted for. The primary election for judges might, however, be held on the same day as a general election, had for other offices.

Legislation should also be enacted cutting down the number of elective offices where possible, thus shortening the ballot and providing for the rotation of names of candidates upon the ballot at all elections for all offices.

I further recommend that, at all primary elections, each candidate be compelled, on filing his application, to pay to the clerk, where such application is filed, a filing and printing fee sufficient to cover the cost of printing, at least one page of printed matter, relating to his candidacy and that said clerk cause to be printed and paid for out of such fee, copies of such page of printed matter to the amount of twice the number of legal voters in the district from which said applicant is a candidate; said copies to be

delivered to the applicant, before the nomination, for distribution by him or mailed to all voters by said clerk upon such candidate paying the cost of the postage thereof, and that all candidates be limited in their election expenditures to a reasonable amount over and above the cost of such distribution of such printed matter. Probably twenty per cent of the legal salary, paid to the incumbent of the office should be the maximum of expenditure to be permitted.

The election laws should also be amended so as to provide for a report of a candidate's expenditures within a reasonable time after the election and before he be permitted to assume the duties of his office, with effective penalties for violation of the law.

STATE PUBLIC UTILITIES COMMISSION.

The State Public Utilities Commission closed the first eleven months of its administration on November 30, 1914. During that time, the commission was organized, its work systematized, and the administrative, engineering, accounting, rate, and service departments were built up to such a state of efficiency as the limited time and the means at the disposal of the commission would allow. The present working force of the commission, attorneys, engineers, accountants, statisticians, experts, inspectors, clerks, stenographers, etc., numbers seventy-three persons. The Illinois Public Utilities law is probably the most comprehensive measure of its kind ever enacted, and the duties and powers of the Illinois Commission are probably more numerous and greater than those of any similar commission. The multiplicity, variety, and importance of matters coming before it during this period of organization have been so great as to tax to the utmost its ability to investigate, hear, and dispose of the cases.

During the eleven months, there were filed 1,278 formal complaints and petitions, all of which called for investigation and public hearings, and a finding by the commission. In 924 of these cases formal orders were entered. There were also brought to the attention of the commission during this same time about 500 informal complaints, covering almost every conceivable matter about which complaint could be made, some 400 of which have been investigated and disposed of informally by correspondence or conference. In addition to the above, the commission has approved 1,160 leases, made by utility corporations. Orders were issued in sixty-five stock and bond cases, authorizing the issue of \$176,917,304.00, par value, of stocks, bonds, and notes. On December 15, 1914, there were pending, applications for authority to issue securities of the par value of \$262,185,258.00. On December 22 a majority of the pending applications for authority to issue securities had been heard. The amount of fees paid into the State Treasury for authorities granted up to this time was \$505,202.78. The total receipts of the commission at this time was \$510,173.89. The total amount of appropriation expended to maintain the commission was \$118,548.14.

The beneficent effects of the operation of the Utilities Law are already apparent on every hand. Discriminations in rates and service have been eliminated, and it may now be said that strict rate uniformity prevails among all the utilities of the State. The question of rates has probably been most often brought to the attention of the commission; for while rates and service are fundamentally joined in almost every case, the majority of complaints coming to the commission thus far have found their expression in terms of rates. In a number of smaller communities settlements have resulted in substantial reductions in rates. In some of the more important cases the determination of reasonable rates has necessitated the making of property valuations, which requires much time and labor.

Standards of service to govern gas and electric utilities have been established by the commission, and service inspectors are now at work inspecting the quality of service furnished by the various utilities of the State.

One of the main objects, sought by the Legislature, in the establishment of the Utilities Commission was to secure to the people of the State adequate service at reasonable rates, and the commission in all its acts has ever kept before it this condition, and has sought to accomplish and is accomplishing this great purpose, for which it was created.

While the operations of the commission have been satisfactory throughout the entire State, including Chicago, and while there seems to be no sentiment, at the present time in favor of local commissions to regulate intraurban utilities down the State outside of Chicago, there is considerable sentiment in that great city in favor of a local ancillary commission, to take charge of and control the intraurban municipal utilities of that city, and, I, therefore, favor the creation of such an ancillary commission for the city of Chicago to take charge of and control the intraurban utilities of that city.

TRESPASSES UPON RAILROAD RIGHT OF WAY.

During the years 1911, 1912 and 1913, 1,497 lives were lost and 1,470 persons were maimed while trespassing upon railroad right of way in the State of Illinois.

The number of trespassers on railroad right of way, killed and injured, is increasing year by year. In 1913 alone, 510 trespassers were killed and 521 were injured in this State.

In the interest of the protection of human life and limb rather than protection to railroad interests, I believe that a law should be enacted making trespassing on railroad property a misdemeanor. It is now merely an infraction of civil rights. Such a law would tend to discourage trespassing and result in the saving of life and limb.

LEGISLATIVE REFERENCE BUREAU.

By an Act, effective July 1, 1913, the Forty-eighth General Assembly created the Legislative Reference Bureau, of which I became ex officio chairman, and upon which was imposed the duty of collecting, classifying, and indexing information which may be of value to the Legislature in considering and constructing legislation.

You will find that this work has been diligently prosecuted and there is at your disposal, as a result of the work of eighteen months, a large collection of classified data upon most of the subjects which will come before you.

The methods of this bureau have been modeled after similar bureaus in New York, Pennsylvania, Connecticut, Wisconsin, and other states.

Perhaps the most important duty imposed upon the Legislative Reference Bureau is the preparation of a detailed budget of the appropriations which the officers of the several departments of the State government report are required for their several departments for the next biennium, together with a comparative statement of the funds appropriated by the preceding General Assembly for the same purpose. This task has been carefully and most completely accomplished. A classification of accounts has been prepared after a study of the best public accounting practice and, for the first time in the history of Illinois, the State Legislature will be furnished early in the session with full information concerning the money asked to be appropriated, particularly as to whether the amount sought is an increase or decrease over preceding appropriations, and as to the definite purpose for which the money is to be used. Estimates have been made of the revenue from all sources which may be counted upon in the next two years, so that an intelligent comparison of proposed expenditures with income may be made by every member of the General Assembly.

PRISON REFORM.

Prison reform in Illinois in past years has not kept pace with the progress in the management of our other institutions. In my experience as a judge on the bench, I have been given an insight into the workings of our criminal laws, which has created in me sincere pity for the man who has gone wrong and an earnest desire that the punishment, inflicted by the State, shall not needlessly degrade him and rob him of all ambition, but rather shall assist and lend encouragement to his efforts toward rehabilitation.

To this end I have lent my influence, in the prison administration of the State, to the introduction of more humane methods of dealing with

offenders, and the establishment, so far as found practical, of the honor system.

Real progress has been made in all the penal institutions in this direction. In the Illinois State Reformatory, at Pontiac, corporal punishment has been eliminated and a policy of severe restrictions has been replaced by the elimination of the task system of enforced work under penalty and the substitution of the piece work system with rewards for proficiency; the allowance of one hour's recreation each day for all inmates and the development of institution athletic teams, a drill corps, and frequent entertainments. In each of the penitentiaries, recreation periods have been instituted and repressive rules have been changed to extend to inmates' privileges which make for greater self-respect and tend to reform rather than degrade. The result of these changes has fully met expectations.

The improvement so far made should be continued and Illinois should do its part toward assisting in the scientific research into the causes of crime which is now engaging the attention of many other states and learned societies. It would be of great value to the prison wardens and to the Board of Pardons to have the advice of trained psychologists as to the mental condition, the trustworthiness, and the possibilities of reform of the inmates, to guide them in extending liberties and in granting paroles. This, not with the idea of extending leniency toward defectives, but rather in order that those who are incapable of living honestly, if set free, may be detained in custody and those who possess the possibilities of successful careers in honest occupations may be given encouragement and another chance.

For these reasons, I recommend to your careful consideration measures, seeking to provide for the prisons the assistance of a psychological laboratory for the study of criminals and the causes of crime, and would suggest that provisions be made for cooperation between such laboratory, if it be established, and the psychopathic laboratory of the State hospital service now maintained at Kankakee.

PUBLIC CHARITIES.

Upon the public charities of the State a greater proportion of our revenue is expended than on any other single object except public education.

In the last two years, the increase in the population of the institutions under the Board of Administration has exceeded the normal rate. For 1913 it was 4 per cent, and for 1914, 4.2 per cent. The appropriations for maintenance for the biennium 1913-1915 were based upon an estimated increase of 3 per cent. In addition there has been an abnormal increase in the cost of food, which is the chief item of expense in the maintenance of the institutions. Nevertheless, by wise economy and careful management, the institutions have been maintained at the usual high standard and a substantial saving has been made in the maintenance fund.

The Forty-eighth General Assembly appropriated \$2,427,304.67 for the continuation of the physical rehabilitation of these institutions and for the construction of the new State Hospital at Alton and a State Epileptic Colony which I urged upon the Legislature in my inaugural address.

The \$1,000,000.00 appropriated for these new institutions has been expended or contracted for. After careful investigation, the Board of Administration selected a site for the epileptic colony at Dixon, Illinois, in a beautiful location on the Rock River, and contracts have been let for the construction of nine buildings. At Alton work is progressing upon five buildings. You will be asked to appropriate \$500,000, for the completion of each of these new institutions and to provide a fund for the maintenance of patients, as both will be ready for occupancy before long.

Owing to the large amount provided for buildings by the last Assembly, which was more than sixty per cent of the amount which had been expended in the previous eight years, the total request of the Board of Administration for all purposes for the next two years is \$397,632 less than two years ago, and this in spite of the maintenance increase made necessary by the abnormal growth in population and provision for two new institutions.

It is with sincere pleasure that I can report conditions in the eighteen charitable institutions to have improved in the last two years in all those

particulars which increase the comfort and happiness of the wards of the State.

In economical business management, the Illinois institutions are not surpassed by any private corporation. No private sanitarium in this State can furnish medical attention to the mentally afflicted, of a higher standard than that given to the inmates of the State hospitals. No endowed home or school gives more careful training, supervision, nor more humane treatment than is received by the wards of the State in our schools for delinquents, while the institutions for the deaf and blind, the soldiers' homes, and soldiers' orphans' homes are not surpassed anywhere.

Most important in the improvements effected in these institutions during my administration has been the abolition, in the schools under the Board of Administration, of corporal punishment. The old policy of repression and severity has been replaced by patient, persevering encouragement of the better qualities in inmates and freedom from petty restraint—that humane treatment, in fact, which is advocated by the best informed students of delinquency as being most effective for the building up of self-control and self restraint.

In the State hospitals all mechanical restraint of patients, including seclusion, has been abolished. Patience and kindness combined with the best curative treatment known to medical science, have worked wonders in obtaining discipline hitherto thought impossible to maintain without straps, straight-jackets, and close confinement.

The merit system among the employees is being faithfully and conscientiously enforced. The promotional system is in vogue in all branches of the hospital service. The "hospital tramp" is being weeded out. Experience, fidelity, honest and faithful work, humanity, and decency are recognized, encouraged, and rewarded. Standards of living and employment are being elevated with all who serve the State. Wages of employees, particularly those receiving the smallest pay, have been increased in all the institutions. The eight-hour system has been adopted by the Board of Administration in several institutions and will be extended to others.

In the adoption of the eight-hour system for hospital service, Illinois is the pioneer in the United States. Better living quarters are being provided for the employees in the institutions. In return for all these considerations the State demands the highest degree of efficiency and humanity from its employees.

GAME AND FISH CONSERVATION.

Consolidation of the former Fish Commission and Game Department, pursuant to my recommendation, in the bill creating the Game and Fish Conservation Commission, effective July 1, 1913, has given substantial proof of the wisdom of combining independent State agencies which handle work that is closely related.

With an appropriation considerably less than that expended by the former departments, the newly created commission has organized an efficient warden force and conducted a vigorous and effective conservation campaign.

By strict enforcement of the law requiring licenses and the development of a thorough system of accounting for collection of fines and confiscation proceeds, the new department has been made more than self-sustaining, the cost through these contributions falling upon persons directly interested in the results of its work.

The most important conservation work in the care of this department relates to the fishing industry of the State. Our lakes and streams furnish an enormous supply of excellent and cheap food. Since it is available for all who come to take it, free of charge, wise and strict regulation is required to prevent the wholesale destruction by wasteful methods of this common property. The problem of protecting the natural supply, and increasing it through scientific propagation, has been undertaken in an effective manner by the commission. Large quantities of fry and fingerlings have been placed in the waters of the State during the last season and permanent ponds and hatcheries have been provided for the continuation and extension of this work.

I commend to your careful consideration, as of great importance to the public, all measures submitted for the purpose of improving the present methods of conserving this important natural resource.

Preservation of the game, while not so important from the standpoint of food supply, is of great interest to the hunters of this State, who take out more hunting licenses every year than in any other State in the Union. After years of experience with the State game farm in propagating English pheasants in the hope of adding that bird to the game birds of the State, the commission has reached the conclusion that this expensive effort will never succeed, and recommends that the State game farm be abandoned.

During the last two years, on an appropriation of \$12,000, only a fraction of what had hitherto been spent, the operations of the farm have been continued and the distributions of birds and eggs throughout the State has been kept up. A careful canvass has been made through the game wardens, and the conclusion is reached that in spite of the large number of pheasants liberated in the past, there has been little or no increase, and no increase can be hoped for because of the unfavorable conditions in this State.

As a substitute for the game farm, it is recommended that in each county reservations be established—tracts of land rented for a nominal sum—on which grain and cover can be provided at a small cost where the native game birds can find food and protection during the winter and the breeding season, free from molestation or destruction by hunters or others. The expense of maintaining such reservations will be but a fraction of the cost of the State game farm, and, in this recommendation of the commission, I concur.

RIVERS AND LAKES COMMISSION.

In the work of conserving the natural resources of the State, the Rivers and Lakes Commission has an important part. Public bodies of water are of vital importance to the people, and it is necessary that the State have an active agency to protect such bodies against encroachment, to prevent the drainage of valuable lakes, the obstruction of river flow, and the pollution of rivers and lakes. The much extended power, given to the Rivers and Lakes Commission by the amendment to the Rivers and Lakes Act, in force July 1, 1913, have been put to valuable use in the last eighteen months. The report of that commission details the work accomplished in the prevention of stream pollution and the investigation of complaints of encroachments on public waters of the State. The service of the commission in superintending the construction of State levees at Cairo, Shawneetown, and Mound City, Illinois, for which the Forty-eighth General Assembly appropriated \$339,000, merits commendation for business-like efficiency. The work was undertaken immediately the appropriation became available; it was planned and conducted according to the best engineering practice, and was finished well within the authorized cost and in ample time to withstand the high waters of the spring of 1914.

FOOD INSPECTION.

In the vital matter of protecting the public from the peril of impure and unsanitary food, the State Food Commission has made noticeable progress along the most profitable line of endeavor in this work—the education of the public.

With only eighteen inspectors to cover the entire State, it is obvious that this department can accomplish its purpose only with intelligent cooperation from municipal and county officers and from the general public.

Realizing this, the State Food Commissioners has devoted particular attention to enlisting the assistance of local officers, obtaining the enactment of municipal ordinances for the protection of the food and milk supply of cities, and to a campaign of lectures and newspaper publicity for the purpose of instructing the public on the provisions of the law and methods of insuring its enforcement. Moving picture exhibitions have been used with good results and the volunteer assistance of newspapers throughout the State has been of great value in this campaign.

The report of the State Food Commissioner calls particular attention to the widespread practice of using fraudulent weights and measures in the retail sale of foods. This is a fraud which merits the severest condemnation and the most stringent measures for suppression.

I recommend that a law be passed permitting adequate punishment of persons guilty of this offense and empowering the State Food Inspectors to enforce its provisions. I also recommend the careful consideration of all measures relative to the protection of the public food supply from adulteration and insanitary conditions and the improvement of the present methods of law enforcement.

I am pleased to call your attention to the fact that in this department for the year ending September 30, 1914, that there was a saving of expenditures over the preceding year of over \$17,000; while the collections made by the department in the same time were over \$10,000 in excess of the preceding year.

NATIONAL GUARD AND NAVAL RESERVE.

During my administration, our State Military and Naval Establishment has undergone changes in organization necessary to conform to the detail of organization found, by the Federal Government, to promote the highest efficiency.

Progress has been made not only in the character and amount of military equipment but in the method of caring and accounting for military stores.

Joint camps of instruction, both within and without the State, participated in by our State forces in conjunction with Federal troops and those of other States, have combined to secure greatly increased efficiency.

The inadequate housing, both of our troops and their military equipment, has been for years a serious handicap to proper training, and has been an almost constant source of complaint. There are at the present time authorized and either being planned or in the course of construction, nine armories for the proper housing of troops and equipment.

The funds appropriated for the National Guard and Naval Reserve have been so advantageously expended that were our troops called into service within the State for State purposes, or needed in National defense, the entire military force could be mobilized at the State mobilization camp at Springfield within forty-eight hours, equipped for field service and prepared for active duty.

HIGHWAY IMPROVEMENT.

In accordance with the recommendation made in my inaugural message, the Forty-eighth General Assembly passed a State Aid Road and Bridge Act, which went into effect July 1, 1913, and has now been under trial for eighteen months.

This Act changed our entire system of highway construction and maintenance, and the first duty of the commissioners, appointed under it, was to construct a new organization for the State and for every county desiring to operate under the Act.

A court test of the constitutionality of the Act caused much delay but so vigorously and successfully has the work been carried on that one hundred county superintendents of highways, whose qualifications have been proved in competitive examinations, are now in office. State aid routes in ninety-four counties have been agreed upon between the county boards and the State commission. A complete uniform system of auditing and accounting for all road and bridge moneys has been installed, allotments from the State aid road and bridge fund have been made to all counties that have qualified therefor, and contracts have been awarded on seventy-four sections of roads having a total length of 91.27 miles.

In many parts of the State work has been completed on sections of State aid roads and the public has had an opportunity to inspect the type of road which the Highway Commission has determined to require. This is a finished driveway thirty feet wide, divided into a pavement proper of brick or concrete from ten to eighteen feet wide, with earth or macadam

shoulders on each side to make up the required width. The contracts which have been let for State aid roads are distributed among forty-eight counties.

A complete engineering organization under the State Highway Engineer has been constructed, through which the State Highway Commission is enabled to provide plans for all road and bridge work and supervise all construction with the assistance of the county superintendents.

All the precautions which engineering science and modern business methods afford have been taken to insure that full value is given to the State for all money expended in highway construction and that the specifications of contracts are met in every detail.

I recommend that careful consideration be given to the provisions of the funds for the completion, in a reasonable time, of the construction of the fifteen thousand miles of State aid roads, consistent with the annual tax-paying ability of the tax payers of the State.

CIVIL SERVICE.

At the beginning of my administration, two years ago, the State Civil Service law, so far as it applied to the more important positions in the service, was eighteen months old. Since by its provisions all the appointees holding office at the time it became effective were covered without examination and comparatively few changes in the personnel had been made, there was widespread unfamiliarity with the provisions of the law. The strain of enforcing this law, after the first complete change in party domination in sixteen years, has not been slight; nevertheless, with determined, honest, and fair enforcement, there has come a vigorous and gratifying growth in the Civil Service work of the State. In 1911, 4,685 applications for examination were received; in 1912, 6,671; in 1913, 8,839; in 1914, estimate to December 1, 11,307. In the past year, the commission has held 144 examinations and, it was estimated, had examined 7,500 applicants up to December 1, this being approximately one hundred per cent increase over the number examined in 1912. There has been a marked increase in the number of positions filled by certification from the eligible lists and of all the persons occupying positions in the classified service of the State. It is estimated there are now less than seven hundred who have not proved their qualifications by passing examinations.

It is with sincere gratification I report to you that the merit system in all State departments is now established upon a firm basis and I respectfully urge that your honorable body give careful consideration to all measures relative to civil service, its further extension to some positions, not now classified, which should be included within its scope, and other amendments which might make for the better operation or enforcement of the law. There are some few classes of employment where professional skill and implicit confidence is demanded, which might safely be excluded from the Civil Service list.

INDUSTRIAL BOARD.

Of all the progressive laws placed upon the statute books by the Forty-eighth General Assembly, perhaps none is more important to the workingmen of the State than that creating the Industrial Board for the administration of the Workmen's Compensation Act.

Upon this board rests the duty of arbitrating, in speedy hearing, disputes over compensation for injury and death incurred in industrial accidents. Successful performance of this duty will eliminate the great hardships, formerly imposed by the law's delay, upon those disabled in the performance of their duty, and upon the helpless dependents of men who have fallen in the struggle for existence.

The extent of this work is proved by the fact that the facilities of the board have been overtaxed from the beginning. There have been presented to and decided by the board, by committees of arbitration appointed by it, 584 cases, involving the payment of \$155,101.11. Lump sum orders have been entered in 367 cases, involving the payment of \$335,732.91. There are pending before the board 240 arbitration matters and 28 lump sum petitions.

It is evident that the volume of work to be handled will increase rapidly, and if the Industrial Board is to avoid a congestion already existing, which will soon result in reproducing in its affairs the court delays which it is intended to avoid, increased facilities must be provided for its work.

I therefore recommend that careful consideration be given to the report of this board and to its request for a suitable appropriation with which to handle its most important work.

I am informed by the president of this board that its appropriations for rent are at present exhausted and that, unless an emergency appropriation for rents, and additional help is given, it will result in a suspension in whole or in part of the duties of the board.

I, therefore, recommend an emergency appropriation sufficient to enable the board to carry on its duties until the general appropriation bill is passed.

SEMI-MONTHLY PAYMENT OF STATE EMPLOYEES.

The last Legislature, upon my recommendation, passed a law compelling corporations and employers to pay their employees semi-monthly. I see no reason why the State should not follow the same practice. I am informed that the State can provide for such semi-monthly payment of employees by the employment in the Auditor's office and in the office of the Civil Service Commission of extra clerks at a cost of not to exceed \$5,000 annually.

I recommend that provisions be made for such semi-monthly payment of State employees.

EFFICIENCY AND ECONOMY.

Following the recommendation in my inaugural message the Forty-eighth General Assembly appointed a committee, composed of four members of each house, to examine into different departments of the State government for the purpose of ascertaining whether or not, by cooperation of the different departments and commissions of the State and the coordination of their functions, greater efficiency and economy in administration could not be attained.

This committee has been industriously engaged for the last eighteen months in making such investigation, and will make a report to the Legislature embodying the result of its labors, which report, I earnestly commend to you for your careful consideration.

While not agreeing with all of the recommendations of the committee in their entirety, it is in the main a very valuable and well-considered report of conditions prevalent at the present time, with very wise recommendations of changes.

I particularly call your attention to the very valuable recommendations in reference to the consolidation of the penal and correctional institutions under one commission; the consolidation of the different mining boards into one department; the consolidation of the various agricultural and live stock boards into one department; the consolidation of the different normal schools under one board of trustees; the consolidation of the tax levying boards and the revenue collecting departments of the State into a department of finance under the control of a State Finance Commission, consisting of a State Comptroller, a State Tax Commissioner and a State Revenue Commissioner, the Auditor of Public Accounts and the State Treasurer being ex officio members, and involving the *abolition of the State Board of Equalization and the creation of a State Tax Commission in lieu thereof.*

CONVICT LABOR.

The last Legislature upon my recommendation enacted a law permitting the use of convicts upon road building in the State, limiting the employment of such convicts, however, to those whose terms of unexpired imprisonment did not exceed five years.

Liberal use of the convicts has been made for that purpose, particularly at the Joliet Penitentiary, with beneficial results both to the convicts and

to the State. A very small percentage of the convicts have violated their pledge of honor, and the work done has been valuable and efficient.

I would respectfully recommend the amendment of the law, so as to permit convicts whose unexpired terms exceed the five-year limitation to be used for road building. The limitation, in my judgment, can be safely extended to ten or even fifteen years instead of five.

In order to bring about a more extensive use of the convicts for this laudable purpose, it might be wise to amend the Good Roads Act, so as to require the counties, who are recipients of State aid to avail themselves of convict labor, charging therefor the actual cost of feeding the men while so engaged.

During the last fifteen months, fifty-one convicts were employed at road building, from September 3, 1913, to February 10, 1914, at Camp Hope, near Dixon, Illinois, doing very effective road work. Not one attempted to escape.

Seventy-two convicts were employed at Starved Rock from April 27, 1914, to August 20, 1914, and afterwards at Mokena, Will County, Illinois, until December 23, two of whom escaped, and have not been re-captured.

Sixty-five men were employed at Beecher, Illinois, from June 15, 1914, to November 24, 1914, none of whom attempted to escape.

One hundred and five convicts were utilized at the Joliet Honor Farm from February 27, 1914, until recently. Twenty-four have had their sentences commuted; nine returned to the prison; two paroled, and nine transferred to road camps, leaving sixty-one still on the farm operating same.

In view of the small percentage of escapes, and the general observance of their pledges by the convicts, the warden of the Joliet penitentiary has recommended that the convict labor act be amended so as to permit the use of convict labor upon the public roads, by removing the clause specifying that a man must have less than five years to serve before he is eligible for road work.

CHICAGO PARK COMMISSIONS CONSOLIDATION.

In my Inaugural Address to the General Assembly, I recommended the consolidation of the Park Commissions of the city of Chicago.

At present there are three separate commissions: the Board of South Park Commissioners, the Board of West Park Commissioners, and the Board of Lincoln Park Commissioners.

All of these quasi-municipal bodies are conducted as wholly separate institutions, with different offices, different executives, and under different managements.

These park boards should be consolidated. At your last session, a bill was passed consolidating the park boards, and I was constrained to veto same on being advised by the Attorney General that the bill was unconstitutional.

I again recommend the consolidation of the different park boards of the city of Chicago and I trust constitutional legislation to that end will be enacted at the coming session.

THE STATE BOARD OF LIVE STOCK COMMISSIONERS.

Foot and Mouth Disease in Illinois.

Since November 1, 1914, when the first case of foot and mouth disease was discovered in Illinois, live stock producers within the State have necessarily been subjected to great inconvenience and economic losses incidental to the establishment and the enforcement of quarantine regulations to prevent one of the most highly contagious diseases known from infecting every farm within the State.

During this time the services of two hundred veterinarians constituting the cooperating forces of State and Federal governments have been constantly engaged. An additional force of over five hundred laborers under competent supervision has also been engaged in cleaning and disinfecting infected premises after the slaughter of affected herds. In doing this work

the State and Federal governments have been acting in complete harmony and cooperation.

In waging this fight against the unrestricted spread of the contagion of foot and mouth disease, much opposition and failure to promptly report infection has been encountered, and to this fact can be charged at least fifty per cent more outbreaks than would have otherwise occurred. The culmination of the opposition against effective work in completely eradicating the disease previous to this date was reached when the State Veterinarian was served with threatening notices by the owners of herds infected and their lawyers and finally with an injunction against the further slaughter of affected herds, thus preventing the best known method of successfully eradicating the disease from being utilized to protect the live stock interests in this and other States. Unless this injunction is soon dissolved all of the work so far done will be of little or no avail and the live stock interests will be confronted by rigid Federal quarantine of this State for years to come.

Up to this time 591 herds consisting of 18,348 cattle, 26,613 hogs and 903 sheep have been slaughtered, the total appraised valuation of which is \$1,494,528.67. Of the 591 infected premises 523 have been thoroughly cleaned and disinfected under official supervision, the remainder being now in course of disinfection or in preparation for disinfection.

In view of the widespread extent of this very contagious disease, involving such serious consequences to the live stock owners of the State, and the large expense entailed upon the State of Illinois in the effort to furnish assistance to the Federal government in eradicating the disease, and in view of the great losses entailed upon the owners of the cattle infected and destroyed, I recommend the early attention of the Legislature to the question of making an appropriation sufficient to cover the unusual expenses entailed upon the State of Illinois in the effort to suppress this disease, and that it should further take official action in the way of making appropriations to reimburse in some way the owners of the cattle killed.

In my opinion because of the fact that this disease has already infected eighteen States of the United States, the expense and responsibility of handling this nation-wide calamity ought to fall upon the Federal government. No one or more States can effectively suppress this contagion throughout the United States. Arbitrary State lines are not effective in preventing the spread of the disease. It is as though war were declared upon this country by a foreign foe. The National government is charged with the duty of defending the country from foreign invasion.

The foot and mouth disease has declared war not upon the State of Illinois, but upon the live stock interests of the United States, and the consumers of the nation dependent thereon, and, I believe the Federal government ought to shoulder the responsibility of this nation-wide calamity, and compensate those that are entitled thereto, but in the meantime until action is taken by the Federal government, some action should be taken by the State of Illinois to relieve its own citizens, and thereafter the State should demand reimbursement from the Federal government for the expenses entailed thereby.

THE STATE CHARITIES COMMISSION.

The State Charities Commission, whose duties are those of inspection and recommendation, suggests and recommends:

First: That the Alton State Hospital and the Dixon State School and Colony, the two institutions now in course of construction, be completed at the very earliest date.

Second: The establishment of a State home or school for adult feeble-minded women and the enactment of a law providing for legal commitment of the feeble-minded of all ages and for discharge of such defectives from institutions designed for their care only upon order of the court. Such law should give courts discretion to commit a feeble-minded person to a private institution, as insane are often committed to private hospitals, when the reasons for such commitment warrant it.

Third: Attention is called to the almost indescribable condition of the jails, lockups, calaboses and workhouses of this State. Legislation is urged

which will vest in State authority, preferably the Governor, the power to close a jail or other local place of detention or an almshouse which does not comply with the law and conform to the standards which the law prescribes.

Fourth: The creation of a State Housing Commission to study the housing situation in Illinois and to report back to the next General Assembly recommendations for a comprehensive statute covering this highly important subject.

Fifth: Endorsement of the recommendation of the Efficiency and Economy Commission that the State Charities Commission be empowered to inspect and supervise the three State penal institutions of Illinois, in the same manner and for the same purposes, as it now inspects and supervises the State charitable institutions.

INSPECTION OF PRIVATE EMPLOYMENT AGENCIES.

New life has been injected into the supervision and inspection of private employment agencies during the fiscal year 1914. Three hundred sixty-seven licenses were issued to private agencies, an increase of thirty-eight over 1913.

The amount of revenue from licenses was \$17,750, an increase of \$1,775. During the year, \$6,785 were refunded by agents to complainants, a gain of \$4,832. Inspectors made 1,973 reports on general conditions of agencies, an increase of 557. One thousand seven hundred and sixty-seven complaints were investigated, as against 432 in 1913.

The department has discovered that it is a practice among "straw bosses" on railroads and factory foremen to charge a fee to men for the privilege of holding their jobs. This practice is probably an outgrowth of the scarcity of work. It is being dealt with vigorously; several convictions have been had in Chicago, one in East St. Louis, four in Granite City, where four cases are pending in the courts. The department reports the necessity of drastic methods to regulate the booking agents who are sending young girls as entertainers to saloons, cafes, etc.

THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Illinois will be represented at this great exposition by a display of its industries and a State building where its people may gather. The last General Assembly made an appropriation of \$300,000 with which to erect a building and to bear the expenses of the commission. At the time this message is written, the building is practically complete.

It is 96 feet deep and has a frontage of 136 feet, with principal entrances on its north and south sides. The contract price was \$89,000, exclusive of furnishings, decorations, and lighting fixtures.

The plans were drawn by State Architect, J. B. Dibelka, and the contract was let to Lange & Berkstrom, of San Francisco, the lowest bidder.

The friezes on the north and south fronts are embellished with ornamental sculpture, designed after prize competition by young Illinois sculptors, their work being supervised by Lorado Taft.

The building contains twenty-five rooms.

A room is set apart as a memorial to Lincoln. There is a ball room, where dances and other entertainments may be held, a recital hall for musical entertainments, a motion picture theater, reading, writing, and lounging rooms.

Among the features of the entertainment program is a large pipe organ which has been donated to the State on condition that it defray the cost of packing and shipping.

In the moving picture theater, the State's manufacturers and industries, its parks and buildings, its public institutions, agricultural, live stock, and dairying resources will be displayed daily.

The commission has divided itself into fifteen standing committees, each having in charge a certain department of exhibits.

Special attention is to be given to the agricultural, live stock, and dairying interests.

The commission has made a strong effort to have every manufacturing and commercial industry of the State represented by an exhibit, and as a

result every exhibition hall will house some substantial evidence of the State's commercial and industrial activities and supremacy.

Illinois Day has been set for July 24 and Chicago Day for October 9.

Aside from the expenditures on the erection of the building, the total expenses of the commission to date have been only \$3,944.

STATE BOARD OF HEALTH.

The State Board of Health, during the biennial period, has been exceedingly alert to the demands upon it. During the two years, 73,786 packages of diphtheria anti-toxin have been distributed by the board at a total cost of \$57,270. This anti-toxin has been employed in 23,100 cases of diphtheria, and the mortality throughout the State has decreased to 7 per cent as compared with 40 per cent in pre-anti-toxin days.

In 1914 the board distributed, without charge, vaccine against typhoid fever, and 6,000 packages of this agent have already been used. During 1913-1914, one hundred and thirteen indigent persons were treated for rabies, under the direction of the board, at a cost to the State of \$6,161. Recently the board has begun the distribution of a solution of nitrate of silver for use in the prevention of blindness, occasioned by child birth infection of the eyes.

Illinois has never provided for the free distribution of small pox vaccines. During the last year 3,650 cases were reported in the State. Four thousand cases of typhoid fever were reported during the year, due to the ever increasing pollution of water supplies. During the two years the board's laboratory has examined 1,185 specimens of blood for the early diagnosis of this disease.

A sanitary survey of summer resorts was made in 1914. The board caused the inspection in 1913 of 4,900 dairies, and in 1911 of 3,600. During the last year these inspections were confined largely to the Chicago district, to prevent the milk rejected by Chicago being dumped into other Illinois communities.

Nine hundred special investigations were made in the two years on account of insanitary conditions and the unusual prevalence of communicable diseases. The laboratory of the board has examined 9,000 specimens for the scientific diagnosis of communicable diseases, of which 4,804 were for tuberculosis, 1,741 for diphtheria, 2,118 for typhoid fever.

At the present time, the laboratory is making Wassermann tests for indigent persons, and within a short period of time expects to open branch laboratories in the southern and northern parts of the State for the early diagnosis of diphtheria.

An effort has been made to induce municipalities, operating without health ordinances, to adopt them, and in many instances the ordinances passed have been those recommended by the board.

During the past two years, the board has examined 1,153 physicians, 201 midwives, 260 other practitioners, 378 embalmers. It reports that during this time the standards of medical education have been distinctly raised, the period of instruction being lengthened from four to five years.

DEPARTMENT OF DEPORTATION.

This department makes its first annual report. One hundred and nine persons were removed from our State institutions to other states and governments. Thirty deportable aliens are awaiting deportation. During the year, 1,509 patients committed to State hospitals, were investigated and found to be legal residents of the State. On account of the department's close record of deportable aliens and non-resident insane persons, brought to the court of Cook county for examination as to their sanity, fifty-five aliens and thirty-seven non-residents were either dismissed or paroled to friends, because of the latter's knowledge of its existence and activity.

It is reported that during the year only seven insane persons were returned to Illinois from neighboring states through this department.

The department estimates that the total gross savings to the State through the deportation of these 109 persons was \$156,960.

BUREAU OF LABOR STATISTICS.

The Bureau of Labor Statistics has just completed its report of industrial accidents for the year ending December 31, 1913. Arrangements have been made with the Industrial Board to compile the reports of accidents, covered by the present and revised compensation law for the first year of its existence, which embraces about 15,000 reports.

The 1914 biennial report on child labor is almost complete. It covers the investigation of child labor in cities of 50,000 or more and deals with the apparent physical and mental status of children, the condition of employment, the income of the child and of the parents, the extent of education, etc.

The Bureau recommends the consolidation of the Free Employment offices in Chicago into one Bureau, with separate departments for skilled labor, unskilled labor, clerical positions, and domestic service.

BOARD OF PHARMACY.

The State Board of Pharmacy was created to protect the innocent public from unscrupulous dealers in drugs, medicines, and poisons.

During the year the board has held eight examinations of applicants for registration as pharmacists and assistant pharmacists. Six hundred and fifty-five applicants for the first and four hundred and forty-two for the second grade have been personally examined, the greatest number in one year since its organization.

The board says that, in no year since its organization, has there been such close inspection of drug stores. Sixty-three offenders in the State, outside of Chicago, have been prosecuted and fines amounting to \$2,530 turned into the State treasury. Seventy cases have been instituted in Chicago, and in practically all of them judgments have been obtained.

From January 1, 1914, to November 18, 1914, fees and fines, collected by the board, amounted to \$21,200, an increase of more than ten per cent over any like period of time.

STATE FACTORY INSPECTOR.

The chief factory inspector has made a notable record during the last year. A total of 60,198 inspections were made, compared with 40,103 of the year before. Under the child labor law, 32,981 inspections were made, against 26,495 during the preceding year. In the enforcement of the law regulating the hours of employment of women, 17,969 inspections were made as against 8,079 during the preceding year; under the "health, safety and comfort" law, 5,785 inspections contrast with 3,845; 917 inspections were made under the "structural iron" law, as against 590 the year before. The "metal polishers" law required 1,362 inspections, against 701; the "ice cream and butterine" law required 485 inspections and 260 licenses, against 205 inspections and 165 licenses.

Under the "occupational disease" law, 721 inspections were made, against 187. A total of 252 firms are now reporting monthly under the provision of the "occupational disease" law, as against 166 firms in the preceding year.

During the past year, 795 cases were brought before the courts, 69 of which were discharged and 726 convicted; fines and costs amounted to \$10,679. This record is contrasted with 434 prosecutions and 396 convictions, with fines and costs amounting to \$6,240 in 1913.

GRAIN INSPECTION DEPARTMENT.

Due to an unjustifiable reduction of fees for the inspection of grain from 50 cents to 35 cents per car, made by the Railway and Warehouse Commission in December, 1912, earnings of this department, in the Chicago district, during the last fiscal year were about \$40,000 less than during the preceding year, with result that the disbursements exceeded the receipts by about \$46,000.

The Public Utilities Commission, on viewing the situation, has increased

the fees to 50 cents per car for "in" inspection and 50 cents per 1,000 bushel for "out" inspection.

Under these new fees, receipts of the department for the quarter ending September 30, 1914, exceeded disbursements by nearly \$20,000, so that it is expected receipts hereafter will meet the expenses.

That the department is being operated in an efficient manner is being demonstrated by the almost entire absence of complaints either from shippers or receivers, this obviously being the most accurate barometer of the high standard of inspection attained by the department.

The chief grain inspector recommends that the grading of all grain in the State shall be by duly classified inspectors. The present conditions whereby any locality may operate, independent of the State, does not, in his opinion, tend to give all shippers of grain that wholly impartial grading which they should have.

COMMITTEE TO INVESTIGATE VOLUNTARY CHARITABLE SOCIETIES SOLICITING CHARITABLE CONTRIBUTIONS AND CHILD HOME FINDING ORGANIZATIONS.

The Forty-eighth General Assembly, by House joint resolution No. 36, created a joint committee of five representatives and five senators to investigate into the methods and actions of certain charitable institutions and organizations licensed by the State, and all societies and organizations licensed by the State to handle children under the juvenile law, and to investigate the accounts, receipts and expenditures of said institutions and organizations for the purpose of determining where all such moneys go, and whether or not they go to such institutions, etc., etc.

Said committee has a report ready to present to the Forty-ninth General Assembly. In this report they state that they have not completed their work of investigation; that they have in the course of their investigations unearthed a very scandalous state of affairs in relation to the disposal of children in this State; that they have discovered cases in which children have been bought and sold as merchandise; that with the little time and money at their disposal they have been unable to make a thorough investigation of all the maternity hospitals and other institutions of like character, and request that their existence be continued to enable them to complete their investigation.

I, therefore, recommend that the committee appointed by the Forty-eighth General Assembly be continued for further investigation under the same powers heretofore given them, and that a reasonable appropriation be made to them to carry on their work.

STATE FINANCES.

In relation to the finances of the State, they are in a most excellent condition, the cash balance on hand in the State treasury on January 1, 1915, being \$10,310,015.95.

For full information and figures concerning said State finances, I refer you to the reports of the Auditor of Public Accounts and State Treasurer.

The Constitution requires the Governor at the commencement of each regular session to present estimates of the amount of money required to be raised by taxation for all purposes.

In this connection, I would direct your attention to the budget which will be presented to you by the Legislative Reference Bureau, which contains estimates by the various department heads as to their needs for the coming two years. I earnestly request your cooperation in pruning and cutting down the same, where possible, to the actual needs and necessities of efficient administration.

EXECUTIVE EXPENDITURES.

For a statement of expenditures, made by me for this department from funds subject to my order, your attention is directed to the biennial report of the Auditor of Public Accounts. Vouchers for all such expenditures have been filed in the Auditor's office.

E. F. DUNNE, *Governor.*"

Mr. BURNS (Cook). I move that the reading of the Governor's message be dispensed with and that ten thousand copies thereof be printed for distribution.

(Motion prevailed.)

Mr. DUDGEON (Grundy). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 22.

"Resolved, That the speaker be, and is hereby empowered, to appoint for the House, all employees authorized by an Act of the General Assembly, approved May 25, 1911."

Mr. TICE (Menard). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 1.

"Resolved, by the House of Representatives, the Senate concurring herein, That the two Houses meet in joint session in the Hall of the House of Representatives, on Wednesday the 17th day of February, A. D. 1915, at the hour of 9:00 o'clock p. m., for the purpose of canvassing the returns of the election for State officers, held on the 3d day of November, A. D. 1914, as required by the Constitution of this State."

(Resolution adopted.)

Mr. GARESCHE (Madison). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 23.

"Resolved, That the clerk of the House, immediately after the passage of this resolution, place in separate boxes, arranged according to seniority of service, the name of each member on separate slips of paper; that he then proceed in the presence of the House, to draw one slip at a time, first from the box, containing the names of those of longest service, and so on down until all have been exhausted, and as each slip is drawn, he shall announce the name of the member upon it, who shall then and there choose his seat for the session: Provided, that before the drawing commences, the speaker shall cause every seat to be vacated."

(Resolution adopted.)

Mr. DOORKEEPER. A message from the Senate by the secretary of the Senate:

"Mr. Speaker—I am directed to inform the House of Representatives that the Senate has organized by election of the following officers, and is now ready for the transaction of business:

President *pro tempore*—Stephen D. Canady.

Secretary—A. E. Eden.

A. E. EDEN, *Secretary of the Senate.*"

Mr. SMEJKAL (Cook). I move that this House do now adjourn until 8:45 o'clock tonight.

Motion prevailed, and the House adjourned.

Eight-forty-five o'clock p. m., re-convened.

The Speaker in the chair.

SPEAKER SHANAHAN. We have a message from the Senate. The clerk will read the message:

HOUSE JOINT RESOLUTION No. 1.

"Resolved, by the House of Representatives, the Senate concurring herein, That the two Houses meet in joint session in the Hall of the House of Representatives, on Wednesday, the 17th day of February, A. D. 1915, at the hour of 9:00 p. m., for the purpose of canvassing the returns of the election for State officers, held on the 3d day of November, A. D. 1914, as required by the Constitution of this State."

Concurred in by the Senate, Wednesday, February 17, 1915.

A. E. EDEN, *Secretary of the Senate.*"

Joint session, 9:00 o'clock p. m.

Whereupon, the Senate and House of Representatives met in joint session, at which the returns of election of State officers were canvassed. The proceedings were without debate.

Upon motion of Mr. Compton the Joint Assembly rose.

Upon motion of Mr. Smejkal the House adjourned.

THURSDAY, FEBRUARY 18, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. Charles G. Sterling.

Journal of previous day being read. Upon motion, Mr. Mulcahy, (Cook), further reading of Journal dispensed with and Journal ordered approved.

SPEAKER SHANAHAN. The clerk will announce the members of the Elections Committee to recount the ballots in the matter of the contested election in the Thirty-fourth Senatorial District.

CLERK McCANN (Reading). On this committee, the speaker appoints: Messrs. DeYoung, W. J. Graham, Harvey, Burns, and Arthur Roe.

SPEAKER SHANAHAN. The clerk will read the report of the Committee on Rules:

HOUSE RULES.

All committees shall be appointed by the speaker, unless otherwise specially directed by the House.

The speaker shall be ex officio member of each committee.

The following standing committees shall be appointed by the speaker with leave to report by bill or otherwise, and to them respectively shall be referred all bills or resolutions pertaining to the subjects indicated by the name of said respective committee, to wit:

Committee on Agriculture, 31 members; Committee on Appropriations, 43 members; Committee on Banks and Banking, 21 members; Committee on Charities and Corrections, 15 members; Committee on Civil Service, 23 members; Committee on Congressional Apportionment, 27 members; Committee on Contingent Expense, 7 members; Committee on Education, 27 members; Committee on Efficiency and Economy, 17 members; Committee on Elections, 25 members; Committee on Enrolled and Engrossed Bills, 7 members; Committee on Farm Drainage, 17 members; Committee on Fish and Game, 21 members; Committee on Insurance, 21 members; Committee on Industrial Affairs, 31 members; Committee on Judiciary, 45 members; Committee on Judicial Apportionment, 35 members; Committee on Judicial Department and Practice, 23 members; Liberal Committee, 19 members; Committee on License and Miscellany, 21 members; Committee on Military Affairs, 19 members; Committee on Municipalities, 27 members; Committee on Public Utilities and Transportation, 31 members; Committee on Revenue, 21 members; Committee on Rights of the Minority, 19 members; Committee on Roads and Bridges, 25 members; Committee on Rules, the speaker and 16 members; Committee on Senatorial Apportionment, 29 members; Committee on Temperance, 19 members; To Visit Charitable Institutions, 5 members; To Visit Educational Institutions, 5 members; To Visit Penal Institutions, 5 members; Committee on Waterways, 29 members.

Mr. SHURTLEFF (McHenry). I move the adoption of the report of the Committee on Rules.

Mr. PURDUNN (Clark). There has been some talk about legislating against trusts. This report, while it is better than was expected by some of the members of the House, still it forms a committee trust. The large committees of this House will be governed by eleven or twelve members. The business of these committees will be delegated to the chairmen of the sub-committees. The new members of this House are foolish if they "fall" for it. I don't know whether anybody is standing with me on this proposition or not, but the number of the committees don't do any harm whatever. They are a means of placating men who are put on them. They don't cost

the State anything. We had better study these rules carefully and know what we are up against.

Mr. MEDILL McCORMICK (Cook). At the last session of this General Assembly I was a new member at the north pole. There were sixty-seven committees. Nobody was so handicapped by the number of the committees as the new members. They were unfamiliar with the business of the House. There were committees on this floor and committees roosting in the gallery under the sweltering eaves. If anybody chose to raise the question of no quorum, the committee ceased to do business. Then came the macedonian cry from a man that had a bill to report but could not report it and would get two or three men to come from another committee. While that was going on, some other member raised the point of no quorum and business stopped. I should say that on the whole the new member rather than anybody else will be better served by this report.

Mr. PURDUNN (Clark). You have left off Building and Loan Associations, a line of business which does a business of ninety million dollars a year in this State, and you have left off the Committee on Horticulture.

Mr. O'ROURKE (Cook). I happened to be chairman of two committees of the last session, and not a bill was referred to either one of them.

Mr. MADSEN (Cook). I want to say that I am heartily in favor of the report of the committee, and I believe that all you new members ought to be in favor of that report.

I was on one live committee and three dead ones myself two years ago, three committees that never met and never were expected to meet. My friend, Mr. Huston, told me this morning that he was put upon sixteen different committees. You may know that he could not attend to the business that he was supposed. It was impossible for him whether he wanted to or not. He could not attend half a dozen meetings at the same time.

Mr. Speaker: I beg for the privilege to use the floor not to oppose the general arrangement of things as they are intended, but to point out what seems to me to be a serious mistake. No one on this floor I would yield to in the desire to make this government more efficient and economical. But oft-times it occurs that a virtue turns into a sin, and this I think is one of the times.

I believe, as do most of the members who are desirous of having efficiency, that a number of committees should be cut down to a reasonable arrangement, but do not forget that history repeats itself and that too concentrated power sometimes spells rebellion. I wish this administration of the House success and, therefore, would not like to see the concentration of power without their consent so that it may not prove in the end a rebellion. I believe that a list of the committees now formed ought to be printed and that they ought to show what they replace, what the powers will be and scope will be of these proposed committees, and that at least a few days should be given to the members so they can study the question thoroughly and after due consideration find these committees are wise, and I have no doubt that they are. The members can then vote intelligently upon it. I wish to reiterate that I am not against the adoption of these rules.

Mr. WATSON (Hardin). I believe that the report should be adopted. Four years ago I was a new member here. I got the important chairmanship of the important Committee on Geological Survey, which never met. It was very nice to go on the stationery that I was chairman of the committee.

The gentlemen complains because he says that it will put the business of the House into the hands of some 12 or 15 chairmen. If you had 153 committees, there would be about 10 or 12 chairmen of the important committees who would have all the responsibility anyhow. It does not concentrate the power any more than it would if you had 153 committees.

I believe that the business of this House would be much improved and would advance more rapidly if the number was fewer than they have agreed upon, but I know, as the gentleman from Cook, Mr. McCormick, said, a man attends but very few meetings of the different committees. He selects one or two live committees and stays with them.

I think it will greatly improve the work of this House if this report is adopted.

Mr. PURDUNN (Clark). I am going to ask that at least one more committee be added, and that is a Committee on Building and Loan Associations. I ask that the Committee on Building and Loan Associations be added to this list, and I make that motion.

Mr. IGOE (Cook). I don't think it makes a whole lot of difference whether we have a particular committee by a particular name. The chair is going to refer bills to different committees. Now, so far as the persons who are interested in building and loan associations are concerned, I am sure they would get the same fair treatment from a committee on banking and judicial corporations. All they are concerned in is receiving fair treatment, and if a committee is fairly organized and its proceedings are fairly conducted and the bills are properly received and properly brought back before this House, there is no particular industry, no particular interest in any part of Illinois can suffer at all by such a proceeding.

Now, I will admit that this arrangement is not perfect. I will admit perhaps some gentleman might think out a better scheme, but your committee, after having wrestled with it for about eight or nine hours, has brought out to you the best result of their labor, and they are submitting it to you after having gone over the matter fully and fairly, and after having considered it on every side. They believe that this is about the best sort of a report they can make and that this is about the best sort of manner in which this House can be organized.

Mr. PURDUNN (Clark). It is true that for the last seven weeks a hundred men have sat around this House from one hour to four hours, waiting for someone in the back room to discuss some matter.

When this committee on rules has reported, I claim the right, as a member of this House, to ask, as a matter of justice, that this committee be added.

Mr. IGOE (Cook). The only objection a member of that committee can make to your remarks is that you assume someone has gone into a back room and attempted to put something over.

Mr. PURDUNN (Clark). I am not insinuating anything.

Mr. IGOE (Cook). You said "going into a back room."

Mr. McCORMICK (Cook). We would like to enjoy this exchange.

Mr. IGOE (Cook). Sit down over there and you will enjoy it.

I move to lay that motion upon the table.

SPEAKER SHANAHAN. The gentleman from Clark moves that there be added to the report of the committee one additional committee to be known as the Committee on Building and Loan Associations, and the gentleman from Cook moves that that motion lie upon the table.

Mr. BROWNE (LaSalle). Now, this business of laying upon the table is a good deal like sticking a man in the back with a knife. I never admired it, and it seems to me that when a motion is made, whether we agree with it or not, such as has been made by the gentleman from Marshall, it ought to be put to the House; it ought to receive that kind of treatment.

Mr. DONAHUE (McLean). Gentlemen of this House, we are taking a very important step today in the enactment of these rules. One step we must guard against, and that is against a close corporation here in this House.

Much legislation has gone through here, but what have the people received from this legislation? What have the farmers of the State of Illinois got from the Public Utilities bill? They cannot store a bushel of grain; they must haul it to the elevator and sell it outright, for the benefit of the speculators.

Gentlemen, we should scrutinize these rules that come from Chicago. They are formulated in Chicago and they are made for the benefit of the people of Chicago, and not for the farmers of this State, and guard ourselves and be careful what we are doing here today. You know by experience—

Mr. McCORMICK (Cook). Why does he believe that they originated with a member from Chicago?

Mr. DONAHUE (McLean). Because they have been talking about them around here for six or seven weeks, and it has been in the press that they were formulated in Chicago.

Mr. McCORMICK (Cook). Does the gentleman know that the author of them is not a member from Chicago?

Mr. DONAHUE (McLean). Well, he is closely allied with Chicago, my dear friend, his interests are in Chicago, and not with the country. We know some of those bills that have gone over here. You have got bills passed by the same gentleman.

I say, gentlemen, look out for these rules. I think the old rules are very good.

Mr. HUBBARD (Greene). Will you please point out what one, if any, of these rules are adopted, will hurt the farmers? Let us be fair; let us not give a lot of bunk.

Mr. DONAHUE (McLean). Let us not be controlled by Chicago bills. We want the common people to have something to say about this legislation. Wait until next election comes along, boys, and the farmers will speak on this legislation.

Mr. SHURTLEFF (McHenry). I am opposed to the motion offered by the gentleman from Clark, not so much because there is a particular objection to having a committee upon building and loan associations, but because there is no more reason for adding that than there is to add substantially the 34 committees that have been taken out.

I want to say a word with reference to what the gentleman from McLean has said, and I will preface it by saying that every one and all of those supporting not only the report of the committee, but the other ideas that were advanced in the committee on rules, I think, will be just as ready to welcome an election in the State of Illinois, and to take the ideas of the agricultural interests and the farmers of Illinois at another election in this State, and will be just as ready for it as the gentleman from McLean will be ready for it. (Applause.)

The report from this Committee on Rules has one good feature about it. It is a unanimous report, agreed to by every man on the Committee on Rules. They all voted for it, and they stand for it.

Now, as to the agricultural interests. It was my idea, whether it would lead to a close corporation or not I don't know. A person might think that the main criticism against this House has been the results of a close corporation. A committee for every bill introduced here. That certainly is anything away from a close corporation, sixty-seven committees; and yet in the final analysis I think the main criticism has been, and possibly correctly, that in the numerous committees and confusion, there is the possibility of a close corporation which will not exist in a systematic and orderly arrangement of committees.

It was my idea, and I state it here now, possibly idealistic, not endorsed by the Committee on Rules, but still it was my idea and made the basis of argument of the Committee on Rules, that we have in this House a Committee on Agriculture to consist of about forty members, and build up a great big committee to do the work heretofore done by the Committee on Agriculture, by the Committee on Horticulture. But I say now to the gentleman, that this committee will give as much consideration to the subject of horticulture as it would to the subject of corn, or else, if the gentleman's idea is correct, we ought to have a committee on corn and a committee on cattle and a committee on wheat and a committee on oats.

It was my idea to place on the floor of this House a Committee on Agriculture of about forty members, to which the dairymen could go, to which the horticulturists could go, to which the corn growers could go, and to which the subject of roads and bridges could go, a committee that would take entire control and charge of the great agricultural interests in this State, and to put at the head of it one of the leading men of this House, and let that committee put in largely their entire time of this session considering the agricultural interests of this State.

I believe now, as a matter of idealism, that that would have been better and that the agricultural interests of Illinois would have been better served by having a committee of that kind of men that would not be working on appropriations, that would not be over here in judiciary, but that

would give up their time and energy to the great subject of agriculture in the State of Illinois.

I would say, as a matter of idealism, I would have a great committee here of these public utilities to which all of these elements could go and be heard, and I would charge, if I had my way, and I speak somewhat from experience, about five or six men out on the floor of this House to take the responsibility and be chargeable for the work of this session, not divide it and distribute it and scatter it among sixty-seven different elements upon the floor of this House, where it brings confusion and is practically lost so far as responsibility is concerned and so far as good, systematic work is concerned.

The particular subject of buildings and loans was a live subject back in the days when the gentleman from Clark and I were coming on the scene, and there was considerable legislation along that line, but I am here to say to him, after the years that he has been here and the years that I have been here, that in three sessions, from that chair, I named a Committee on Buildings and Loans. At one session, in order that the committee might have a meeting and make a front, a bill or two was introduced before that committee, not directly affecting building and loans, but brought in there so that that committee should have something to do, and unless I am mistaken—I will stand corrected if I am mistaken—that committee has had no work of any kind directly affecting building and loans.

Mr. PURDUNN (Clark). With a business of ninety million dollars, don't you suppose that sometime some business might arise in which they are interested?

Mr. SHURTLEFF (McHenry). There are other businesses in this State involving a billion dollars that do not have a direct committee. There are interests in this State having a billion of capital, for which there is no particular committee provided.

There is not a committee provided here for every interest, and there cannot be, unless we keep on in the course we have been going, adding three and five committees every session, and then we will soon be there.

Mr. PURDUNN (Clark). I want to ask a question, from your experience, that you can answer, and that is, cannot business be transacted better in a committee of fifteen or twenty people than it can if you put it in a large committee where two or three people dominate?

Mr. SHURTLEFF (McHenry). That is true as to some subject matters; it is not true as to other subject matters. On the great question here of appropriations, in which the entire State is interested, it has been shown by experience that you call in a large number of the members of the House, representative of the parties, and after they have threshed out this great question of appropriation, and bring it back to the floor of the House, almost unanimously the men that are not on that committee are satisfied and vote for the bill.

Mr. PURDUNN (Clark). That is not a fair sample of the legislation of the House, Mr. Shurtleff, appropriations affecting charitable institutions and such other things as people are bound to pay for.

Mr. SHURTLEFF (McHenry). But don't assume that you would get forty-five men to go into any committee room from the floor of this House and spend their time working like they do on appropriations.

Mr. PURDUNN (Clark). What is your objection, Mr. Shurtleff, to adding this committee?

Mr. SHURTLEFF (McHenry). My objection to adding that committee is, if I had my way, I would take one committee out instead of adding one to this list, and lessen the confusion, lessen the work of the House?

Mr. PURDUNN (Clark). Concentrate the committees?

Mr. SHURTLEFF (McHenry). I say to the gentleman from Clark that it is my opinion, I may be wrong, but I believe if we could divide this House into five or six different groups similar to the appropriations and the judiciary, and put the big bulk of the work on those five or six different groups we would get more system, we would get better action, we would get quicker work and better satisfaction.

Mr. PURDUNN (Clark). I beg leave to differ with you, that is all.

Mr. SHURTLEFF (McHenry). Very well. But there are thirty-two committees on this list, and the House is now divided into thirty-two differ-

ent groups. (Voice. "Thirty-three")—thirty-three, quite enough, in my judgment, for us to find our committee places and for the public to find a subject in which they are interested.

Mr. PURDUNN (Clark). If you will go a little further and add one more I will be better pleased.

Mr. SHURTLEFF (McHenry). If you will come back the other way there would be gentlemen that would be better pleased.

Let me say to the gentleman from Clark that on the Committee of Fish and Game, which is one of the most difficult subjects in the State to legislate upon, every man from Cairo to Waukegan was crowding the speaker to get on that committee.

Mr. PURDUNN (Clark). More than live stock?

Mr. SHURTLEFF (McHenry). More than live stock, yes. It is one of the most difficult subjects in Illinois to legislate upon, because what they want down in southern Illinois absolutely legislates against the north part of the State.

Mr. PURDUNN (Clark). The whole business is considered a farce as it stands now.

Mr. SHURTLEFF (McHenry). I cannot answer that, but possibly that matter should be threshed out by a separate committee, and we have provided a separate committee where the gentleman from Clark can take all grievances of that kind and have them settled.

Mr. PURDUNN (Clark). On the floor of this House there are a hundred more members in the position that I am. I haven't had the experience; I don't have the oratory; I can't impress myself upon a big body of men.

Mr. SHURTLEFF (McHenry). Let me say to the gentleman from Clark that when he first came to the Illinois House he neither lacked ability as an orator nor experience. There is no trouble there.

On this list, Mr. Speaker, the personal ideas of the different members of the committee have not been stated. Some would have had more; some would have had less. But they have got as near as they can get to an ideal that all could come to.

From the 67 committees they have taken 34 and left 33, and I venture the remark that the work of this House during this session, if this report is adopted, will be done in a considerable percentage less of time and a hundred per cent more of satisfaction, and I believe it will be to the interests of all the people of the State. (Applause.)

(VOICES. Question.)

SPEAKER SHANAHAN. The question is upon the adoption of the motion of the gentleman from Cook that the motion made by the gentleman from Clark lie upon the table. As many as are in favor of that motion will please rise.

Motion tabled. "Yeas," 92; "nays," 5.

The motion now is upon the adoption of the report of the committee. As many as are in favor of the motion will please rise.

Report of Committee on Rules adopted.

SPEAKER SHANAHAN. I am informed that there was some shifting of seats, and it is entirely a matter for the House to decide. As far as the Chair is concerned, it has no objection, providing it does not in any way disturb the aisles and passages. Some of the members called at the speaker's room this morning and were protesting about the seats being changed on the republican side and being forced out of positions, and that otherwise they would not have taken those seats had they known changes were to be made.

I want to accommodate the members as far as possible, but we cannot disturb the natural way to come and go, and there must be two side aisles on each side and the main aisle. The back row is entirely disarranged.

You can see the injustice of a number of members selecting aisle seats, and by the changing, deprived of an aisle seat.

Mr. HOLADAY (Vermilion). I move that the doorkeeper be directed to restore the seats to their original position.

SPEAKER SHANAHAN. The gentleman from Vermilion moves that these seats be restored to their original positions, as they were at the time of the drawing, and then the matter can be taken up, and if any adjustment

can be made where a change can be made without interfering with some other member, it can be done.

Those in favor of the motion made by the gentleman from Vermilion will say "aye"; the contrary "no."

The ayes have it, and the doorkeeper will put the seats back in the position they were at the time of the drawing.

Mr. TICE (Menard). I would like to ask unanimous consent of the House to introduce a bill to take care of the losses sustained by the slaughter of herds in connection with the foot and mouth disease.

SPEAKER SHANAHAN. Are there any objections? There apparently being none, the clerk will read the title of the bill:

House Bill No. 1, a bill for "An Act making an appropriation for the payment of one-half the loss occasioned by the slaughter, under the direction of the State and Federal authorities, of cattle, sheep, swine, and other animals, and for the necessary expense incurred in disposing of the slaughtered animals and the disinfecting of the infected premises for the purpose of controlling and eradicating the hoof and mouth disease."

SPEAKER SHANAHAN. The bill will be printed and ordered to lie on the speaker's table until the proper committee is appointed?

Mr. SMEJKAL (Cook). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 2.

"Resolved, by the House of Representatives, the Senate concurring herein. That when the two Houses adjourn on Thursday, February 18th, they stand adjourned until Tuesday, March 2, 1915, at 10:00 o'clock a. m."

Resolution adopted.

Mr. SMEJKAL (Cook). I move that this House do now take a recess until 4:00 o'clock this afternoon.

SPEAKER SHANAHAN. Just a moment before that motion is put. The chair will state to the membership of the House that the Committee on Rules has reported to the House and the House has adopted its report, giving the speaker the power of appointment of committees and they have determined the number of the committees in the House and the number of members on each committee. The speaker is now in position to go ahead and try and formulate these committees. It has been customary for the membership to submit their lists of committee assignments desired, and for the democrats to submit their list through the minority leader. It so happens that there is a division on both sides of the House, and in that case the chair will be glad to receive suggestions from the members of the House. If they desire on the democratic side to submit their list to their recognized leader, it will be very satisfactory to the chair and the chair will receive those lists from the recognized leader, but they have got to determine who their recognized leader is, and the chair will be glad to interview and receive a list from every individual member of the House, no matter from what side of the House he may be on.

The chair will be glad to have every individual member call on him and will be glad to talk with them. I hope to be able to satisfy as many of the members as possible.

Mr. SMEJKAL (Cook). I move that we now take a recess until 4:00 o'clock this afternoon.

Motion prevailed, and the House recessed till 4:00 p. m., same day.

Four o'clock p. m., re-convened.

Speaker Shanahan, in the chair.

Mr. DUDGEON (Grundy). I desire to secure the unanimous consent of the House to introduce a bill.

SPEAKER SHANAHAN. If there is no objection, and there being none, the clerk will read the title of the bill.

CLERK. (Reading.) House Bill No. 2. A bill for "An Act appropriating one million, nine hundred thousand dollars (\$1,900,000) for the payment of claims arising from losses sustained on account of the slaughter of animals and the destruction of, or damage to, other property, by authority of the Government of the United States, and of the State of Illinois, for the purpose

of eradicating, controlling or preventing the spread of the hoof and mouth disease."

SPEAKER SHANAHAN. The bill is ordered printed and will lie on the speaker's table until the proper committee is appointed.

Mr. DUDGEON (Grundy). I have another bill along the same lines, and would ask unanimous consent to introduce this bill also.

SPEAKER SHANAHAN. If there are no objections, the clerk will read the title of the bill.

CLERK. (Reading.) House Bill No. 3. A bill for "An Act to provide for the payment of losses sustained by owners of animals and other property on account of the slaughter of animals and the destruction or damaging of other property for the purpose of eradicating or controlling or preventing the spread of the hoof and mouth disease."

SPEAKER SHANAHAN. The bill will be printed and lie on the speaker's table until the proper committee is appointed.

Mr. SHURTLEFF (McHenry). I move that the House do now adjourn.

Motion prevailed, and the House adjourned till Tuesday, March 2, 1915, 10:00 o'clock a. m.

TUESDAY, MARCH 2, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. H. V. Davis.

Journal of previous day being read. Upon motion of Mr. McGloon (Cook), further reading dispensed with and Journal approved.

THE DOORKEEPER. A message from the Governor, by his secretary.

SECRETARY TO GOVERNOR DUNNE. Mr. Speaker, I am directed by the Governor to lay before the House of Representatives the following communications:

SPEAKER SHANAHAN. The clerk will read the communications.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
SPRINGFIELD, March 2, 1915.

"Gentlemen of the Forty-ninth General Assembly:

Owing to many trustworthy representations made to me by stock-raisers and others cognizant of the facts, in relation to the financial distress of stock-raisers resulting from the slaughter of animals made necessary by the foot and mouth epidemic, I would respectfully recommend that the Legislature take prompt action in the way of making emergency appropriations to compensate all stock-raisers in the State of Illinois to the amount of one-half of the appraised value of their slaughtered stock; the Federal Government now being engaged in compensating for the other half. If possible, this appropriation should be made with an emergency clause so as to take effect at the earliest possible moment.

Very respectfully,
E. F. DUNNE *Governor.*"
STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
SPRINGFIELD, March 2, 1915.

"Gentlemen of the Forty-ninth General Assembly:

One great embarrassment attendant upon the honest effort of a State Legislature to give to the people remedial legislation has been the insidious influence of the corrupt lobbyist.

Always the servile hireling of the concealed master, he sits near the seats of the members and in the committee rooms during the sessions of the committees and endeavors to poison at its source what would otherwise be the honestly expressed will of the people's representatives.

It has been said in the past that Illinois was not free from this scourge.

I have proposed several remedial measures to the present Legislature and many other meritorious measures will be considered during the session. We should not sit quietly by and permit bills, designed to give relief to the people, to be changed, modified, rendered impotent or nullified by the machinations of undisclosed persons and influences, if it is in our power to prevent it.

Such persons and influences should come out in the open and show their colors, where all men can see them and know for what they stand. Honest men and measures will announce themselves and be welcome, but the subsidized and professional lobbyist, intent on defeating the will of the people by endeavoring to corrupt the weak and to circumvent the strong, should be driven from the State House.

In my judgment, no one, not a member of this General Assembly, should be admitted to the floor of either House or the committee rooms thereof, the cloak rooms, the corridors or any other part of the State House adjacent to

the legislative chambers, for the purpose of advocating, amending or opposing any bill, resolution or measure, pending in either House of the General Assembly, unless such person shall first register his name and address with the Secretary of State and the secretary and clerk of each House of the General Assembly.

Such person, in addition to his name and address, should be required to certify in writing if he is employed by any person, firm or corporation; and if so, the name and address of each employer, and what compensation he has received or is to receive, if any. He should further be required to state in writing the bills, acts, measures or resolutions he is interested in and what the nature of his interest may be. Such registration and other information should be spread upon the records of the House or Senate and published in the Journal of its proceedings, and no person, not a member of either House of the General Assembly and not so registered, should be permitted to discuss any measure, bill, act or resolution so pending before any committee or with any member of either House. In any resolution covering this matter that is adopted by either House, however, nothing therein contained should apply to any person or persons invited by either House or any committee thereof to appear before such House or any of its committees for the purpose of furnishing information or data desired by either House or any such committees, on any matters pending before either House or any of its committees, provided the name and address of any such person, so invited and appearing before any committee of either House, shall be reported to the clerk (or secretary) of either House by the chairman of such committees and published in the daily Journal of its proceedings.

Neither should any resolution adopted by either House concerning this matter apply to any State officer or department head appearing before the various committees, relative to the work of their departments.

Very respectfully,

E. F. DUNNE *Governor.*"

SPEAKER SHANAHAN. The messages will be placed on file.

Mr. DEYOUNG (Cook). The Committee appointed to investigate the election in the Thirty-fourth Senatorial District begs leave to make the following report:

SPEAKER SHANAHAN. The clerk will read the report.

THE CLERK (Reading):

"IN THE FORTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS.

UNITED STATES OF AMERICA,	}	SS.
STATE OF ILLINOIS,		
HOUSE OF REPRESENTATIVES,		

In the matter of the determination of the result of the election for Representative in the Forty-ninth General Assembly of the State of Illinois from the Thirty-fourth Senatorial District of said State.	}	Report of Committee.

To the Honorable David E. Shanahan, Speaker of the House of Representatives of the Forty-ninth General Assembly of the State of Illinois:

We, the undersigned, the committee appointed by you to determine whether E. Walter Green or Robert Howard was elected a representative in the Forty-ninth General Assembly of the State of Illinois from the Thirty-fourth Senatorial District of said State, at the general election held on the third day of November, A. D. 1914, respectfully submit the following report:

The counties of Clark, Coles and Douglas constitute the Thirty-fourth Senatorial District of the State of Illinois, and your committee caused to appear before it, in the State Capitol, the county clerks of the aforesaid counties with all the ballots cast at, the papers and documents pertaining to, and the returns of, said election in said senatorial district, with other witnesses. Oral evidence on the question of the custody and preservation of the ballots cast was heard by your committee and it was found that the same had been properly preserved and that they constitute the best evidence of the result of the election.

Your committee then recounted all the ballots cast in said senatorial district, at said election held on November 3, 1914, for E. Walter Green and Robert Howard for members of, or representatives in, the General Assembly of Illinois, and from such recount finds:

That the total number of votes cast for E. Walter Green was eleven thousand three hundred and fifty-one and one-half (11,351½).

That the total number of votes cast for Robert Howard was eleven thousand and seventy-two (11,072).

That the said E. Walter Green received, at said election, two hundred seventy-nine and one-half (279½) more votes than did said Robert Howard, and that the said E. Walter Green, and not the said Robert Howard, was duly elected at said election, a member of the Forty-ninth General Assembly of the State of Illinois, from the Thirty-fourth Senatorial District of said State.

Your committee does, therefore, recommend that the said E. Walter Green, and not the said Robert Howard, be declared to have been elected, at said election, a member of the Forty-ninth General Assembly of the State of Illinois, from the Thirty-fourth Senatorial District of said State, and that he, the said E. Walter Green, is entitled to and should be given, a seat in the House of Representatives of said General Assembly for or from said senatorial district.

The tally-lists or sheets prepared by the clerks of your committee submitted herewith are made a part of this report.

Dated Springfield, Ill., March 1, 1915.

Respectfully submitted,

FREDERICK R. DEYOUNG, *Chairman*;

ARTHUR ROE,

W. J. GRAHAM,

JAMES C. HARVEY,

JNO. S. BURNS,

Committee of the General Assembly to determine the result of aforesaid election for Representative in the Thirty-fourth Senatorial District of Illinois."

Mr. BURNS (Cook). I want to say on behalf of Mr. Howard, who was the defeated candidate in this district, that when he brought in his request for a recount he believed that he had evidence in his possession which would result in changing the returns that had been made. The evidence of small discrepancies were discovered, but Mr. Green received the benefit of those discrepancies as much as Mr. Howard. The mistakes that crept into the returns were honest mistakes that will be made at times in counting ballots for legislative candidates. Mr. Howard was honest in bringing in his request for this recount and he is entirely satisfied now that Mr. Green had beaten him.

Mr. HUBBARD (Greene). I believe that the report of this committee establishes a record for dispatch of business that would be well for this House to follow.

Mr. G. H. WILSON (Adams). And also be recommended to the prayerful consideration of the Senate in their contests over there.

SPEAKER SHANAHAN. The clerk will call the roll on the adoption of the report.

(Roll called by clerk.)

Report adopted: Yeas, 114; nays, none.

SPEAKER SHANAHAN. Mr. Green is elected a member from the Thirty-fourth Senatorial District.

Mr. HUBBARD (Greene). I move that a vote of thanks be extended to the committee for the manner in which they have managed the counting of the ballots in this district.

(Motion prevailed.)

Mr. DE YOUNG (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 23.

"Resolved, That a committee of three members be appointed by the speaker to wait upon James H. Creighton, Judge of the Circuit Court, and

request him to administer the oath of office to Hon. E. Walter Green, a member-elect of this House."

(Resolution adopted.)

SPEAKER SHANAHAN. I will appoint on this committee Messrs. DeYoung, Drake and Purdunn.

Mr. DeYoung, from the committee heretofore appointed to wait upon Judge Creighton and request him to administer the oath of office to Hon. E. Walter Green, announced that Judge Creighton of the Circuit Court of Sangamon County was present and ready to perform that duty.

Whereupon, the oath of office was administered to Hon. E. Walter Green, member-elect, and the clerk was directed to place his name on the roll as a member of the House.

SPEAKER SHANAHAN. The chair lays before the House the report of the committee on rules. The clerk will read the report.

CLERK. (Reading.)

HOUSE RULES.

FORTY-NINTH GENERAL ASSEMBLY.

MEMBERS.

1. No member shall absent himself from the sessions of the House unless he have leave or be sick, or his absence be unavoidable. A majority of the House shall constitute a quorum, but a smaller number may adjourn from day to day, or for less time than one day.

2. No member shall name another member present in debate.

3. No smoking shall be allowed in the hall, lobbies or galleries of the House.

4. No person shall be allowed to use the Representative hall for the purpose of a public lecture.

5. *No person, other than members and officers of the General Assembly, the elected State Officers, the Secretary to the Governor and the judges of the Supreme Court, shall be entitled to remain on the floor of the House while it is in session. Representatives of the press while the House is in session shall have access to the galleries and places allotted to them by the speaker.*

THE SPEAKER.

6. The speaker shall take the chair every day at precisely the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

7. He shall preserve decorum and order and for that purpose the officers and employees of the House shall be under his direction; may speak to points of order in preference to other members, rising from his seat for that purpose and shall decide all questions of order, subject to an appeal to the House by any two members on which appeal no member shall speak more than once, unless by leave of the House.

8. He shall rise to put a question, but may state it sitting.

9. The speaker shall examine and correct the Journal before it is read; and the same shall be printed and upon the desks of members before the same can be approved; he shall have general direction of the hall; he shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond five days after adjournment.

10. All acts, addresses and joint resolutions shall be signed by the speaker; and all writs, warrants and subpœnas issued by order of the House shall be under his hand and seal, and attested by the clerk.

11. In case of any disturbance or disorderly conduct on the floor of the House, in the lobby or galleries, by the spectators, the speaker or chairman of the Committee of the Whole House, shall have power to order the floor of the House, the lobby or galleries to be cleared of spectators, and for that purpose the officers and employees of the House shall be under the orders and direction of the speaker or chairman of the Committee of the Whole House, as the case may be.

ORDER OF BUSINESS.

12. The following shall be the daily order of business in the House:
 1. Reading of the Journal.
 2. Petitions.
 3. Reports from standing committees.
 4. Reports from select committees.
 5. Messages on the speaker's desk.
 6. *Consideration of measures in Committee of the Whole House.*
 7. Introduction of bills.
 8. House bills on first reading.
 9. House bills on second reading.
 10. House bills on third reading.
 11. Senate bills on third reading.
 12. Senate bills on second reading.
 13. Senate bills on first reading.
 14. Senate messages other than bills.
 15. Resolutions.

The clerk, under the direction of the speaker, shall publish a daily calendar and cause it to be placed on the desks of members before the convening of the House, showing all special orders of the day and all bills before the House in their proper order of reading.

Bills shall appear upon the calendar in the order in which they are reported, unless otherwise directed by the House, and it shall be the duty of the clerk to cause the calendar to be so printed.

The above order of business may be changed at any time upon the motion of any member supported by four additional members arising in their seats and joining in said motion, by an affirmative vote of seventy-seven members. Any bill or resolution may be considered out of its order under any order of business by a like motion supported as aforesaid and the affirmative vote of seventy-seven members; provided, however, that upon the completion of the business under the order of business or under the item to which the change has been made, the House shall return to the regular order of business.

Upon motion supported as above and upon an affirmative vote of seventy-seven members, the House may likewise revert to any order of business already passed or to any item under any order of business already passed.

The Rules Committee may report a special order for the day, which special order shall take the place of the regular order and shall be shown on the daily calendar, but the special order so reported may be suspended, amended or modified on roll call by an affirmative vote of seventy-seven members.

In case any bill or resolution has been referred to a committee other than the Appropriations Committee and remains in committee undisposed of, it shall be in order after reports of standing committees, for any member, on any Tuesday, Wednesday, or Thursday in which the House is in session to move that the committee be discharged from the consideration of such bill and that the bill be placed on the House calendar and such motion shall prevail if supported by a *vote of seventy-seven members*, provided the member making such motion shall, before the adjournment of the morning session of the preceding legislative day, have filed with the clerk and posted on the bulletin board a written copy of such motion. The clerk shall read such motion before adjournment of said session.

13. All committees shall be appointed by the speaker unless otherwise especially directed by the House. The speaker shall be ex officio member of each committee.

COMMITTEES.

14. The following standing committees shall be appointed by the speaker with leave to report by bill or otherwise and to them respectively shall be referred all bills or resolutions pertaining to the subjects indicated by the names of said respective committees, to wit:

Committee on Agriculture, 31 members; Committee on Appropriations, 43 members; Committee on Banks, Banking and Building and Loan Associations, 21 members; Committee on Charities and Corrections, 17 members;

Committee on Civil Service, 23 members; Committee on Congressional Apportionment, 27 members; Committee on Contingent Expense, 7 members; Committee on Education, 27 members; Committee on Efficiency and Economy, 17 members; Committee on Elections, 25 members; Committee on Enrolled and Engrossed Bills, 7 members; Committee on Farm Drainage, 17 members; Committee on Fish and Game, 21 members; Committee on Insurance, 21 members; Committee on Industrial Affairs, 31 members; Committee on Judiciary, 45 members; Committee on Judicial Apportionment 35 members; Committee on Judicial Department and Practice, 23 members; Committee on Liberal Committee, 19 members; Committee on License and Miscellany, 21 members; Committee on Military Affairs, 19 members; Committee on Municipalities, 27 members; Committee on Public Utilities and Transportation, 31 members; Committee on Revenue, 21 members; Committee on Rights of the Minority, 19 members; Committee on Roads and Bridges, 25 members; Committee on Rules, Mr. Speaker and 16 members; Committee on Senatorial Apportionment, 29 members; Committee on Temperance, 19 members; To Visit Charitable Institutions, 5 members; To Visit Education Institutions, 5 members; To Visit Penal Institutions, 5 members; Committee on Waterways, 29 members.

A majority of any committee shall constitute a quorum but the question of the presence of a quorum of a committee, shall not be raised on the consideration of a bill or resolution in the House, unless the same question has been raised before the committee.

In case of failure of the chairman of any committee to call a meeting of such committee upon the request of a member, then 50 per cent or more of the members of such committee shall have the right to call a meeting of such committee.

The chairman or acting chairman of each committee of the House shall keep, or cause to be kept, a record in which there shall be entered

(a) The time and place of each hearing, and of each meeting of such committee.

(b) The attendance of committee members at each meeting.

(c) The name of each person and address, appearing before the committee, with the name of the person, persons, firm or corporation and address, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon.

Such a record shall be ready and approved before the expiration of ten days after each committee meeting, or at the next regular meeting of the committee.

Every committee hearing shall be open to the public.

There shall be filed, in the proper envelope, with every bill or resolution reported upon, a sheet containing the foregoing information as to such bill or resolution, with a duplicate thereof to be filed by the Clerk of the House numerically by the number of the bill in such form as to be most accessible for the use of the members and the public, during the session, and at the end thereof in the office of the Secretary of State.

15. When a resolution shall be offered, or a motion made to refer any subject other than bills, and different committees, shall be proposed, the question shall be taken in the following order: The Committee on the Whole House, A Standing Committee or a Select Committee.

16. It shall be the duty of the Committee on Enrolled and Engrossed Bills to examine all engrossed bills, correct any mistakes therein and report the bills to the House forthwith; and it shall be in order for it to report at any time.

17. When any bill is about to be considered by a committee the introducer of the bill shall be notified of the time and place where such bill shall be considered by such committee.

BILLS.

18. When the roll shall be called for the first introduction of bills, each member may introduce three bills. And should the call be suspended by adjournment or otherwise, the calling of the roll shall be taken up when that order of business is reached, at the point at which it was discontinued, and this order shall be observed until the roll call shall be alphabetically com-

pleted. *No bill shall be introduced at the expiration of three weeks after the adoption of the permanent rules, except upon each Tuesday and except by Standing Committees of the House.*

19. The clerk shall indorse on every bill the number thereof, the name of the member introducing it, the date of the introduction, and the several orders taken thereon; and when printed, said several endorsements shall be printed at the head of the bill.

20. When a bill is introduced it shall be read by its title, ordered printed and referred to the proper committee for consideration. It is hereby made the duty of any member introducing a bill proposing an amendment to any statute law of this State, to underscore the word or words comprising the proposed amendment, and no bill shall be printed until such word or words are underscored. All parts of bills which are underscored shall be printed in *italics*.

21. The clerk shall, as soon as any bill is printed, place the same in the postoffice boxes of the members; and printed bills shall be furnished to others than public officers and members of the General Assembly and the press only on the written order of the speaker, the president and the president *pro tem.* of the Senate, and members of the General Assembly.

22. Amendments to bills may be offered at the conclusion of the second reading, and all amendments to bills, except amendments by striking out, shall be printed when adopted, and shall in like manner be deposited in the postoffice boxes of the members one day before such amended bill shall be read the third time.

23. After the second reading of the bill, and amendments, if any, the speaker shall state the bill is ready to be ordered engrossed for a third reading.

24. The vote on the full passage of all bills shall be by yeas and nays, upon each bill separately, and shall be entered upon the Journal, and when a bill shall fail to receive a constitutional majority upon its passage, the speaker shall declare that the bill has failed to pass.

25. When an emergency is expressed in the preamble or body of an Act, as a reason why such Act should take effect prior to the first day of July next after its passage, and when such an Act contains a clause or proviso fixing such time prior to the first day of July, the question shall be, "Shall the bill pass?" and if decided affirmatively by a vote of two-thirds of the members elected to the House, then the bill shall be deemed passed; and, if, upon such vote a majority of said members elected but less than two-thirds thereof, vote affirmatively on said question, then the vote on said bill shall be deemed reconsidered, and the bill subject to amendment by striking out such part thereof as expresses an emergency and the time of taking effect, and then said bill shall be under consideration upon its third reading, with the emergency clause and time of taking effect stricken out.

26. Every bill shall be read at large on three different days.

27. When a bill passes it shall be certified by the clerk, who, at the foot thereof, shall note the day it passes.

REFERENCES.

28. Appropriation bills which contain provisions relating to nothing else than the appropriation, and apportionment bills which contain provisions relating to nothing else than the apportionment, shall be in order in preference to any other bills unless otherwise ordered. All bills for appropriations of money from the State treasurer, or providing for the expenditure of money when referred to other committees and by them reported back to the House with favorable recommendations, shall be referred to the Committee on Appropriations for its consideration before being finally acted upon by the House.

The speaker may reserve any bill or resolution introduced of general State importance, or in case of emergency, on the speaker's table and lay the same before the House; after the same has been printed, and with the consent of the House the same may be considered as in Committee of the Whole House, in the order in which such measures may be entered; otherwise, or upon the failure of the House to consent to such reference, the bill or resolution shall be referred to its appropriate committee: provided, how-

ever, that no bill or resolution may be considered in the Committee of the Whole House, until two days after the same shall have been printed and placed in the postoffice boxes of the members.

29. All questions relating to the priority of business to be acted upon, not otherwise provided for in these rules, shall be decided by the speaker without debate.

30. When a question has been once made and carried in the affirmative or negative, it shall be in order for a member of the majority to move for reconsideration thereof, or give notice that he will make such motion within the time prescribed by this rule, for which time he shall control the motion. But no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the House; nor shall any motion for reconsideration be in order unless within the next day of actual session of the House: *Provided*, that should the member giving notice of a motion to reconsider, not make such motion within the time prescribed by the rule, any other member voting with the majority, may make such motion, within the next succeeding legislative day. Such motion shall take precedence of all other questions, except a motion to adjourn: *And, provided, further*, that when a bill has passed the House it shall require a constitutional majority to reconsider the vote by which the same was passed: *And, provided, also*, when a motion to reconsider the vote by which a bill is passed and made, or a notice is given that such motion will be made within three days of the last legislative day of the session, it will then be in order for any member to move that such motion or notice of motion may be taken up and disposed of.

PRACTICE.

31. Upon the demand of five members, which may be oral or in writing and made before or after a *viva voce* vote, or before or after a division, the yeas and nays shall be taken on any question, and entered upon the Journal. Such demand shall be made before proceeding to other business.

32. Upon a call of the House for the yeas and nays on any question the names of the members shall be called in alphabetical order.

33. A motion to strike out the enacting words of a bill shall have a precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

34. No person shall visit or remain at the clerk's table, while the yeas and nays are being called, and in the performance of their rules, all clerks of the House shall be under the supervision and control of the speaker.

35. A motion for commitment, until it shall be decided, shall preclude all amendments to the main question.

36. A motion to lay any particular proposition on the table shall apply to that particular proposition only.

37. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

38. Every motion shall be reduced to writing, if the speaker or any member desires it.

39. When a motion is made, it shall be stated by the speaker or if it be in writing, it shall be read aloud by the clerk before debate thereon.

40. After a motion is stated by the speaker, or read by the clerk, it shall be considered in possession of the House, but may be withdrawn at any time before decision or amendment, by leave of the House.

41. Any member may call for a division of the question, when divisible, but a motion to strike out and insert shall be indivisible.

42. Whenever any member is about to speak in debate, or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and confine himself to the question under debate, and avoid personality, and no motion shall be considered in order unless made from the seat occupied by the member.

43. When two or more members arise at once, the speaker shall name the member who is to speak first.

44. All questions, except as provided in Rules 45 and 51, whether in the Committee of the Whole or in the House, shall be disposed of in the order

in which they are moved, except that in filling up blanks the largest sum and the most remote day shall be the first put.

45. The rules of the House shall be observed in all committees as far as may be applicable.

46. When the committee reports a substitute for an original bill, with the recommendation that the substitute pass, it shall be in order to read the substitute a first time at once and order it printed.

47. Petitions, memorials, and other papers addressed to the House may be presented by any member, who shall state briefly to the House the contents thereof, which may be received, read and referred on the same day.

48. No member shall speak longer than thirty minutes at one time, nor more than once on the same question, except by leave of the House; but the member who introduces a measure shall, in all cases, have the right to close the debate, and this right shall not be denied him even after the previous question has been ordered, although he may have spoken once on the same subject: *Provided*, the member so speaking shall not be allowed more time in all than is permitted by the rules of the House to other members.

49. While the speaker is putting a question or addressing the House, or when a member is speaking, no person shall walk out of or across the room, or pass between the member speaking and the chair, or entertain private discourse.

50. If any member, in speaking or otherwise, transgresses the rules of the House, the speaker shall, or any member may, call him to order.

51. When a question is under debate, no motion shall be received but—
To fix the time to which adjourn.

To adjourn.

A call of the House.

To lay on the table.

The previous question.

To commit.

To postpone to a day certain.

To postpone to a day indefinitely.

To amend.

Which several motions shall have precedence in the order in which they are named; and no motion—

To postpone to a day certain.

To commit, or

To postpone indefinitely,

Being decided, again shall be allowed on the same day, or at the same stage of the bill or proposition.

Provided, that when a call of the House, or a call upon any bill, resolution or motion, shall disclose the fact that there is not a quorum present, then the following shall be the order of business.

A motion: To produce a quorum by compelling the attendance of absent members.

To fix the time to which to adjourn.

To adjourn.

A motion for a call of the House.

52. The rules of parliamentary practice comprised in Cushings' Parliamentary Rules and Practice, shall govern the House in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the House, or the joint rules of the Senate and House of Representatives.

53. If a question be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken on the preceding day shall be permitted to speak again on the same question without leave.

54. Any two members shall have the liberty to dissent from, and protest, in respectful language, against any act or resolution which they shall think injurious to the public or any individual, and have the reasons of their dissent entered upon the Journal.

55. Questions shall be distinctly put in this form, viz: "As many as are of the opinion that" (as the case may be) say "Aye." and, after the affirmative vote is expressed, "As many as are of the contrary opinion say, "No.'" If the speaker doubt, or if a division is called for, the House shall divide:

those in the affirmative shall first rise from their seats, and afterwards those in the negative.

56. In forming a committee of the Whole House, the speaker shall leave his chair, and a chairman to preside in the committee shall be appointed by the speaker.

ADJOURNMENT.

57. The hour at which every motion to adjourn is made shall be entered on the Journal.

Ten o'clock in the morning shall be the standing hour to which the House shall adjourn unless otherwise ordered by a majority vote.

58. A motion to adjourn shall be decided without debate and not be subject to amendment.

59. No rule shall be suspended without the vote on roll call or division, of two-thirds of the members present, nor shall any rule be altered or amended without one day's notice being given of the motion thereof, and the vote on roll call of two-thirds of the members present, but any amendment or alteration having the approval of the Rules Committee may be adopted on roll call or division by a majority of the members elected.

PREVIOUS QUESTION.

60. The previous question shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided that the main question shall not now be put, the main question shall be considered as still remaining under debate.

The effect of the main question's being ordered shall be to put an end to all debate, and bring the House to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall not be in order to move for a call of the House unless it shall appear by yeas and nays, as taken on the main question, that no quorum is present; or to move to adjourn prior to a decision of the main question: *Provided*, if a motion to postpone is pending the only effect of the previous question shall be to bring the House to a vote upon such motion.

61. All resolutions or petitions calling for the appointment of committees, or involving the expenditure of money, and all orders in reference to the appointed employees, or the increase of compensation of employees, or the expenditure of moneys for incidental expenses of the session shall be referred to the appropriate committee without debate.

Mr. BUTLER (Sangamon). In regard to that rule that the Hall of the House cannot be used for any outside meetings. Does that mean only during the session?

SPEAKER SHANAHAN. That has always been the rule. The clerk will call the roll on the adoption of the report.

(Roll called by clerk.)

Mr. LEE O'NEIL BROWNE (LaSalle). (On roll call.) I want to explain my vote. As a member of this Committee on Rules, I entered into the discussion of the rules to be adopted by this House, and with one exception, although a number of rules did not meet my views exactly, I found myself able to meet the rest of the committee. That one exception to which I refer is Rule 28. Upon that I could not agree and would not agree to the committee report. I don't care to discuss it at length but to refer to it briefly.

In the report which is introduced, the following is a part of the matter which was interposed and made a part of the rules and is new matter. I will not read it all. (Reading) "The speaker may reserve any bill or resolution introduced of general State importance, or in case of emergency, on the speaker's table and lay the same before the House," and so on.

Under the present rules of this House, the House can go into a Committee of the Whole at any time and it does not take a two-thirds vote to make that change from the House in session to a Committee of the Whole—merely a majority vote of 77 members.

Anything that is necessary to be done in the changing of the House

from the House session to a Committee of the Whole for the purpose of considering matters of general importance can be done under the rules as they now exist, or as they existed without that amendment. That is admitted by the entire committee which considered it.

Now, I am not saying that the adoption of this change is going to bring about any evil. I am not saying that the gentleman who occupies the speaker's chair will take any advantage, however small, of that section, or of the power conferred by that clause or paragraph. I simply say that we are passing a rule of action here that is to apply, not only to this House, but apply to other Houses until the rule is changed. That clause does confer upon the speaker of the House an arbitrary power, an arbitrary one-man power, and that is wrong and ought not to be reposed in that way. All such matters should be in the hands of the House and the members and not in the hands of one man, the speaker. That is the spirit of this House and that is the spirit of legislation.

I don't know whether there is any ulterior purpose or motive on the part of the person who drew that. I don't say that there is. I will not say it when I don't know it. I don't know it. I do say that it opens the door to possibilities that are wrong.

This is what it does. The speaker is the absolute and sole judge of what are matters of general State importance, or emergency, made so by this addition. He can reserve those matters of his own volition and lay them on the table without motion or suggestion on the part of anybody to be referred to the Committee of the Whole. He can take your bill or my bill and call it a matter of State importance or a matter of emergency and he can lay it on the table to be referred to the Committee of the Whole, as he sees fit. He is the judge as to whether it is such a bill or whether it is not. The answer that was made to me was that before it can be considered by the Committee of the Whole House, the House must consent to it, to the suggestion of the speaker that it be co considered. I will say that in all the time that I have been here in the House, I cannot recall one instance of where the speaker suggested to the Whole House that a certain thing be done, that they didn't do it. The consent of the House amounts to almost nothing. It reposes in the speaker of the House the right to reserve any bill and lay it on the table as a matter of State importance or emergency and then refer it to the Committee of the Whole for discussion. Now, gentlemen, I don't say that it will be productive of any harm. I don't want to be understood as saying that. I don't want to be understood as saying that it is going to cause the present speaker of this House to change in any way the action under the rules from the action under the old rules, but I do say that it furnishes the opportunity and that is wrong, and it is a step in the wrong direction. It is a step toward the concentration of power and follows in direct line the move that was made here to resolve sixty-seven committees into five. It is in line with that and came from the same source. I don't know the reason. It may be good or it may be bad, but I am opposed to it, and for that reason I cannot sanction that rule. As to all but that, I vote "aye."

(Roll call continued.)

Mr. SHURTLEFF (McHenry). I would like to explain my vote in just a word. I want to say a word about rule 28 and the amendment that is proposed to this rule. As a matter of physical work, I drafted the proposed amendment to rule 28, except as to the last proviso, which has been added by the Committee on Rules. The purpose of that amendment was merely this, that in making a proposed plan of doing the business of the House by a smaller number of committees, the draft was made for a much less number of committees than are provided for now. It was suggested in this draft that about two-thirds of the work of the House would be divided into departments and be done by what was to be called five major committees, and then there were to be ten or twelve smaller committees, that is committees of so-called lesser importance, and in making that draft, if that idea had been carried out, it was the idea in making this amendment that very much of the work of the session—I will not say very much of the work of the session—but a considerable part of the work of the session mechanically could be done easier by throwing to the floor of the House at once bills that are of general State importance, and emergency bills that

some member may want from his county and to which there is no objection, and without those bills going to a committee and waiting their time to be heard where the committee report had no influence or affect whatever upon the House, and be merely a delay of that legislation and encumber up the mechanical work of the House.

If that plan had been carried out, I think it would have been a very wise measure to have made, as we have made in these rules, an order of business, "Committee of the Whole House," to which certain matters could be referred.

I will say now, merely as a matter of suggestion, as an example, although I don't know what the House will do with it, but I will say that this matter of a constitutional convention, or amending the Constitution, might just as well go to the Whole House as to be taken up by some committee, as every member of the House wants to hear it and hear it debated, and the only way we can hear it debated is in a Committee of the Whole House.

That was the purpose and the only purpose in drafting this amendment to rule 28. Now the committees have been cut down to substantially thirty committees. I say that there is absolutely nothing wrong about this amendment to the rule. There is no bad motive and no ulterior motive. It does not take away from any member of this House the right to make a motion on any bill that he sees fit to make his motion on to have it referred to a Committee of the Whole House.

This is true, mechanically and physically, that this House cannot act as 153 members, and we have elected one man that speaks for the House, and he is the speaker. We have trusted him with that place, and it will always be true that the House will have to trust its work to a great extent to one man.

Now gentlemen come here from Chicago and from other parts of the State and they want to address the whole body of the House upon some important measure. Who do they go to? They go to the speaker. I come down here with a bill to change the term of court in my county. Nobody is interested in that bill but myself and my constituents. To whom do I go? I go to the speaker, and say to him, "here is a bill that ought to have the unanimous consent of the House to be advanced without going to a committee." We all ought to go to the speaker on all of these matters, not only members of the House, but the people from outside in the State that want to be heard before this body.

I say, gentlemen, with that provision in here, that he can only refer the bill upon the consent of the Whole House, and when we say that that is giving the speaker absolutely arbitrary powers, we are at the same time expressing our own insignificance and our own dereliction to stand up here and pretend to be members of this House. There is no absolute authority placed in the hands of the chair, not half as much as is placed there by the arbitrary power that naturally goes to him to recognize me or not recognize me as he sees fit.

This is merely in the nature of an experiment, merely to try and facilitate the work of the House. Possibly it may not be all that we think it will be. If in two or three weeks or thirty days or ten days, we find that it is working to the disadvantage of the House, the machinery is right here to take it out or amend it. I vote for the rules with that in.

(Roll call concluded.)

SPEAKER SHANAHAN. The clerk will announce the roll call on the adoption of the rules. The "yeas" are 142, and the "nays" 1. The rules are adopted.

I desire to say to the House that you have adopted the rules of the House and in these rules there is a provision regarding the floor of this House. The speaker is going to accept the responsibility and is going to enforce the rule to the letter. (Applause.) No person will be allowed on the floor of this House except the persons named therein; members of the General Assembly; members of the Supreme Court and State officers. That means that clerks and employees will remain in their rooms or places of employment and not on the floor of the House. That means that pages will remain here at the clerk's desk ready to be called upon by the mem-

bers; that the policemen of the House will be stationed at the doors and that all other persons shall retire five minutes before the House opens, to the galleries of the House.

The speaker does not desire to call out names or to point to persons, but he will do so in order to enforce this rule. A rail will be put up by the Secretary of State outside of the door so that the doorkeeper can remain outside and the door will remain closed. (Applause.)

Mr. SCANLAN (LaSalle). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 24.

"WHEREAS, The Hon. Irving H. Trowbridge, a member of the Fortieth and Forty-first General Assemblies, from LaSalle County, departed this life on the tenth day of March, A. D. 1914, and

"WHEREAS, The said Hon. Irving B. Trowbridge was an honored citizen of this State, a man thoroughly representative of its business interests; one who always took a prominent part in all movements for the public good, doing all in his power to protect and advance the interests of this State; a man who as a member of this House attained a prominent position and one who was ever watchful of the welfare of the people of his district, and of the State at large; one who served the people of his community in different official capacities, with credit to himself, and a man whose every act, both as a public officer, and as a private citizen, was in behalf of the people; therefore, be it

"*Resolved*. That in the death of the Hon. Irving H. Trowbridge, the people of his community lost one of its leading citizens and the State of Illinois one whose every act and vote as a member of this House was in the interest of and for the good of the people of his district, and the State at large; his wife a loving husband, his children a kind and indulgent father, and the community in which he resided, an honored and distinguished citizen; and, be it further

"*Resolved*, That this preamble and resolution be spread upon the Journal of the House, and that a suitably engrossed copy thereof be forwarded to the family of the deceased, and as a further mark of respect, that the House do now adjourn."

SPEAKER SHANAHAN. Those in favor of adopting this resolution will please rise. It is unanimously adopted and the House stands adjourned.

WEDNESDAY, MARCH 3, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. H. V. Davis.

Journal of previous day being read. Upon motion of Mr. Walsh (Cook), further reading dispensed with and Journal approved.

Mr. FLAGG (Madison). I wish to move at this time, Mr. Speaker, that the House now proceed to the election of a first assistant clerk.

Motion prevailed.

Mr. FLAGG (Madison). I desire to place in nomination for this important position a gentleman who has served two sessions in the clerk's office as assistant clerk and now aspires to be first assistant, and he is a man who has served acceptably to the members and to the clerk and to the speakers in other sessions and will certainly do so again. I wish to place in nomination the name of Ernest M. Gullick, of Bond County.

Mr. GREGORY (Moultrie). I desire to place in nomination the name of Jacob H. Hill, of Macon County, who has served as first assistant clerk the last three sessions and a man who has the endorsement of both democrats and republicans from the Nineteenth Congressional District.

Mr. GARESCHE (Madison). I desire to second the nomination of Mr. Gullick.

Mr. BURREN (Champaign). I second the nomination of Mr. Hill.

SPEAKER SHANAHAN. Are there any further nominations? If not, the clerk will call the roll on the selection of first assistant clerk.

A call of the roll was had, resulting as follows: For Mr. Gullick, 78 votes; for Mr. Hill, 55 votes.

SPEAKER SHANAHAN. Mr. Gullick having received 78 votes, being a majority of the votes of this House, is declared elected first assistant clerk of the House.

Mr. FLAGG (Madison). I move we reconsider the vote by which Mr. Gullick is elected first assistant clerk.

Mr. TICE (Menard). Move to lay that motion on the table.

Motion to table prevailed.

Mr. SCANLAN (LaSalle). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 26.

Resolved, That the following persons be, and they are hereby elected to the positions designated, as officers of the House:

"Second Assistant Clerk—Lewis Vogel.

"Doorkeeper—Harrison T. Ireland.

"First Assistant Doorkeeper—Frank Leonard.

"Second Assistant Doorkeeper—Lucas West.

"Postmaster—Mrs. Henrietta Vest.

"Assistant Postmaster—Miss Mollie McCabe.

"Enrolling and Engrossing Clerk—Charles W. Baldwin."

Mr. BUTLER (Sangamon). If this is the slate, I have a candidate for second assistant clerk and would like to have a vote on his nomination, and I move to lay the resolution on the table.

Motion lost.

Mr. MOORE (Henry). I move to substitute in that resolution the name of Mr. James Kinney for the name of Charles W. Baldwin.

Mr. BUTLER (Sangamon). Why can't we vote on these separately; why not divide them up?

SPEAKER SHANAHAN. If the gentleman from LaSalle will withdraw his resolution, then we will put it up to the House if they want to elect these places as individuals. The chair is willing that be done. There is a motion to amend the resolution by substituting the name of Mr. Kinney for that of Mr. Baldwin.

Mr. O'ROURKE (Cook). I move to lay that motion on the table.

(Motion prevailed.)

Mr. BUTLER (Sangamon). I move to substitute the name of Ward G. Murray in the place for second assistant clerk. Mr. Murray has served here several times and has been satisfactory.

Mr. SCANLAN (LaSalle). I move to lay the motion on the table and ask for a rising vote.

(Motion prevailed, and is tabled.)

Mr. PURDUNN (Clark). Is a motion in order to elect these men separately?

SPEAKER SHANAHAN. It is satisfactory to the speaker, if the House desires to do it.

Mr. O'ROURKE (Cook). I desire to move that the names be reversed of Mrs. Henrietta Vest and Miss Mollie McCabe, as to postmistress and assistant postmistress.

Mr. LYON (Sangamon). Move to lay that motion on the table.

(Motion prevailed.)

Mr. WATSON (Hardin). I move to substitute the name of William L. Grubb for that of Lewis Vogel.

Mr. SCANLAN (LaSalle). I move to lay that motion on the table.

(Motion prevailed, and the amendment offered by Mr. Watson was tabled.)

Mr. IGOE (Cook). I move that one of the assistant doorkeepers be Mr. John Maloney of Springfield.

Mr. JACKSON (Cook). I move that motion lie on the table.

Mr. IGOE (Cook). If there is not going to be any harmony in making out this list, we might as well fight this resolution. I ask for a rising vote.

(A division of the House was had, and the motion was carried, and the amendment tabled.)

Mr. BUTLER (Sangamon). I move that we now vote on each of these offices separately.

Mr. SCANLAN (LaSalle). Move to table the amendment, or the motion.

(The motion prevailed, and it was tabled.)

SPEAKER SHANAHAN. The question now is on the adoption of the resolution, and the clerk will call the roll.

(Roll called by clerk.)

SPEAKER SHANAHAN. The "yeas" are 113, and the "nays" 22, and the men named therein are elected to their respective positions.

Mr. HILTON (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 27.

"Resolved, That the speaker of the House be authorized to draw orders on the Secretary of State for such printing, stationery, office furniture, and other supplies as may be necessary, for the transaction of the business of his office."

(Resolution adopted.)

Mr. FLAGG (Madison). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 28.

"Resolved. That the clerk of the House provide a sufficient number of the latest editions of the revised statutes of the State of Illinois for the use of the members of the House, the speaker's room, the clerk's office, and the various committee groups."

(Resolution adopted.)

Mr. BRINKMAN (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 29.

“Resolved, That the Secretary of State be, and is hereby authorized and required, to furnish to the clerk of the House, upon his written order, all such printed matter, stationery, books, postage stamps, office furniture, and other supplies as may be necessary for the transaction of the business of his office.”

(Resolution adopted.)

Mr. THOMAS CURRAN (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 30.

“Resolved, That the papers now or hereafter on the speaker’s table, relating to contested suits in this House, presented by the Secretary of State, and all matters concerning said contests be, and the same are, hereby referred to a committee to be known as the Committee on Elections, said committee to be appointed by the speaker of the House, and to have power, when appointed, to send for persons and papers, to take testimony, to employ clerks, if found necessary, and to report to this House at any time.”

Mr. McCORMICK (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 31.

“Resolved, That the clerk of the House be authorized to provide two copies of Cushings Manuel, for the use of members of the House.”

Whereupon, the House proceeded upon the order of introduction of bills, and the roll was called for that purpose.

Mr. RYAN (Cook). Mr. Speaker, I have a resolution which I want to offer at this time.

SPEAKER SHANAHAN. You will be recognized when we come to resolutions.

Mr. RYAN (Cook). I rise to a point of order. Resolutions have been introduced here and passed upon and I rise to introduce a resolution and the speaker did not recognize me.

SPEAKER SHANAHAN. When we get to resolutions, you will be recognized.

(Introduction of bills continued.)

Mr. DEVINE (Lee). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 32.

“Resolved, That John P. Maloney of Sangamon County be named as Third Assistant Doorkeeper of the House, to fill vacancy.”

(Resolution adopted.)

Mr. WEBER (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 33.

“WHEREAS, Experience has proven that under the provisions of the present Constitution of the State of Illinois, it is impossible to secure the relief long demanded by the people of the State; therefore, be it

“Resolved, by the House of Representatives, the Senate concurring herein, That a convention is necessary to revise, alter or amend the Constitution of the State of Illinois, and that the question of calling such convention be submitted to the electors of the State of Illinois, at the next general election, as nearly as practicable in the manner provided by law for the submission of amendments to the Constitution.”

And the resolution was referred, under the rules, to the Committee of the Whole House.

Mr. GARESCHE (Madison). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 34.

"Resolved, That the speaker of the House be, and he is hereby empowered and directed to at once appoint Michael S. Giblin as House Messenger, at a salary of six dollars per day.

"Said appointment, and the salary attached thereto, to date back to the first day of the convening of the Forty-ninth General Assembly for the reason that said Michael S. Giblin has been in the House constantly, filling such position for the House since the first day of the present session."

And the resolution was referred, under the rules, to the Committee on Contingent Expenses, when appointed.

Mr. DEVEREUX (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 35.

"Resolved. That A. W. Schevers be and he is hereby appointed to the position of Assistant Messenger of the House."

And the resolution was referred, under the rules, to the Committee on Contingent Expenses, when appointed.

Mr. BURRESE (Champaign). I have a resolution which I wish to introduce, and move its adoption:

HOUSE JOINT RESOLUTION No. 3.

JOINT RESOLUTION FOR GIVING THE STATE'S ASSENT TO THE ACT OF CONGRESS OF MAY 8, 1914.

"WHEREAS, The Congress of the United States has passed an Act approved by the President, May 8, 1914, entitled, 'An Act to provide for the co-operative agricultural extension work, between the agricultural colleges in the several states, receiving the benefits of the Act of Congress approved July 2, 1862, and of Act supplementary thereto, and the United States Department of Agriculture;' and

"WHEREAS, It is provided in section 3 of the Act aforesaid, that the grants of money authorized by this Act shall be paid annually 'to each state which shall by action of its legislature assent to the provisions of this Act;' therefore, be it

"Resolved, by the House of Representatives, the Senate concurring therein, That the assent of the Legislature of the State of Illinois be and is hereby given to the provisions and requirements of said Act, and that the trustees of the University of Illinois be, and they are hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the College of Agriculture of the University of Illinois, in accordance with the terms and conditions expressed in the Act of Congress aforesaid."

Mr. BURRESE (Champaign). I wish to say that this resolution does not carry with it any appropriation. It is merely requiring the consent of this House and Senate to accept certain offers provided for by an Act of Congress, but it does require immediate action. This money can only be used in the extension of agricultural work.

SPEAKER SHANAHAN. If there is no objection to the consideration of this resolution at this time, we will consider it.

(Resolution adopted.)

SPEAKER SHANAHAN. House Bills 1, 2 and 3 are referred to the Committee on Appropriations.

Mr. GORMAN (Peoria). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 37.

"WHEREAS, The Hon. Michael Cassius Quinn, whose death occurred on February 1, 1915, was a member of the House of Representatives of the State of Illinois during the Twenty-eighth and Thirty-third sessions of the General Assembly; and

"WHEREAS, The deceased was one of the most brilliant of that gifted

galaxy of Illinois Irishmen, which includes General, United States Senator, and Supreme Court Justice, James Shields; General James A. Mulligan, of the justly famous Irish Brigade; Governor Thomas Carlin, Governor Thomas Ford, General John A. Logan, Senator Elias Kane, Hon. Joseph Medill, Hon. W. L. D. Ewing, and others who are

“‘Past the ebbing and the flowing

“‘Past the reaping and the sowing

“‘Past the coming and the going,’

but whose names illumine the records of Illinois and the Nation.

“In himself he was a man of extraordinary talents, ability and attainments. The virtue, the fervor, the poetry, the eloquence and the fidelity of the Irish race were typified in him. In capacity and attainments he resembled the great tribune of his race, O’Connell. In manner and stature he was like O’Connell’s greatest contemporary, Richard Lalor Sheil.

“Blood strains made Michael Quinn not less, but more a patriot. Though no one better understood and more aptly applied the thought that ‘before man made us citizens, great Nature made us men.’ Yet he was an American of Americans. Public records show him, in advance of his time, the champion of popular rights. At a time when the drift was otherwise as a member of the school board of his home city, he stood for the rights of the sons and daughters of colored citizens in our public schools; as a legislator in this House he took advance ground for the rights of woman and children, and as a humanitarian he was always on the side of the struggling. He was a notable pioneer in opposition to capital punishment and in the movement for its abolition.

“He was ‘a noble soul which neither gold nor love nor scorn can bend,’ and ‘one who did noble things not dreamed them’ only. And,

“WHEREAS, It is fitting upon the passing of such a useful life that public note be made thereof and that a permanent record be preserved for the edification of posterity; therefore, be it

“*Resolved, by the House of Representatives of the Forty-ninth General Assembly.* That we give public recognition the debt of gratitude due Michael Cassius Quinn from the State of Illinois for his able and faithful public service. That we honor him as an exemplary citizen, applaud his reputation as a loving husband, kind father and good neighbor, and sympathize profoundly with his family in their sad bereavement; and, be it further

“*Resolved.* That a copy of this memorial duly engrossed and attested by the speaker be transmitted by the clerk of this House to the sorrowing family, and as a further mark of respect, that the House do now adjourn.”

Resolution adopted and the House adjourned.

THURSDAY, MARCH 4, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. H. V. Davis.

Journal of previous day being read. Mr. Mulcahy (Cook), moved further reading be dispensed with, and Journal approved.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I have a petition to present to the House from several citizens of Marengo, relating to the proposed changes in the State Game Law.

SPEAKER SHANAHAN. It will be referred to the Committee on Fish and Game, when appointed.

Mr. SHURTLEFF (McHenry). I also have a petition from the citizens of McHenry County requesting amendments to the road laws, and also a petition from the citizens of Boone County, requesting amendments to the road laws and requesting a standard width of tread for all new sleighs and cutters to be used in the State.

SPEAKER SHANAHAN. These petitions will be referred to the Committee on Roads and Bridges, when appointed.

Mr. SHURTLEFF (McHenry). I have another petition from the citizens of Boone County relative to State aid to poultry associations.

SPEAKER SHANAHAN. That will be referred to the Committee on Appropriations, when appointed.

We will now proceed on the order of introduction of bills and the clerk will call the roll on the introduction of bills.

(Roll called by clerk on introduction of bills.)

Mr. SHURTLEFF (McHenry). House Bill No. 42 was introduced by Mr. Gregory and went to a Committee of the Whole House. This bill changes the date of the term of court in Moultrie and Piatt Counties. We are very anxious to have that bill pushed forward, and ask unanimous consent that the bill be read for the first time this morning.

SPEAKER SHANAHAN. Are there any objections to the consideration of House Bill No. 42 now in the Committee of the Whole? If not it will be read the first time, and ordered to a second reading.

(Introduction of bills continued.)

A message from the Senate, advising the House of Representatives that the Senate has adopted the following peramble and joint resolution and asking concurrence of the House, to wit:

SENATE JOINT RESOLUTION No. 6.

"WHEREAS, The people of Italy are in great trouble because of the disastrous earthquake which has ravaged their country, causing great loss of life and property; and,

"WHEREAS, The people of Italy who escaped with their lives are threatened with starvation and floods, and fire and disease, in addition to their sorrow and bereavement; and,

"WHEREAS, The people of the United States of America recognize in each and every suffering being, a brother, and our institutions commit our people and our State to the broadest principles of humanity;

"WHEREAS, Our country is deeply indebted to its discoverer, Christopher Columbus, one of Italy's sons; and also to the sturdy character of the men and women who have left Italy to become worthy and loyal citizens of our Republic; therefore, be it

"Resolved, by the Senate of the State of Illinois, the House of Representatives concurring, That we appeal to the people of the State of Illinois to

give of their bounty for the relief of the sufferings of the people in Italy; and, be it further

"Resolved, That the Governor appoint a committee of three citizens to receive and transmit to the sufferers in the stricken district all moneys collected for that purpose by them; and, be it further

"Resolved, That an engrossed copy of these resolutions be forwarded to the Italian Government by the Secretary of State.

"Adopted by the Senate, March 2, 1915.

A. E. EDEN, *Secretary of the Senate.*"

Mr. BURNS (Cook). I desire to ask unanimous consent of the House for a suspension of the rules and move the adoption of the joint resolution.

(Resolution adopted.)

Mr. PAGE (McDonough). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 38.

"WHEREAS, William Haynes and William Kipling have been performing the duties of assistant doorkeepers of the House since the beginning of the session; therefore, be it

"Resolved, That the said William Haynes and William Kipling each be paid and allowed the usual per diem for assistant doorkeepers covering the period of time from the beginning of the session down to and including March 3, 1915."

SPEAKER SHANAHAN. The resolution will be referred to the Committee on Contingent Expenses when appointed.

Mr. O'ROURKE (Cook). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 4.

"WHEREAS, The State of Illinois is at present transacting its official business in seventeen offices, scattered in all parts of down town Chicago; and,

"WHEREAS, The State is now expending annually in the city of Chicago for rents and telephone hire the sum of \$60,000.00; and,

"WHEREAS, It would not alone be economical from a financial point of view but also save the citizens having business to transact with the State from loss of time and annoyance if the State possessed one building in the city of Chicago where all its Chicago departments might be housed; therefore, be it

"Resolved, by the House of Representatives, the Senate concurring herein, That for the purposes of investigating the feasibility of securing proper site for a State building in, at or near down town Chicago and for the erection of a building thereon adequate for the State's purposes there is hereby created a commission to be composed as follows: The Governor of Illinois, to be ex officio member and chairman of said commission; the mayor of Chicago; the State architect; two senators, to be appointed by the president of the Senate; two representatives, to be appointed by the speaker of the House;

"Resolved, further, That this commission be and is hereby authorized and empowered to employ such assistance as it may deem necessary to carry out the provisions of this resolution and such assistance and other expenses including traveling expenses of the members of this commission shall be paid out of the funds for committee expenses or out of an appropriation made therefor upon proper vouchers certified by the chairman of said commission; and, be it further

"Resolved, That it shall be the duty of said commission to endeavor to make a report of its findings in connection herewith at as early a date as possible, but in any event, before the final adjournment of the Forty-ninth General Assembly"

SPEAKER SHANAHAN. The resolution will be referred to the Committee on Appropriations, when appointed.

Mr. JACKSON (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 39.

"WHEREAS, It appears that a contest is pending in the House of Representatives, entitled, William Ostrom v. Francis H. Clark, et al., in the Third Senatorial District; and,

"WHEREAS, It is advisable and necessary, in order that the rights of all parties involved in the contest may be preserved, that the Board of Election Commissioners of the city of Chicago be notified of the pendency of said contest; therefore, be it

"Resolved, by the House of Representatives of the State of Illinois, That the Board of Election Commissioners be, and they are hereby notified of the pendency of said contest, and they are furthermore instructed and directed to preserve all ballots, tally sheets and returns used in the Third Senatorial District until said contest has been disposed of by the House of Representatives; and, be it further

"Resolved, That the clerk of the House be, and he is hereby instructed and directed to send a copy of this notice to the Board of Election Commissioners of the city of Chicago."

SPEAKER SHANAHAN. The resolution will be referred to the Committee on Rules, when appointed.

Mr. BUTLER (Sangamon). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 5.

"WHEREAS, The frequent floods of the Mississippi River, caused by waters from 31 states, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the states of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas and Louisiana, and large money losses, not only in such afflicted territory but in other portions of the nation; and,

"WHEREAS, All political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty; therefore, be it

"Resolved, by the House of Representatives of the State of Illinois, the Senate concurring, That the Congress of the United States be and is hereby requested to fulfill this national duty at its next session and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay; be it further

"Resolved, That copies of this resolution be sent to the speaker of the House of Representatives and to the president of the Senate of the Congress of the United States."

SPEAKER SHANAHAN. The resolution will be referred to the Committee on Waterways, when appointed.

Mr. BUTLER (Sangamon). This resolution is the one asked for and requested by Mr. Fox, who has the matter in charge for the association handling the matter. The resolution is nothing but a memorial asking Congress for some relief for the sufferers from the floods that happen every spring along the Mississippi River. I am heartily in favor of the resolution taking care of the sufferers of Italy and those foreign countries from earthquakes, but I am also heartily in favor of taking care of the sufferers of the United States in the Mississippi Valley, of which our State is one, that suffer every spring from the floods, losing their property and often times their lives.

This does not call for any money on the part of Illinois, but it will include Illinois in its benefits. Therefore, I would ask earnest consideration of this resolution when reported out by the Committee on Waterways.

Mr. SHURTLEFF (McHenry). This House has heretofore passed on this same subject by passing resolutions hastily, sending them on to Congress, and allowing itself to be placed in a very embarrassing position. One instance I remember particularly. I, therefore, think as this is not a matter that must be attended to today, that the resolution should go to the committee.

SPEAKER SHANAHAN. Yes, it will be referred to the Committee on Waterways.

Mr. SCANLAN (LaSalle). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 40.

“Resolved, That the speaker of the House be, and he is hereby empowered and directed to at once appoint:

“Jesse Hawkins, as assistant messenger, at a salary of \$4.00 per day, said appointment and salary attached thereto to date back to February 17, 1915.”

SPEAKER SHANAHAN. The resolution will be referred to the Committee on Contingent Expenses, when appointed.

Mr. HOLADAY (Vermilion). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 41.

“Resolved, That the speaker of the House be, and he is hereby empowered and directed to appoint Will H. McConnell as press messenger, whose duties shall be to look after the press gallery and the accommodation of the press at a compensation of \$5.00 per day.”

SPEAKER SHANAHAN. It will be referred to the Committee on Contingent Expenses, when appointed.

Mr. KASSERMAN (Jasper). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 42.

“Resolved. That in any election contest now pending or hereafter filed against a sitting member of this House no attorney fee or expenses whatever shall be paid to or on behalf of the contestant unless he shall be successful in such contest, and not to exceed five hundred dollars for attorney fees where such contestant is successful. Attorney fees not to exceed five hundred dollars may be allowed to any sitting member against whom a contest has been filed and in which a recount of the ballots is made, and not to exceed two hundred and fifty dollars where the contest is dismissed without a recount of the ballots, whether such dismissal is on the motion of the contestant, contestee, or of the House, or of the Elections Committee, or any subcommittee of the same. No expenses as such shall be allowed to any attorney in any case for either contestant or contestee, but expenses may be allowed in his behalf as hereinafter stated. No expenses shall be allowed to any successful contestant, or to a contestee who is a sitting member of the House, except the account therefor shall be itemized in detail, and shall be verified. A successful contestant, or a contestee who is a sitting member of the House, may pay the actual railroad fare and hotel bills of his attorney, and include the amount in such account. Where any necessary expenses of a successful contestant, or of a contestee who is a sitting member of the House, may have been incurred but not paid they may be included in the amount to be allowed, but in such event the account therefor shall be itemized in detail by the party to whom it is due, and shall be verified by him. No attorney fee or expenses whatever shall be paid to or on behalf of any contestee who is not a sitting member of the House.”

SPEAKER SHANAHAN. That resolution will be referred to the Committee on Elections, when appointed.

Mr. TURNER (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 43.

“WHEREAS, It has become a matter of common report on the floor of the House of Representatives that several of the members of said House have subscribed to pre-election pledges and promises for and in consideration of support promised and given by certain leagues and organizations for the nomination and election of such members; and,

“WHEREAS, Such pledges and promises are in direct contravention to the oath of office subscribed to, and taken by members of this General Assembly, which reads as follows:

“‘I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and will

faithfully discharge the duties of senator (or representative) according to the best of my ability; and that I have not knowingly or intentionally paid or contributed anything, or made any promise, in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office and have not accepted, nor will I accept, or receive, directly or indirectly, any money or other valuable thing, from any corporation, company or person for any vote or influence I may give or withhold on any bill, resolution or appropriation or for any other official act; therefore, be it

“Resolved, That a committee of three (3) representatives be appointed by the speaker to investigate and report back to this House, in how far such reports are founded on fact, and recommend such action as in its judgment may seem proper to such committee.

“For the purpose of making such investigation and report such committee shall have the power to administer oaths, take evidence, subpoena witnesses and compel them to testify, compel the production of books, papers and documents, and to do any and all other lawful acts to carry out the provisions of this resolution;

Resolved further, That this committee be, and is hereby authorized and empowered to employ such assistance as it may deem necessary to carry out the provisions of this resolution and such assistance and other expenses including traveling expenses of the members of this committee shall be paid out of the funds for committee expenses or out of an appropriation made therefor upon proper vouchers certified by the chairman of said committee.

SPEAKER SHANAHAN. This will be referred to the Committee on Rules.

Mr. HENNEBRY (Will). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 44.

“WHEREAS, The Hon. Thomas H. Riley departed this life on November 6, 1913, at his home in Joliet, Will County, Ill.; and,

“WHEREAS, The said Thomas H. Riley was a member of this House during the Thirty-fifth, Forty-fifth and Forty-sixth sessions of the General Assembly; and,

“WHEREAS, The deceased was one of the most diligent and painstaking of the public servants of Illinois during his official career, and by his great diligence and research gained a national reputation as an authority upon drainage matters, having visited all the important waterways in Europe and having served with great distinction on the Waterways Commission of this State; and,

WHEREAS, It is fitting that such valuable public service was rendered by the said Thomas H. Riley be publicly recognized and appreciated; therefore, be it

“Resolved, by the House of Representatives of the Forty-ninth General Assembly of the State of Illinois, That a record be made of the appreciation due the valuable services of the said Thomas H. Riley and the approval of his public and private life for the emulation of his fellow countrymen; and be it further

“Resolved, That this resolution be spread upon the Journal of the House and that a suitably engrossed copy thereof be forwarded by the clerk to the family of the deceased; and as a further mark of respect to his memory, that the House do now adjourn.”

Resolution unanimously adopted, and the House adjourned.

FRIDAY, MARCH 5, 1915.**10:00 o'Clock A. M.**

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. H. V. Davis.

Journal of previous day being read. On motion of Mr. Igoe (Cook), further reading dispensed with, and Journal approved.

SPEAKER SHANAHAN. The clerk will call the roll for the introduction of bills.

(Roll called, bills introduced.)

A message from the Senate:

"Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following preamble and joint resolution in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to wit:

SENATE JOINT RESOLUTION No. 8.

"Resolved, by the Senate, the House of Representatives concurring, That when the two Houses adjourn on Friday, March 5, they stand adjourned until Wednesday, March 10, at 10:00 o'clock a. m.

A. E. EDEN, Secretary of the Senate."

Mr. PURDUNN (Clark). I move that the House concur with the Senate in the adoption of Senate Joint Resolution No. 8.

Motion prevailed.

Mr. DUDGEON (Grundy). I offer the following resolution and move that the rules be suspended and the resolution considered immediately:

HOUSE RESOLUTION No. 44.

"Be it resolved, That the State Board of Live Stock Commissioners are hereby required to lay before the House, not later than Wednesday morning, March 10, 1915, all facts, figures, data, names of owners, and numbers of cattle killed and charges for disinfecting premises for all live stock and property destroyed by reason of the foot and mouth disease, giving the names and items of each owner and their several respective losses; and be it further

"Resolved, That a certified copy of this resolution be transmitted by the clerk to the State Board of Live Stock Commissioners."

(Resolution adopted.)

Mr. RENTCHLER (St. Clair). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 45.

"WHEREAS, By the decree of divine providence, the hand of death has been laid upon and has removed from our midst the Hon. Freck Keck, a member of the Forty-fourth, Forty-fifth, Forty-sixth and Forty-eighth General Assemblies, representing the Forty-ninth Senatorial District; and,

"WHEREAS, By his death our State has lost an honest and efficient public officer, the House of Representatives an honorable and useful member, his constituents one of the best, broadest and most influential citizens and his family one whose memory they, in common with ourselves, and all who knew him feel justly proud of; therefore, be it

"Resolved, by the House of Representatives, That deeply deploring his

untimely death, we unite with his family, constituents and friends, in their grief, feeling his death to be a personal loss to each of us; and, be it further

Resolved, That this resolution be entered upon the Journal of the House, and that a suitably engrossed copy be forwarded by the clerk to the family of the deceased, and as a further mark of respect, that the House do now adjourn."

Resolution unanimously adopted, and the House adjourned.

WEDNESDAY, MARCH 10, 1915.**10:00 o'Clock A. M.**

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. E. S. Combs.

Journal of previous day being read. On motion of Mr. Weber (Cook), further reading dispensed with and Journal approved.

THE DOORKEEPER. Mr. Speaker, the Honorable Secretary of the Governor.

SECRETARY TO THE GOVERNOR. Mr. Speaker, I am directed by the Governor to lay before the House of Representatives the following communications:

"STATE OF ILLINOIS,
"EXECUTIVE DEPARTMENT,
"SPRINGFIELD, March 10, 1915.

"Gentlemen of the Forty-ninth General Assembly:

"I respectfully recommend the passage of a law abolishing capital punishment in the State of Illinois.

"The strongest, if not the sole logical argument in favor of its retention is that it acts as a deterrent upon the criminal and is therefore a protection to society against the commission of murder. If it proved to be such a deterrent, I would not urge its abolition. Experience in the United States does not sustain the contention. Capital punishment by law has been placed upon and has remained upon the statute books of nearly all of the states of this nation since the inception of their governments. Up to the year 1913, only six states of the United States had abolished the death penalty. In 1913, the state of Washington abolished capital punishment.

"United States Statistics of 1910 show that five of these states rank among the twenty states having the lowest per capita of homicides, all of these five states having a percentage of less than .08 in each 10,000 inhabitants. The other non-capital punishment state, Kansas, has the same percentage of homicides, 1.01 in 10,000, as have the states of Illinois and Maryland, in both of which capital punishment has been enforced.

"The twenty-one states of the Union having the highest percentage of homicides, all of which have a greater percentage per capita than Illinois, Kansas and Maryland, have capital punishment in their criminal codes, and such punishment has been duly enforced.

"From the foregoing statement of statistics, it will be seen that the states having a capital punishment law, rank as a rule among the states having the greatest percentage of homicides, while those which have abolished capital punishment as a rule rank among those which have the lowest percentage of homicides.

"Such condition and repulsive punishment has therefore failed to have a more deterrent effect than imprisonment, in the United States.

"Why, then, should capital punishment be longer retained in Illinois?

"In this State of ours, 651 homicides were committed in 1910, after nearly a century's enforcement of this law, while in our neighboring state of Wisconsin, where capital punishment has been abolished, the percentage of homicides has not been much over 50 per cent per capita of those committed in Illinois.

"The cold-blooded enforcement of this awful penalty under the forms of law is brutal and abhorrent and wrenches the decent sensibilities of every public official who, by any act or omission, is required by law to participate in its enforcement, including the jurymen who impose the penalty, the judge who sentences, the Governor who refrains from pardoning, the sheriff who

superintends the hanging and the miserable unknown human tool who cuts the rope.

"Taking human life is only justifiable in self-defence. Under the pretence of self-defence, the People of the State of Illinois have been for years taking human life under the forms of law. As a defence of society against murder, judicial taking of human life has proved a failure. It has proved to be no defence.

"Imprisonment is equally effective, with less opportunity of irrevocable mistake. 'Thou shalt not kill' is the law of Christianity and should be the law of twentieth century humanity.

"Let us, then, in the name of humanity, replace the punishment of death with the punishment of imprisonment, following the precedent of more humane communities that have not suffered thereby.

"Let us put to death, not the wretched convict, but the law which has heretofore taken his life without real advantage to society or the State.

Respectfully submitted,

E. F. DUNNE *Governor.*"

Mr. Speaker—I am directed by the Governor to lay before the House of Representatives the following communication:

"STATE OF ILLINOIS,
"EXECUTIVE DEPARTMENT,
"SPRINGFIELD, March 10, 1915.

"Gentlemen of the Forty-ninth General Assembly:

"The Forty-eighth General Assembly adopted a joint resolution authorizing the Governor to appoint a commission of nine members to be known as the Commission on Unemployment of the State of Illinois, said commission to have power and authority to investigate the subject of unemployment of Illinois, together with the causes leading thereto, and the effect of such idleness upon the commonwealth and its citizenship.

"Unfortunately, the General Assembly made no appropriation to pay the expenses of the members of the commission.

"I endeavored to secure suitable persons to act on the commission but met with little encouragement because of the fact that there was no appropriation available.

"Inasmuch as the subject of unemployment is one of paramount importance in the State at this time, I respectfully suggest that the Forty-ninth General Assembly re-enact Senate Joint Resolution No. 28, which was adopted by the Forty-eighth General Assembly, and provide, further, for an appropriation of not to exceed one thousand dollars (\$1,000) to pay the expenses of the members of the commission and such other expenses as may be necessary in the carrying on of the work.

Respectfully submitted,

E. F. DUNNE *Governor.*"

Mr. Speaker—I am directed by the Governor to lay before the House of Representatives the following communication:

"STATE OF ILLINOIS,
"EXECUTIVE DEPARTMENT,
"SPRINGFIELD, March 10, 1915.

"Gentlemen of the Forty-ninth General Assembly:

"The Congress of the United States passed an Act approved by the President, May 8, 1914, to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the Act of Congress approved July 2, 1862, and the United States Department of Agriculture under which benefits available from the National Treasury are largely increased.

"A wise policy of agricultural development has been adopted by the National Government, and for the purpose of extending the benefits of study and research with respect to agriculture to all parts of the Union, generous appropriations of public funds have been provided for co-operative agricultural extension work.

"The Act above referred to popularly known as the Smith-Lever Act contains amongst others, the following provisions:

"SEC. 2. That cooperative agricultural extension work shall consist of

the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State Agricultural College or colleges receiving the benefits of this Act.

"SEC. 3. That for the purpose of paying the expenses of said cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated out of any money in the treasury not otherwise appropriated, the sum of \$480,000 for each year, \$10,000 of which shall be paid annually, in the manner hereinafter provided, to each state which shall by action of its legislature assent to the provisions of this Act: *Provided*, that payment of such installments of the appropriation hereinbefore made as shall become due to any state before the adjournment of the regular session of the legislature meeting after the passage of this Act may, in the absence of prior legislative assent be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: *Provided, further*, that there is also appropriated an additional sum of \$600,000 for the fiscal year following that in which the foregoing appropriation first becomes available and for each year thereafter, for seven years, a sum exceeding by \$500,000, the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the sum of \$4,100,000 in addition to the sum of \$480,000 hereinbefore provided: *Provided, further*, that before the funds herein appropriated shall become available to any college for any fiscal year, plans for the work to be carried on under this Act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. Such additional sums shall be used only for the purposes hereinbefore stated, and shall be allotted annually to each state by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each state bears to the total rural population of all the states as determined by the next preceding Federal census: *Provided, further*, that no payment out of the additional appropriations herein provided shall be made in any year to any state until an equal sum has been appropriated for that year by the legislature of such state, or provided by state, county, college, local authority, or individual contributions from within the state, for the maintenance of the cooperative agricultural extension work provided for in this Act.

"In no state of the Union is agriculture more truly the basis and foundation of general prosperity than in Illinois. Fortunately, too, Illinois is in a position to reap largely of the benefits contemplated by the Act of Congress above referred to on account of the size of the rural population.

"The heaviest demand the future will make upon us is for the products of our farms. Not our own people alone but others will constantly draw upon our farm resources for sustenance and much of the comfort and well-being of our citizens depends upon how well we husband our farm resources. To eliminate the enormous waste and to develop the full capacity of the farm are the important tasks for the accomplishment of which we may profitably exert our energies. Increase in farm products means prosperity for the farmer and reasonable cost to the consumer, two highly desirable results.

"The extension work contemplated by the Acts of Congress is of special value for this purpose. It is intended to carry education beyond the school, into the field and the home. To teach farm economics popularly and by demonstration.

"Under the terms of the Act of 1862 there is immediately available upon the consent of the Legislature the sum of ten thousand (10,000) dollars. There is an additional sum available for the term 1915-1916 of twenty-six thousand two hundred eighty-two (26,282) dollars; for the term 1916-1917, forty-eight thousand one hundred eighty-four (48,184) dollars; and larger sums thereafter to 1923.

"To avail ourselves of the benefits of this Act of Congress the State must

appropriate a sum equal to the annually increased appropriation over and above ten thousand (10,000) dollars. It is therefore incumbent upon this General Assembly to adopt joint resolutions consenting to the benefits of this Act, and also to make the required appropriations to duplicate the appropriation made by Congress which for 1915-1916 is twenty-six thousand two hundred eighty-two (26,282) dollars and for 1916-1917 is forty-eight thousand one hundred eighty-four (48,184) dollars.

"I therefore respectfully request the General Assembly to take action in accordance with the provisions of the Act of Congress.

Respectfully submitted,

E. F. DUNNE, *Governor.*"

SPEAKER SHANAHAN. The messages will be received and placed on file.

Mr. SHURTLEFF (McHenry). I would like to rise to a question of personal privilege. (Leave.)

There are a considerable number of the personal friends of the present speaker of this House who have caused to be made a gavel from the Lincoln Home here in Springfield, which I desire to place in the hands of the speaker of this House. Admiring him and thinking a great deal of him personally, they have asked me to present this gavel to the speaker as an expression of their sincere friendship and good wishes and with the hope that he will use it wisely and judiciously, and with it goes the belief that he will. On behalf of the Springfield friends of the speaker, I take pleasure in presenting this gavel to him. (Applause.)

SPEAKER SHANAHAN. I desire to express my thanks to the friends who went to all the trouble to get this gavel and I assure you that I appreciate it and also in view of the fact that it comes from the home of the martyred president. (Applause.)

I desire to present to the House the standing committees of the House, and before doing so would ask the unanimous consent of the House to add two members on the Committee of Education. (Leave.) The clerk will read the standing committees of the House.

Agriculture—Dudgeon, Chairman; Barker, Shurtleff, Benson, Brewer, Drake, Ellis, E. W. Green, Gregory, Lantz, Moore, Rentchler, Rethmeier, W. Rowe, Stanfield, Stewart, H. Wilson, Wood, Elliott, Farrell, Felts, T. E. Graham, Hilton, Huston, Morris, Mulcahy, Quisenberry, Richardson, Smith, Strubinger, and Thomason.

Appropriations—Smejkal, Chairman; Dudgeon, Tice, Atwood, Bentley, Boyd, Boyer, W. M. Brown, Burres, Campbell, T. Curran, C. Curren, Flagg, Harvey, Kessinger, Leach, Lynch, Lyon, Meents, Murphy, Pace, Sonnemann, Tompkins, Young, Donahue, Fahy, Foster, Gorman, Griffin, Hoffman, Hubbard, Huston, Igoe, Kilens, Merritt, O'Rourke, Purdunn, Quisenberry, Richardson, A. Roe, Schuberth, Shephard, and R. E. Wilson.

Banks, Banking and Loan Associations—Shephard, Chairman; Pierson, G. H. Wilson, W. M. Brown, C. Curren, Gregory, Meents, Murphy, Roderick, W. Rowe, Foster, Groves, Hruby, Huston, Lipshulch, Mitchell, O'Connell, Purdunn, Quisenberry, J. W. Ryan, and Strubinger.

Charities and Corrections—Garesche, Chairman; T. Curran, Lyle, Gardner, Scholes, Stanfield, Tompkins, Watson, Rostenkowski, Basel, Bruce, Donlan, Hruby, Lipshulch, Mason, Weber, and Groves.

Civil Service—O'Rourke, Chairman; Provine, McCormick, W. M. Brown, Butler, T. Curran, Dahlberg, Gardner, Kessinger, McCabe, Murphy, Rothschild, Turner, Thon, Cooper, Donlan, Elliott, Igoe, Kasserman, McGloon, Mitchell, Prendergast, and Rinehart.

Congressional Apportionment—Burres, Chairman; Pierson, G. H. Wilson, W. M. Brown, Campbell, C. Curren, Fieldstack, Hamlin, Holaday, Lantz, Meents, Perkins, Rentchler, Tuttle, West, H. Wilson, Desmond, Epstein, Fahy, Franz, C. Green, Groves, Hubbard, Kasserman, Lipshulch, Morris, and J. W. Ryan.

Contingent Expense—Boyer, Chairman; Flagg, A. Roe, Harvey, Meents, Shephard, and Richardson.

Education—Pierson, Chairman; Scanlan, Turnbaugh, Benson, Brewer, Drake, Flagg, Frankhauser, Hicks, Lynch, McCabe, Moore, Pace, Sonnemann, Vursell, H. Wilson, Desmond, Devine, Garesche, Groves, Hubbard, Madsen, Merritt, Morrasy, Seif, F. J. Ryan, Weber, Williamson, and Trandell.

Efficiency and Economy—Devine, Chairman; DeYoung, Provine, Burres, Butler, E. W. Green, Kessinger, McCormick, Murphy, Rothschild, Burns, Igoe, Kilens, Lipshulch, Madsen, McGloon, and O'Rourke.

Elections—Scholes, Chairman; Watson, Perkins, Bentley, Brinkman, Butler, C. Curren, Dahlberg, DeYoung, Flagg, W. J. Graham, McCormick, Rostenkowski, Vickers, Moore, L. O'N. Browne, Burns, Conlon, Desmond, Donlan, Griffin, Madsen, Kasserman, Purdunn, and R. E. Wilson.

Enrolled and Engrossed Bills—Lynch, Chairman; Purdunn, W. J. Graham, E. W. Green, Ellis, Morrasy, and Mason.

Farm Drainage—Morrasy, Chairman; W. J. Graham, Burres, Benson, Brewer, Buxton, Campbell, Drake, Stanfield, West, Wood, T. E. Graham, Kane, Maucker, Thomason, Williamson, and Taylor.

Fish and Game—A. Roe, Chairman; Garesche, T. E. Graham, Foster, Devereux, Festerling, W. J. Graham, LePage, Lynch, Pierson, Rethmeier, Thon, Fahy, Franz, Gorman, Hennebry, Prendergast, Placek, Smith, Thompson, and Desmond.

Insurance—Scanlan, Chairman; Merritt, Kessinger, Bippus, Butler, Fieldstack, Hamlin, Jackson, LePage, Roderick, Turner, Tuttle, Bruce, Conlon, Donahue, Franz, T. J. Graham, Hruby, Rinehart, Schuberth, and O'Connell.

Industrial Affairs—Turnbaugh, Chairman; Brinkman, Bippus, Davis, Fieldstack, Leach, McCabe, Rentchler, Rostenkowski, Stanfield, Stewart, Tompkins, Tuttle, Boyd, McCormick, Hicks, Bruce, C. Green, Hilton, Kilens, Madsen, McGloon, Mitchell, Morrasy, Morris, Placek, Prendergast, F. J. Ryan, Walsh, Santry, and Taylor.

Judiciary—Holaday, Chairman; Shurtleff, L. O'N. Browne, Provine, Butler, Dahlberg, Davis, DeYoung, Ellis, Frankhauser, Gardner, W. J. Graham, Hamlin, Hicks, Leach, Lyle, Lyon, Moore, Perkins, Pierson, Roderick, Rothschild, Scanlan, Scholes, Thon, Turnbaugh, Tuttle, Watson, G. H. Wilson, Cooper, Devine, Donahue, Garesche, C. Green, Hennebry, Igoe, Kane, Kasserman, Ray, Rinehart, A. Roe, Taylor, Thomason, Weber, and Williamson.

Judicial Apportionment—W. J. Graham, Chairman; Atwood, Barker, Buxton, Davis, Dudgeon, Ellis, Harvey, Hicks, Leach, LePage, Lynch, Lyon, Stewart, Scanlan, Shurtleff, Sonnemann, Tice, Turnbaugh, L. O'N. Browne, Cooper, Dalton, Donahue, Elliott, Felts, Garesche, Gorman, Jacobson, O'Connell, Maucker, Morrasy, Placek, Purdunn, A. Roe, and Thompson.

Judicial Department and Practice—Provine, Chairman; G. H. Wilson, Rothschild, L. O'N. Browne, Dahlberg, DeYoung, Ellis, Hamlin, Lyle, Moore, Pierson, Roderick, Scholes, Thon, Watson, Devine, C. Green, Kane, Rinehart, Taylor, Thomason, Weber, and Williamson.

Liberal Committee—T. Curran, Chairman; Festerling, Devereux, C. Curran, LePage, Moore, Rethmeier, Rostenkowski, Tompkins, Turner, Vickers, Desmond, Donlan, Fahy, Hennebry, Hilton, F. Ryan, Seif, and Smith.

License and Miscellany—Festerling, Chairman; Bippus, Boyer, Burres, T. Curran, Devereux, Fieldstack, Jackson, Rostenkowski, Turner, Vickers, Basel, Epstein, Farrell, Hruby, Mason, O'Rourke, Placek, Santry, Strubinger, and Thompson.

Military Affairs—Burns, Chairman; Atwood, Barker, Brewer, Campbell, Davis, E. W. Green, Jackson, Stewart, Vickers, Young, Bruce, Felts, Hoffman, Jacobson, Lipshulch, F. Ryan, Schuberth, and Seif.

Municipalities—Gorman, Chairman; Frankhauser, Lyle, Bippus, Buxton, Davis, Gardner, Helwig, Hicks, West, Young, Conlon, Dalton, Epstein, Farrell, Griffin, Santry, Jacobson, Maucker, Mitchell, Mulcahy, Ray, F. Ryan, Trandel, R. E. Wilson, Seif, and J. W. Ryan.

Public Utilities and Transportation—McCormick, Chairman; Shurtleff, DeYoung, Brinkman, W. M. Brown, Dudgeon, Gregory, Hamlin, Helwig, Lantz, LePage, Murphy, Provine, Turnbaugh, Turner, Vickers, Vursell, West, L. O'N. Browne, Burns, Cooper, Dalton, Franz, Gorman, Hilton, Jacobson, McGloon, Mulcahy, F. J. Ryan, Smith, and Thompson.

Revenue—Fahy, Chairman; Rothschild, Lyle, Boyd, Dahlberg, Fieldstack, E. W. Green, Jackson, Perkins, Rentchler, Stanfield, Thon, Wood, Epstein, Kane, Mason, Mulcahy, J. W. Ryan, Walsh, Maucker, and Trandell.

Roads and Bridges—Tice, Chairman; Atwood, Barker, Benson, Bentley, Buxton, Davis, Drake, Festerling, Lantz, Pace, Perkins, Rentchler, Reth-

meier, W. Rowe, Basel, L. O'N. Browne, Dalton, Donahue, Felts, Morris, Ray, F. Ryan, Shephard, and Trandell.

Rules—The Speaker, Shurtleff, McCormick, Dudgeon, Tice, T. Curran, Rothschild, Lyon, Frankhauser, Rentchler, L. O'N. Browne, Devine, Garesche, Gorman, Hubbard, Igoe, and A. Roe.

Senatorial Apportionment—Gregory, Chairman; Boyer, Frankhauser, Bentley, Brinkman, Devereux, E. W. Green, Helwig, Jackson, Kessinger, Reithmeier, Rostenkowski, W. Rowe, Vursell, Watson, Wood, Basel, Bruce, Conlon, Farrell, Hennebry, Hoffman, O'Rourke, Prendergast, Quisenberry, Ray, Schuberth, Walsh, and R. E. Wilson.

Temperance—G. H. Wilson, Chairman; Boyd, Brewer, Ellis, Groves, Hubbard, Huston, Kane, Lyle, Provine, Richardson, Strubinger, Shurtleff, Tice, Vursell, West, Williamson, H. Wilson, and Wood.

Visit Charitable Institutions—Foster, Chairman; Campbell, Vickers, Griffin, and Elliott.

Visit Educational Institutions—Hilton, Chairman; Flagg, Barker, Pace, and F. Ryan.

Visit Penal Institutions—F. J. Ryan, Chairman; Atwood, Gregory, T. E. Graham, and Donlan.

Waterways—Igoe, Chairman; Dudgeon, Boyer, Devereux, Festerling, Gardner, Harvey, Helwig, McCabe, Scanlan, Scholes, Smejkal, Sonnemann, Tompkins, Young, L. O'N. Browne, Burns, Devine, Hennebry, Hoffman, Kilens, Mitchell, O'Connell, Placek, Santry, Walsh, Prendergast, and R. E. Wilson.

SPEAKER SHANAHAN. The chair will lay before the House a communication from the State Board of Live Stock Commissioners.

March 10, 1915.

"To the Honorable House of Representatives of the Forty-ninth General Assembly."

"GENTLEMEN: In compliance with your House Resolution No. 45, we herewith hand you an itemized statement of the expense incurred on account of the outbreak of the foot and mouth disease. These facts and the data are compiled from appraisement sheets, and bills now on file in this office, up to and including March 8. There has been 978 quarantines issued on various farms. The reports on some of them being incomplete, but it is our opinion that the estimated figures given you on March 3 will cover all expenses except compensation of animals slaughtered.

"You will note that this report does not cover disinfection of premises, for the reason that the disinfecting is being done by Federal authorities and they have as yet submitted no figures except by phone and gave the information in this way, that the disinfecting of each farm will average \$286.

"Our report of March 3 shows 705 farms disinfected, making a total of \$201,630. We have given you all the figures and data available at this time, and will be very glad to appear before you at any time and give you such other information as is available.

Very truly yours,

STATE BOARD OF LIVE STOCK COMMISSION.

(Signed) B. J. SHANLEY,

L. F. BROWN.

R. M. PATTERSON."

SPEAKER SHANAHAN. The message is referred to the Committee on Appropriations.

The clerk will now call the roll for the introduction of bills.

(Roll call for introduction of bills.)

Mr. THOMAS CURRAN (Cook). I have received a letter from Charles Curren asking to have him excused on account of serious illness of his wife.

SPEAKER SHANAHAN. The Journal of the House will show that Messrs. Charles Curren, Mitchell and Felz are excused on account of sickness.

Mr. RINEHART (Effingham). I offer the following resolution, and move its adoption:

HOUSE RESOLUTION No. 47.

"Resolved, That the speaker of the House be, and is hereby empowered and directed to at once appoint R. A. Watts as special House policeman, at a per diem of \$3."

SPEAKER SHANAHAN. This resolution will be referred to the Committee on Contingent Expenses.

Mr. GARESCHE (Madison). I offer the following resolution, and move its adoption:

HOUSE RESOLUTION No. 48.

"WHEREAS, Our Almighty Father in His divine wisdom saw fit on the 8th day of March, 1915, to call to his heavenly reward, Hon. Charles D. Hoiles, of Greenville, Bond County, Ill.; and

"WHEREAS, The said Hon. Charles D. Hoiles was a member of this House during the Twenty-first Session of the General Assembly, and

"WHEREAS, The deceased was one of the most honored and respected members of that Assembly and during his official career was one of the most industrious, efficient and painstaking public servants of this State, one of the best and most beloved citizens of the community in which he resided and one whose memory his family and ourselves will ever feel justly proud of; therefore, be it

"Resolved, by the House of Representatives of the Forty-ninth General Assembly of the State of Illinois, That we unite with his family and his friends and deeply deplore his death, each of us feeling that it is a personal loss; and, be it further

"Resolved, That this resolution be spread upon the Journal of the House and that a suitably engrossed copy thereof be forwarded by the clerk to the family of the deceased, and as a further mark of respect to his memory, that the House do now adjourn."

Resolution adopted, and the House adjourned.

THURSDAY, MARCH 11, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by the Rev. E. S. Combs.

Journal of previous day being read. Upon motion of Mr. McGloon (Cook), further reading dispensed with and Journal approved.

SPEAKER SHANAHAN. Are there any petitions this morning?

Mr. DESMOND (St. Clair). I desire to present a petition from the school teachers of East St. Louis relating to the Illinois State Teachers' Pension and Retirement Fund Bill.

SPEAKER SHANAHAN. The petition will be received, and under the rules, referred to the Committee on Education.

I also lay before the House a report of the trustees of the Lincoln Homestead, which will be placed on file.

The clerk will call the roll for the introduction of bills.

(Roll called for the introduction of bills.)

Mr. LYNCH (Peoria). The Committee on Enrolled and Engrossed Bills, to which was referred House Bill No. 42, reports the same back correctly engrossed.

SPEAKER SHANAHAN. House bills on third reading.

THE CLERK. The Committee on Enrolled and Engrossed Bills reports back House Bill No. 42, which is on third reading, "A bill for an Act to amend an Act entitled, 'An Act to amend an Act concerning circuit courts, and to fix the time for holding the same in the several counties of the State, exclusive of Cook County.'"

SPEAKER SHANAHAN. And the question is, "Shall this bill pass?" and upon that question the clerk will call the roll.

(Roll called by clerk.)

SPEAKER SHANAHAN. On this question there are 120 "yeas" and no one voting against it. The bill having received a two-thirds vote, is passed with the emergency clause. The clerk will read the title of the bill.

(Title of bill read.)

SPEAKER SHANAHAN. The Journal of the House will show that Messrs. Epstein, Thompson and Watson are excused on account of sickness.

Mr. LEE O'NEIL BROWNE (LaSalle). I rise to a question of personal privilege. (Leave.)

I regret very much, and when I say that, I am speaking with the utmost sincerity, I regret very much for a number of reasons to find myself placed in a position where I feel compelled to ask the indulgence of this floor or the members of this House this morning; in the first place, because I am not in a physical condition to do myself or the matter itself justice at this time; second, because I regret that circumstances should arise which should necessitate or call upon me for anything of this kind.

Unfortunately, or fortunately, just as you happen to look at it, I have not behind me nor at my command, directly or indirectly, any of the public prints of the day, and anything that I have to say, or any comments that I have to make, other than privately to some of my friends, I am forced to make here upon the floor of this House, or permit them to go unmade. Others are situated differently, and others having the press at their command and a thousand voices by which they may say to the people at large, and not at large, if you will, this is so or this is not so.

I want to call your attention to an editorial in the Chicago Herald of this morning, and I do it in all good faith and in the full belief that what I am to say will find, at least in the hearts of the majority of the members

of this House, a resting place, and a judgment will not be antagonistic to me or my position. It is headed "Well Done, Mr. Speaker!" (Reading.)

"Speaker Shanahan's selection of committee chairmen, announced yesterday, show sincerity, courage and far-seeing political judgment.

"The name of Representative Lee O'Neil Browne does not appear at the head of a single committee.

"This shows sincerity. It proves that Mr. Shanahan's election was not the result of anything resembling that sort of a bi-partisan deal in which the Buy-Boys figure.

"It shows courage, for it challenges Mr. Browne, if he sees fit to be displeased with his treatment, to do his worst.

"And it shows far-seeing political judgment. With his extensive experience, Speaker Shanahan knows that under certain well-known conditions Mr. Browne will always be found opposing meritorious measures and finding plausible excuses for other measures. Knowing this, it is good judgment to discount Mr. Browne at once and from the start. It is now practically impossible for Mr. Browne to convince anybody that any hostile game in which he may engage is not more or less inspired by personal spleen.

"On the positive side Speaker Shanahan's selections of committee chairmen appear to be generally commendable. Where they might be criticized the censure is necessarily restrained by the reflection that he has to work with the tools he has, and is not responsible for the rather poor temper of some of them.

"But on the negative side his dealing with the Lee O'Neil Browne problem shows an acumen that comes close to political genius. Contemplating the results, all the decent people of Illinois breathe a sigh of thanksgiving for dangers avoided and say:

"'Well done, Mr. Speaker!'"

Now, gentlemen, this would be rather laughable and rather akin to vaudeville were it not so ghastly cruel, unfair and unwarranted. I don't know the inspiration of it, and I care less. I simply know that it appears there and goes out to the people of this State, most of whom don't know me and most of whom don't know the chairmen who have been appointed here and will not know them except through the public print.

Now, it is immaterial and entirely outside the case whether Lee O'Neil Browne received a chairmanship or did not receive a chairmanship. This House will go on and do just the same, do just the same amount of work in the same way without Lee O'Neil Browne being the chairman of any committee, as it would if he had been a chairman of a committee. This House will go on and do the same work in the same way with the chairmen there now and with the speaker there now, just as if Lee O'Neil Browne had been given a chairmanship of a committee or been selected the speaker of this House. So far as that is concerned, it is very immaterial, not only to the people, but to the members of this House, and I may say to myself as well.

I want to suggest this, and I want it to sink deep down into your souls, you that are fair men, and you that believe in being judged as you judge some other men, and I want you to carry it away with you, and I want the inspiration and the man or men who inspired this article, I want them to carry it away in their minds and souls and get all the comfort they can out of it.

I have been here since January, 1901. I have been for every meritorious bill that has ever been up in this House. You can't find a bad bill—you cannot find one where my name is inscribed as voting for it, unless you consider the bills that are for the people and against the corporate interests and against the money powers, you might say are bad bills.

You will find me always on the side with the people, the common people, whatever that means. You cannot find an instance, and I ask any man here to read the record and find one. That is the Lee O'Neil Browne that is constantly attacked by the press that cannot own him; attacked by the press that he doesn't care for or doesn't care for him. That is the Lee O'Neil Browne that dares to come down here from LaSalle County with an ever-increasing majority, as big as almost all the rest get together, comes down here year after year to represent his people in this General Assembly. That is merely in passing.

Who are the "Buy Boys?" I take it that that only refers to one incident in the life of Lee O'Neil Browne, one incident in his political or personal career, and that is when he voted for Senator William Lorimer in this House. That is what it refers to and the incident that he was charged with having given money to members of this House at that time to vote for William Lorimer, and upon which charge he was placed upon trial in a strange land, among a strange people, surrounded by strangers, with the courts owned and against him, and with the State's attorney against him, and with the State administration against him, and with the city administration of Chicago against him, and with this same paper against him of which Little Jimmie "Rat" Keely is the owner and editor, against him, Lee O'Neil Browne was tried by a jury and acquitted by a jury. That is probably where the expression comes in "Buy Boys." I am not going to argue the question as to the right or wrong of the accusation. That question was tried, threshed out and a jury passed upon it. Again I say, "Who are the 'Buy Boys?'" Why single out Lee O'Neil Browne if you want to be fair? Why don't you include the then speaker of this House, Edward Shurtleff? Why don't you include the now speaker, David E. Shanahan, and why don't you include the leader of the seventeen "wets," Thomas Curran? Why don't you include men upon this side of the House, Mr. Foster, Mr. Shepherd, Mr. Hilton, and numerous other men over here? Why don't you include these men in this little list known as "Buy Boys?" Let's be consistent. While the speaker of this House is receiving all of these encomiums upon his wonderful genius forgetting Lee O'Neil Browne, which he is willing to do, and I care little for, I say while he is receiving all of these encomiums of praise, why don't you look down the line of his list of chairmen appointments and see Thomas Curran, Shepherd, Foster, Fahy and Thomas Gorman and a lot of the others of the so-called "Buy Boys?" Why not be consistent and fair? I will tell you why they don't state that. Because it is not in the animal. Let me tell you what kind of an animal it is.

That paper today is under the control of and run by James Keely, known better in Chicago as Jimmie "Rat" Keely. Here is a little episode in his life, to show you the caliber of man he is. A number of years ago, before he became as large as he is now, whatever that is, he went down the line one night to the levee with a bunch of congenial spirits and he went into a sporting house, and as he went in there, there was a colored orchestra of four pieces playing, or had been playing, and just as this bunch came in they began to play "My Old Kentucky Home," and out from one of the rooms came a woman, a girl who had not been there very long, and had not gotten very far away from the "Old Kentucky Home" in her feelings and in whose heart the love for the southland and mother and sisters was still present, and she came out, wringing her hands and sobs coming from her throat and she said, "My God! don't play that; please don't play that," and the colored orchestra stopped and they quit. Keely pulls out a five dollar bill from his pocket and said to the orchestra, "Go on and play it; what the hell is the matter with you?" They went on and played it and she went back into the room and killed herself there.

That is one little incident in the life of the man that criticises Lee O'Neil Browne. No man, woman or child can hold up his or her hand today and say that Lee O'Neil Browne ever harmed him or her even so much as by a jot or tittle, and that is more than most of the whited sepulchers that sit on the floor of this House can say.

I am done with this for the present. I have said all I care to at this time. I may have something more to say later on in the same way, along the same lines, more extensively and more exhaustively, either here on the floor of this House or in the public print, I don't know which. That will depend entirely on how the spirit moves. I want to say now that I don't care one way or another as to the fact that I did or did not receive a chairmanship. If I care, that is my business and nobody else's. I am glad that all these gentlemen who have received committees, have them, if they wanted them. I fancy I will be able to take care of myself during this session irrespective who the speaker may be. If I fail, it will not be the fault of any member of this House or of this speaker, or of Jimmie "Rat" Keely, or any of the gentlemen who see fit to pour out flowers and

other things on the speaker's desk. It will be my fault and nobody else's. (Applause.)

SPEAKER SHANAHAN. The chair will lay before the House the following resolution from the Committee on Rules:

HOUSE RESOLUTION No. 49.

"WHEREAS, It is necessary that every representative shall be conversant with the business transacted by this House each day, in order that he may act understandingly on all matters; therefore, be it

Resolved, That the clerk of the House shall prepare each day an exact transcript of the House Journal and furnish the same to the State printing contractor, who shall be ordered at once by the State Printer Expert to print 300 copies thereof, and deliver them, under the provisions of the State printing contract, to the State binding contractor in time for him to bind and deliver the same to the clerk of the House by 9:00 o'clock a. m. of the following day, so that a copy may be placed on the desk of each representative at that time. After the daily Journal shall have been corrected or approved by the House, the State Printer Expert shall order the contractor to print 500 copies of the Journals as approved, and deliver the same to the clerk of the House. The form of the printed Journals to be furnished to the House shall be precisely the same as the form published in accordance with the law relating to State contracts;

Resolved, That with the House Journals herein provided there shall be printed such stenographic reports of debates and other proceedings as may be ordered by this House."

(Resolution adopted.)

SPEAKER SHANAHAN. The chair will lay before the House the following resolution from the Committee on Rules:

HOUSE RESOLUTION No. 50.

Resolved, That W. L. Corris be employed at the rate of twenty dollars (\$20) per diem to prepare a stenographic report of all proceedings and debates of the House of Representatives of the Forty-ninth General Assembly and of the Committee of the Whole House and for that purpose and for said sum he shall have at least two expert stenographers and two typewriters and as many more as at any time may be necessary in attendance on the House of Representatives of the Forty-ninth General Assembly or of the Committee of the Whole House when in session;

Resolved, That the sum of seven hundred and fifty dollars (\$750) shall be paid to W. L. Corris for the stenographic report of the House of Representatives of the Forty-ninth General Assembly up to and including March 6."

Mr. PURDUNN (Clark). What were the services rendered previous to March 6th?

SPEAKER SHANAHAN. The keeping of the record from the opening day of the session until March 6th—from the date of assembling of the Legislature up to March 6th.

Mr. PURDUNN (Clark). I understood there would be no expense to this House until it was organized.

SPEAKER SHANAHAN. There must be some manner in which the stenographic report from the opening date to March 6th should be gotten for the House. This was kept by Mr. Corris from the opening day of the session until now.

Mr. PURDUNN (Clark). I was going on the statement that I understood you to make when you took your office.

SPEAKER SHANAHAN. And that is in keeping with that statement. I am not going back on that. If the House desires to get the stenographic report up to date it has to buy it. This is not a question of employing now, but it is a purchase of a stenographic report taken by Mr. Corris from the opening day of the session up to March 6th, and under the resolution, from March 6th until the close of the session he is to receive \$20 per day for his services. The question is whether this House desires to accept this report from the opening day to now at the figure of \$750.

Mr. SHURTLEFF (McHenry). The House adopted one resolution which provided for this work being done, and this resolution provides for the manner in which it is to be done.

Mr. McCORMICK (Cook). The first resolution provided for the printing of the Journal and the printing of a stenographic report, and the second resolution provides for the employment of a stenographer and the purchase of the report which has been made by Mr. Corris up to date.

Mr. ROTHSCCHILD (Cook). To make it easier and simplify matters, I will make a motion that the resolution be divided, and that the vote be first taken on the portion subsequent to March 6th, and thereafter on the portion prior to that date.

Mr. IGOE (Cook). I think it would be well for the Committee on Rules to explain this to the members of the House.

SPEAKER SHANAHAN. I will call on the gentleman from Cook, Mr. McCormick.

Mr. McCORMICK (Cook). A sub-committee of the Committee on Rules was appointed to take up the question of the cost of preparing a stenographic report of and printing it. It was found that in round numbers the preparation of the report and the printing would amount to between \$5,000 and \$6,000—\$6,100, according to the volume of the work. The first resolution, already adopted, embodies the usual form that is adopted from year to year to provide for the printing of the Journal. The second one provides for the printing the stenographic report. The second resolution, now upon passage, provides as for the employment of Mr. Corris and competent assistants to keep a stenographic record of all debates.

Your sub-committee first considered the employment of several separate experts, each at so much per day, but at the end of the session there is a great volume of business, the House working twelve or fourteen hours and way into the night, and it is necessary to employ several stenographers in order to handle the volume of work required.

Now, upon investigation, we have decided it would cost less and be more easily controlled if the stenographic work were turned over to Mr. Corris for a fixed per diem and he be required to get out the stenographic report of this House, the cost to come within the per diem specified in the resolution.

The proceedings of this House, from the time it was called to order by the Secretary of State to date, have been taken by Mr. Corris, and he asked, in round figures, about \$1,000 for the services of himself and whatever assistants he had. Your committee fixed the sum of \$750 for that service and a per diem of \$20 for the balance of the session. Figured roughly, the rate from January 6th to date is about \$10 per day, instead of \$20 per day, and is less than Mr. Corris feels he is entitled to on account of the services rendered. In the judgment of your committee, \$750 for the work to date was considered fair. It was thoroughly canvassed in the Committee on Rules when there were fourteen or fifteen members present. This is the result of the report, and I don't think there is anything more to be said on the subject.

Mr. KANE (Saline). The \$20 a day covers everything?

Mr. McCORMICK (Cook). Yes, the \$20 a day in the resolution covers everything.

Mr. KANE (Saline). How many days?

Mr. McCORMICK (Cook). Every day in the week, seven days in the week.

Mr. DONAHUE (McLean). For my part, as far as this resolution is concerned, I am going to vote against it if I am the only man that will vote against this resolution. In the first place, it is absolutely unnecessary to spend \$20 a day of the people's money for the mere purpose of keeping a stenographic report. It will bring about no useful end whatever, and the people don't care about what one member or the other may say here on the floor of this House. They care nothing about it. What the people want is to get results from this House, and I, for one, am opposed to the spending of \$20 a day for the employment of this help.

We have an appropriation here of \$2,000,000 to pay the farmers for the loss of their cattle in this State. Why should we pay \$5,000 in addition to

that when we need not do so, and when it will bring about no useful purpose; and I am opposed to this resolution.

Mr. BUTLER (Sangamon). I certainly am in hearty favor of this resolution, and it is in keeping with the times. There is a popular demand all over this State for a correct record of what is said and what is done. This record will serve the purpose and will show just exactly what each member spoke on and what he said, so that if he is attacked in the future on any vote he has given here, he will be able to defend himself, whereas, heretofore, without any debates being kept whatever, he did not have this opportunity of self-defense.

Legislatures in the various states over the United States, in the progress of time, are taking up this very method of portraying to the people what their representatives are doing on the floor of the legislature, and it certainly should be passed by all means by this State, as I believe it is a step in the right direction and a step toward progress, and I believe in bringing to the attention of the people of this State what is going on here. I don't see how any real progressive or any real reformer could possibly be otherwise than for it, and I don't see how any reactionary would care to vote against it. It certainly ought to have the support of this House.

SPEAKER SHANAHAN. The question now is on the division of this resolution, separating the last part, the part relating to the purchase of debates from the beginning of the session to March 6th, and the part creating a per diem of \$20.

On that motion a division of the House was had, resulting as follows: Yeas, 34; nays, 70.

(And the motion is lost.)

Mr. ROTHSCCHILD (Cook). I don't want to be understood by the members of this House as being against this resolution when I asked to have a division made in the resolution. I am very anxious for the preservation of a stenographic record, and simply asked for a division of the resolution because there were two sections in it, and I thought we could best pass upon it by having it divided. We all agree there is to be publicity, and that is one of the things we tried to accomplish in the Committee on Rules.

There is nothing particularly new in a printed record of legislative debates. I have here before me in my hands a legislative journal of the Commonwealth of Pennsylvania. It is a daily report, gotten out just as the Congressional Record in Congress. This record will be on the desk of each member, printed, on the morning following the debate. It is of similar importance that the debates be printed. It is of similar importance that the legislative intent in the passage of legislation be known.

I make this statement for fear that someone may think that I was against this resolution, when I am not.

SPEAKER SHANAHAN. I will ask the gentleman from Cook, Mr. McCormick, to explain how the Committee on Rules intended to have this report handled as regards corrections.

Mr. McCORMICK (Cook). This plan contemplated the placing on the desk every morning of printed records of the stenographic report. That will contain typographical errors, as it must, and there will be phrases which members will wish to change, just as the Congressional Record is changed by the Senate and House at Washington. It is the duty of this committee to prepare the record for final form for printing. If two members are debating a certain proposition, and one member makes a statement which is afterwards found to be incorrect, it may be corrected, subject to the consent of his opponent in the debates and the consent of the House, under the advice of this sub-committee.

Mr. PURDUNN (Clark). The speech can be corrected—you can correct that statement the next day?

Mr. McCORMICK (Cook). If the House wishes to correct the record in that sense, I suppose it could, and that is true of the Journal now.

Mr. G. H. WILSON (Adams). Is it to be the duty of the reporter to translate the debates on the floor of this House into good English?

Mr. McCORMICK (Cook). I am afraid in some cases that would be taxing the ability of the reporter too much. (Laughter.)

Mr. LYLE (Cook). I was at one time a shorthand reporter myself, and

I think the allowance made in this case is ridiculously low. It is certainly in line with my views in having a record kept of the House, but it seems to me that the \$20 a day is entirely inadequate. Does that take care of the transcribing of the stenographic notes?

SPEAKER SHANAHAN. Yes.

Mr. LYLE (Cook). I don't think it can be done for that. I am satisfied that \$20 a day would be very, very reasonable.

Mr. McCORMICK (Cook). Can't we have a rising vote on this instead of a roll call?

SPEAKER SHANAHAN. Is a rising vote satisfactory? (Leave.)

Whereupon, a division of the House was had, resulting as follows: Yeas, 140; nays, 1.

(Resolution adopted.)

Mr. RINEHART (Effingham). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 6.

"Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein, That the following amendment to section 2, of Article XV, of the Constitution be proposed and be submitted to a vote of the electors at the regular election to be held on Tuesday after the first Monday in November, 1916:

"SEC. 2. Amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two Houses, such proposed amendments, together with the yeas and nays of each House thereon, shall be entered in full on their respective Journals; and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become part of this Constitution. The General Assembly shall have power at any session thereof, to propose as many amendments to this Constitution as shall seem proper and necessary, and may propose the same or similar amendments at any or as many succeeding regular sessions as shall seem expedient."

SPEAKER SHANAHAN. This resolution will be referred to the Committee of the Whole House.

Mr. BROWN (Cook). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 1.

"Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein, That an amendment to section 1 of Article VII of the Constitution of Illinois be, and the same is hereby proposed, as follows:

"Resolved, That section 1 of Article VII of the Constitution of Illinois be amended so as to read:

"SECTION 1. Every person having resided in this State one year, in the county 90 days and in the election district 30 days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January in the year of our Lord 1870, or who shall be a citizen of the United States above the age of 21 years, shall be entitled to vote at such election."

Mr. SHURTLEFF (McHenry). I move that the House do now adjourn. The motion prevailed, and the House adjourned.

FRIDAY, MARCH 12, 1915.**10:00 o'Clock A. M.**

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. E. S. Combs.

Journal of previous day being read. Upon motion of Mr. Jacobson (Cook), further reading was dispensed with and Journal approved.

(The proceedings of this session were without debate, and at the conclusion thereof, the House adjourned until 5:00 o'clock p. m., Monday, March 15, 1915.)

MONDAY, MARCH 15, 1915.**5:00 o'Clock P. M.**

House met, pursuant to adjournment.

Speaker Shanahan in the chair.

Prayer by Rev. E. S. Combs.

Journal of previous day being read. Upon motion of Mr. Atwood (Ogle), further reading was dispensed with and Journal approved.

The proceedings of this session were without debate, and at the conclusion thereof, the House adjourned until 10:00 o'clock a. m., Tuesday, March 16, 1915.

TUESDAY, MARCH 16, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by the Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. McGlohn (Cook), the House dispensed with the further reading of the Journal and ordered it to stand approved.

SPEAKER SHANAHAN. If there is no objection by the House, we will pass to House bills on second reading in order that we may consider the judicial primary bill.

Whereupon, House Bill No. 12 was laid before the House.

Mr. W. J. GRAHAM (Mercer). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 12, by striking out lines 33, 34, and 35 of the printed bill.

I desire to make a brief statement as to my reasons for offering this amendment. It seems to me that anybody who is honestly in favor of a primary system in the State would not be very strenuously in favor of a judicial primary during the present spring. Sufficient time will not elapse for the holding of any real primary elections this spring. All over the State, and especially in the country districts, delegates have been appointed, and in some cases conventions have been held for the selection of the judges of the circuit courts.

To attempt to hold a judicial primary this spring would simply mean placing on the various circuits of the State a large expense. In my circuit it would entail an expense of about four or five thousand dollars. Nobody out in our country wants it so far as I can ascertain.

While I am in favor of a primary system and will vote for this bill without an emergency clause, I am not in favor of a judicial primary this spring when there is no real necessity for having it.

Mr. WILSON (Adams). I want to say that I have always been in favor of a primary system and its universal application; in fact several sessions ago I was a member of the committee of fifteen that had the primary law in charge, the law which immediately preceded the law on the statute books and is substantially the same as the law we have now. Mr. Burns and I had a good deal to do with the passage of this law. Through some mysterious act of Providence this section was dropped out. It was not opposed at all in the committee or on the floor of the House. There was no amendment offered along that line. It is my idea that this must have dropped out in the Senate. I intended to offer an amendment to the bill inserting the judicial primary. I had some correspondence with some of the members of the Legislature and in particular the member from Jasper County, but this dead-lock continued so long that it became apparent that a judicial primary bill could not be passed so as to become effective for the present judicial primary, and I know the gentleman from Jasper County concluded that he would not offer a bill with an emergency clause.

I am in favor of the universal application of the primary. It is a good thing to let the judges sweat over this proposition as well as the humble members of the Legislature, but it is too late this year.

All over the western part of the State of Illinois which former Governor Oglesby used to call "the belly of the State" there is a protest against this bill. My colleague from Adams County on the democratic side

of the House will confirm what I have to say along this line. In our judicial circuit we will not have a republican ticket, but the democrats are having a preliminary primary in Adams County and they have called their convention and the matter is entirely settled as far as the machinery to nominate these officers is concerned, and the people in our judicial circuit don't want the judicial primary this year, either republicans or democrats. Likewise in the district north of us, which includes Hancock and McDonough counties, I have talked with the judges and they don't desire that there be any emergency clause in this bill.

I am in favor of the bill and will vote for it without the emergency clause, and if it is stricken out on second reading, I will vote for the bill on third reading; otherwise, I will have to vote against it. I have yet to find a single downstate representative who says that there is any demand in his vicinity for the emergency clause in this bill. (Applause.)

Mr. KASSERMAN (Jasper). I simply want to call the attention of the House to the fact that the present primary law provides that petitions must be filed forty days before the date of the primary. That will be impossible were this bill to become a law today, and certainly it could not become a law within four, five or six days, and I think there is nothing to do with this bill except to amend it or kill it.

Mr. BURNS (Cook). The primary law on the books today through some error, mistake or some way does not provide for a judicial primary. It provides for a primary for every other office. I see no reason why the judges should not go through the primaries the same as any other person aspiring to office. It is not such a great matter of importance whether or not you want this particular primary. It is a question of whether or not this House is in favor of primary legislation, or of a primary law. If it is fitting and proper that each and every officer aspiring for an office should go through the primary, it is also fitting and proper that the judges, whether they be circuit or supreme, should go through the primary the same as any other man seeking an office. It was omitted in some way two years ago to provide for this.

The bill can be amended and will be amended on the floor so that the forty days will still be there to file the petitions. The amendment that has been proposed practically kills this bill. There is no doubt but what the primary law will be amended later on to cover every primary that comes hereafter. This is a special bill to provide for the primary for the judicial election and that alone. If this amendment passes, you might as well leave the bill alone and not put it up any further. I move to table the amendment.

Mr. ROE (Fayette). The question that confronts us at the present time is the question of either amending this law so that the men who have announced themselves or made arrangements to be candidates for the position of judges in various judicial circuits may know and can tell on which track they are running. From an individual standpoint, I am absolutely against the primary law with an emergency clause or without it. (Applause.) Especially so when it comes to a matter of judicial nominations.

To undertake at this time, as my friend Mr. Kasserman says, to put upon the statute books a primary law nominating judges of both the supreme and circuit courts is absolutely impossible as there is not enough time. In my district and in other districts they have held their meetings and the delegates have been selected, and in my supreme judicial district a convention has been called for next Friday and a convention will be held at Pana and the men will be nominated.

The County Central Committee have held meetings and the strength has been taken and a convention has been called for the 25th day of this month to name circuit judges. We haven't the time and it is folly to try to pass a bill with an emergency clause. A bill without an emergency clause might pass, but it will pass over my protest. Therefore, I say to take it up at this time under the present condition of things and try to pass a bill for the nomination of judicial candidates when the nominations have practically been made already and bring about this great expense, I say it will only be a waste of money. That is why I

say to you that it is foolishness at this time, and I don't care whether you kill this bill forever, as I am against it anyway.

Mr. PACE (McDonough). In theory, the primary election law meets with my approval and many others in the State, while in practice the people are beginning to feel that it is a mistake. If you gentlemen desire that the candidates for judges of our circuit courts should pass through the same fire furnace that you and I passed through to get even with someone else, then this bill might be all right. Taking it from an economical standpoint and from the conditions as they exist at the present time, this amendment should pass.

Over in western Illinois, as the gentleman from Adams County (G. H. Wilson) has said, it is unanimously agreed by the people there that this bill should not pass with an emergency clause. Almost every one of the judicial districts in western Illinois have made provision for nominating the judges of the Circuit Court. In my own district, the three gentlemen who so honorably and ably fill that position at the present time are candidates again for the nomination. Our democratic friends there are searching with a fine tooth comb to find three men who will stand for this nomination, so that a primary election would cost us about six thousand dollars and nothing would be accomplished whatever, because there will be but three candidates on each one of the two tickets. It is simply a waste of money and it is now too late to provide for a primary election to select these candidates and this amendment to this bill ought to pass in the interests of the tax-payers of Illinois, and we people in western Illinois hope that this infliction will not be placed upon us and we can go ahead and hold our nominations in the old-fashioned way, which in years gone by has met with universal support in western Illinois. (Applause.)

Mr. McGLOON (Cook). I think it is proper to hold a judicial primary in Cook County. The Circuit Court of Cook County is at the present time two and a half years behind in their work, and it is time in my opinion that the judges sitting upon the bench, whether it be circuit, municipal, superior or supreme, or any other court, should go to the primary the same as any other party seeking public office. We want it in Cook County and therefore I think the amendment to the bill should be laid on the table.

Mr. WEBER (Cook). All that has been said in reference to the primary at this time is well said. Rule 25 of this House provides that when voting upon an amendment to this bill with an emergency clause and if it does not receive the two-third vote, then the bill shall be reconsidered and it then can be amended and passed on to third reading the same as any other bill. It does not follow that it has to be killed at this time. I believe this bill is a good bill and I believe in primaries. I believe that the people ought to have a right to say who their candidates should be. Many of you members in this House would not be here today if it was not for the people of your districts that elected you and nominated you at the primaries. I think we ought to pass this bill with a majority vote and not with the emergency clause. I believe we haven't time for a primary, although it is essential, and we ought to have it in Cook County, but nevertheless on account of lack of time we will concede that point. This bill ought to pass with a majority vote and become a law on July 1.

Mr. WILSON (Adams). I would suggest that Mr. Burns withdraw his motion to table.

Mr. BURNS (Cook). The bill was introduced for one purpose and you are either with the judicial primary or you are not with the bill at all. You can vote the amendment up or down. I introduced the bill in good faith for a judicial primary. You can either vote it up or down. I move to table the amendment.

Mr. DONAHUE (McLean). There is a very important bill now pending before you and it ought to receive the serious consideration of the members of this House. The question of primary elections has been foremost in the minds of the people of this State for the past ten or twelve years. I have been here and many of you have been here when primary election bills have been considered and I have heard arguments pro and

con on primary election laws and the best arguments apparently were made by the men who are here today opposing this primary election law. If a primary election law is good for one purpose, it is good for all purposes. If any class of candidates should go to the people for primary preference, it certainly should be the judges of our courts. Why should the judges of our courts be nominated by a caucus? Our judges of our courts should be the purest men in this State.

My attention was first called to the defects in this primary election law by the gentleman from Jasper (Mr. Kasserman) and he wrote a letter asking me if I would be in favor of amending the primary law to include judges. Why did he send those letters to members of this House? He had a man who was a candidate for judge, probably, and he thought he would have a better show of getting the nomination if nominated in the primary. They undoubtedly have made a bargain since and he will secure his nomination in a caucus. He is, therefore, against it now. He was against it in committee.

Take the primary election law declared void by the court. Why have those gentlemen been so active in getting this nomination? They tried to anticipate the action of this General Assembly. There are about seventy-five days left before the election takes place. We have seven days in June, the entire months of April and May, and fifteen days in March before the election of judges takes place. When we opposed the primary election law in 1910, many nominations had been made and the same gentlemen who are arguing against this primary law today said they saw no reason why we should not pass the law at that time. Those who were for this bill years ago cannot be honestly against it today. Those opposing it today could not be honestly for it in 1910.

If you vote this bill down, vote to kill it for good and let us get it out of the way and do away with all the primary election laws. If anybody should be under the judicial election law, our judges should be, above all others.

Mr. KASSERMAN (Jasper). The remarks that the gentleman (Donahue) has just made, require some explanation. He states that I addressed a letter to the members in regard to this primary bill because I had some particular friend that would be affected by it, either favorably or unfavorably, I don't care which position he takes, who was seeking nomination for circuit judge. I wish to say that I was not interested in any of the candidates. I had no such motive and have not now. I had no idea except that the sitting judges in my circuit and sitting judges in my judicial district would be candidates. They are all friends of mine but no more than others who might be candidates. If the Legislature should amend this law either by including the date for the judicial primary or excluding the judicial officers, would be a relief to the persons who wish to be candidates for the judicial nominations.

After the matter has been settled by the Supreme Court, if we now attempt to again include them within the primary, instead of making the matter simple, you are making it more complex for the judicial candidates, than at the time I wrote my letter. I wish to repeat that I had no unworthy motive whatever when I wrote my letter. It was only for the relief of the prospective candidates that thought something should be done.

Whereupon, a rising vote was taken on the motion to table the amendment; "yeas," 37; "nays," 84; and the motion to table amendment was lost.

Thereupon, a rising vote was taken on the adoption of the amendment; "yeas," 77; "nays," 28; and the amendment was adopted and the emergency clause was stricken from the bill.

Mr. PURDUNN (Clark). I move to strike out the enacting clause in this bill.

Whereupon, a rising vote was taken on the motion to strike out the enacting clause; "yeas," 25; "nays," 62; and the motion was lost.

There being no further amendments, the bill was ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 4 on the order of third reading. This is the employees bill and carries the customary amount and requires 102 votes, and I trust all members will vote for it.

(Roll called by clerk: "Yeas, 116; "nays," none; and the bill having

received the necessary two-thirds vote was declared passed with the emergency clause.)

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 5 on third reading. This is the customary bill passed by every General Assembly in this State for the use of the Secretary of State for necessary expenses incurred by him and carries an increase of \$3,000 over two years ago, and the Secretary of State appeared before the Appropriations Committee and convinced the committee that it was necessary. It requires 102 votes, the same as the bill which you have just passed.

Mr. MITCHELL (Cook). I would like to inquire how much this appropriation carries?

Mr. SMEJKAL (Cook). \$15,000.

Mr. MITCHELL (Cook). Are the items in there?

Mr. SMEJKAL (Cook). This bill is not itemized.

Mr. MITCHELL (Cook). How did the committee make it up?

Mr. SMEJKAL (Cook). The Secretary of State appeared before the committee last Wednesday with an itemized bill.

Mr. MITCHELL (Cook). What are the items for, generally?

Mr. SMEJKAL (Cook). For the care of the grounds, furniture, janitors, clerks and other incidentals.

Mr. MITCHELL (Cook). Wasn't that provided for in the last General Assembly?

Mr. SMEJKAL (Cook). Every General Assembly makes this appropriation.

Mr. MITCHELL (Cook). This bill is not itemized.

Mr. SMEJKAL (Cook). It is never itemized.

SPEAKER SHANAHAN. If there is no further debate, the clerk will call the roll.

(Roll called by clerk: "Yeas," 119; "nays," none; and the bill having received the necessary two-thirds vote was declared passed with the emergency clause.)

Mr. HUSTON (McDonough). I desire to have the record show that Mr. Elliott is absent on account of sickness.

SPEAKER SHANAHAN. The record will so show.

Whereupon, a message was received from the Senate advising the House of the adoption of Senate Joint Resolution No. 3, being a resolution providing for submitting the question of a constitutional convention to the people at the next general election.

Resolution read for information and referred to the Committee of the Whole House.

SPEAKER SHANAHAN. We will now proceed to the order of consideration of measures in the Committee of the Whole House. The House will resolve itself into a Committee of the Whole House to consider House Bill No. 176. The gentleman from McHenry (Mr. Shurtleff), will please take the chair.

Whereupon, the House resolved itself into a Committee of the Whole.

Hon Edward D. Shurtleff, presiding.

Mr. SHURTLEFF (McHenry). The clerk will read House Bill No. 176. (House Bill No. 176 read by the clerk.)

Mr. SHURTLEFF (McHenry). What is the pleasure of the Committee of the Whole House?

Mr. IGOE (Cook). I move that the bill be reported to the House with the recommendation that it do pass.

Mr. PURDUNN (Clark). Doesn't the State outside of Cook County pay its share of the salaries for the judges of Cook County?

Mr. SMEJKAL (Cook). The State pays half.

Mr. IGOE (Cook). I renew my motion, Mr. Speaker, that the bill be reported to the House with the recommendation that it do pass.

(Motion prevailed.)

Mr. SHURTLEFF (McHenry). The motion prevails and the bill is reported out.

Mr. SMEJKAL (Cook). I move that the Committee of the Whole House do now rise and report progress.

(Motion prevailed.)

Whereupon, the Committee of the Whole House rose and Speaker Shanahan resumed the chair.

SPEAKER SHANAHAN. If there is no objection, the bill will be read the first time and ordered to a second reading. It is so ordered.

Whereupon, the clerk called the roll for the introduction of bills, and the proceedings were without debate.

Mr. ROSTENKOWSKI (Cook). I wish to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 53.

"WHEREAS, The Hon. Albert Glade of Cook County, Illinois, a member of the Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-fifth and Forty-sixth General Assemblies, departed this life on the 29th day of December, A. D. 1913; and,

"WHEREAS, The said Albert Glade was a worthy and honorable representative of the people of the State of Illinois, a man whose energies and abilities both as a member of the House, and as a private citizen were devoted toward improving the conditions under which his fellow-workers toiled; a man whose vote as a legislator was always cast in favor of measures for the benefit of the whole people of the State of Illinois; a man whose integrity and honesty were never questioned, and a man whose conduct as a member of the House earned for him the respect of every member thereof, and every person of his acquaintance; therefore, be it

"*Resolved*, That in the death of Hon. Albert Glade, the State of Illinois has lost one who, as a member of this House, was an honest and patriotic legislator, and the people of his district an able and energetic Representative, and his immediate constituency a lifelong friend; his family a kind and loving husband and father, and the community in which he resided a distinguished and honorable citizen; and, be it further

"*Resolved*, That this preamble and resolution be spread upon the Journal, and that a suitably engrossed copy thereof be forwarded by the Clerk to the family of the deceased, and as a further mark of respect to his memory, that the House do now adjourn."

Resolution adopted and the House adjourned to Wednesday, March 17, 1915, at 10:00 o'clock a. m.

WEDNESDAY, MARCH 17, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by the Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. Mulcahy, the House dispensed with the further reading of the Journal and ordered it to stand approved.

Routine business of the House was transacted without debate, whereupon Mr. Boyer, from the Committee on Contingent Expenses, reported out House Resolution No. 39, with recommendation that it be adopted, which said resolution is as follows:

HOUSE RESOLUTION No. 39.

"Resolved, That the speaker of the House be and he is hereby empowered and directed to appoint Will H. McConnell as Press Messenger, whose duties shall be to look after the press galleries and the accommodation of the press at a compensation of \$5 per day."

Mr. McCORMICK (Cook). Is this the first resolution reported from that committee adding to the number of officers to be employed under the statute?

SPEAKER SHANAHAN. Yes.

Mr. McCORMICK (Cook). There is no other?

Mr. BOYER (Cook). The statute does not provide for a press messenger.

Mr. McCORMICK (Cook). Is it the intention of the committee to report other and additional officers outside of the statute?

Mr. BOYER (Cook). Yes.

Mr. McCORMICK (Cook). How many?

Mr. BOYER (Cook). The next resolution will disclose that.

Mr. McCORMICK (Cook). Before we pass on any of these employees outside of the statute, we should know how many there are. There is no reason why the chairman on Contingent Expenses should not advise the House how many others they want to add to the pay-roll, not provided for by statute.

SPEAKER SHANAHAN. The clerk can read the other resolutions for the information of the House.

Mr. McCORMICK (Cook). How about the messengers of the House, the Honorable Giblin and the Honorable Hawkins?

Mr. BOYER (Cook). This will come up in due course of time.

Mr. McCORMICK (Cook). This may be a nigger in the wood-pile in disguise. If we adopt these resolutions, there is no basis on which we can oppose further additions to the number of statutory officers. I should like to have some definite commitments from the committee as to the number of persons they propose to advise this House to employ other than statutory officers.

Mr. HUBBARD (Greene.) I feel the same as the gentleman from Cook (Mr. McCormick). This House should know first how many extra employees the committee proposes to recommend that this House employ. In looking over the report two years ago, I found that we more than doubled the number of employees of this House that the statute provided for and, as you all know, we had about 35 pages here, and they almost ran the House. We had no use for that number of pages. The report also shows that there was a messenger employed here at a salary of \$6 a day, which is not provided for by the statute. It also shows there was an assistant messenger at \$4 a day, which was not provided for by the statute. The record also

shows that at the close of the session a resolution was introduced allowing the messenger \$100 for extra expenses, which gave him a total of \$1,144 for that session of the Legislature.

It seems to me that this House does not need a large number of extra employees. What we need with a messenger or assistant messenger is more than I can tell. We don't need any 35 pages, either. I stand as one who favors employing the number of employees in this House provided by the statute, that far and no further, unless it can be shown that these extra employees are necessary for the dispatch of the business of this House. It is not fair to the tax-payers of this State and not putting out a proper example before this State that this body should employ friends of members of this House and place them on the pay-roll where they are not needed. That committee should report, making their full recommendation of the number not provided for by the statute so we will know how to vote intelligently on this matter.

Mr. ROE (Fayette). Being a member of the Committee on Contingent Expenses, I have no disposition to keep this House unadvised as to the action of that committee. After a week of looking over the situation, assignment of rooms, etc., and taking up the question of statutory employees, the committee has had several meetings and has come to the conclusion, and will so report, that the only extra and additional employees, other than statutory appointees, will be the press messenger and the cloak-room men. That is all. The House can do anything else it wants to. It is all right with me, but that is the only employees the committee reports on.

Mr. KANE (Saline). I would like to ask some of the members of that committee what the duties of this press messenger are to be?

Mr. ROE (Fayette). It has been for a number of years a custom of this House where the press men desired and requested it, that they be given a man who will attend to their wants and take care of their matters so they can take down matters and transcribe them as fast as they can.

Mr. MOORE (Henry). What has the messenger got to do with this resolution?

SPEAKER SHANAHAN. The resolution is for the appointment of a press messenger.

Mr. BROWNE (LaSalle). I would like to ask as a question of information whether it is the intention to appoint a press messenger for the use of the press and not appoint a House messenger for the use of the House?

Mr. ROE (Fayette). We have several House messengers.

Mr. BROWNE (LaSalle). Is that the intention?

Mr. ROE (Fayette). Yes, to appoint a press messenger by that resolution.

Mr. BROWNE (LaSalle). The intention then is to appoint a press messenger and appoint no other messenger for the House?

Mr. ROE (Fayette). That is correct.

Mr. BROWNE (LaSalle). Now, gentlemen, I presume that this is in line with numerous other items of the propaganda. Perhaps it is true that the members on the floor of this House are rather insignificant and inconsequential atoms and they don't amount to very much. It is essential that the gentlemen who occupy the press gallery shall be put to no inconvenience in order to properly transmit to the public the things which they hear. Of course, that is in line with the present spirit and the present propaganda.

I want to call the attention of the gentleman from Greene (Mr. Hubbard) who wanted to know a little while ago, of what use a press messenger was. I have no personal interest in this matter and I haven't an employee in this House, and I will not have one from this time on to the end of the session, and I am not asking for one and would not have one if I could get one. That being the case, I am a fair-minded man to discuss this subject.

I want to say to the gentleman that if he will just go back over the last session and will consider what was done in the last session, he will find that there was a person occupying the position of House messenger who was almost indispensable, not only to the members on this side of the House, but to the members on the other side of the House as well. I venture the assertion that there are many times when the gentleman from Greene called on this same man for his offices and services, and he never called and found him wanting or absent, and that man is Michael Giblin. He

has always been ready and willing to do anything any member wanted and more than that, he was able to do it. He was not like a page who don't know one room from another or one department from another, but he knew just where to go and could get what you wanted and do what you wanted. He is more important than a press messenger by far.

We members of the House are entitled to some consideration and some service. We are not entitled to very much, not nearly as much as the galleries, but we are entitled to some. We are 153 and there are about a dozen in the press gallery. If they are entitled to one messenger, we ought to be entitled to one.

It is the intention in the spirit of so-called economy to eliminate from the pay-roll of this House, the services of anybody and everybody that we can possibly do away with, to eliminate everybody except a janitor or two, or a policeman or two, I think we ought to be consistent and I am heartily in favor of some remarks that have been made this morning along that line. If we are going to do away with the House messenger, let us do away with the press messenger. Let us do away with both of them, either that or let us have a House messenger for ourselves and a press messenger for the press. I am willing that they should have a messenger, but I want a messenger for the floor of this House so we know we have someone waiting and willing to do our bidding and get things we need in case of emergency.

That is only a fair statement and there is not a person on the floor of this House but what knows that this man to whom I refer has been an efficient person and almost a slave. He didn't get a dollar that he didn't earn. He has not been a republican or a democrat but he has been a willing slave to the members on the floor of this House. If you are going to cut out the House messenger, let us cut out the press messenger. Let us be consistent and let us not play to the galleries all the time. Let us stand up on our hind feet once in awhile and be men. (Applause.)

Mr. HUBBARD (Greene). I would like to state that personally I have no interest other than what I believe to be the duty of this House. It is not any personal matter to me as to who the messenger is. The statement was made that I had occasion, perhaps, to call upon the messenger a number of times in the last session of the Legislature. I don't remember whether I did or not, but I think I called upon the pages fifty times, where I called upon him once, if I called upon him at all. I think we have six policemen, which is about five more than we really need, and for all the messenger service we need in this House, these six policemen can be pressed into service. These men can take the duties off someone else. I don't know whether the press messenger is needed or not, and if he is not, then let us do away with him. Then let us confine ourselves to the employees prescribed by the statute and laid down by the statute. I don't see the necessity of a messenger for this House.

Mr. BROWNE (LaSalle). What is the necessity for a messenger for the press gallery?

Mr. HUBBARD (Greene). I don't know that there is.

Mr. BROWNE (LaSalle). Why don't you say so—are you afraid to?

Mr. HUBBARD (Greene). No. If we don't need one let us do away with it. We have plenty of pages and can use them as messengers. Let us not employ a lot of useless persons in this House.

Mr. O'ROURKE (Cook). I move as an amendment that in lieu of a press messenger, we name Michael Giblin as the House messenger.

Mr. McCORMICK (Cook). I move to recommit the report to the Committee on Contingent Expenses with instructions that it turn in a single report on all additions to the statutory pay-roll, so that we may know the number they intend to add as servants of this House, and then we will know whether they intend to put on a House messenger, cloak room attendance, and all that, in order that we may study the whole question in its entire aspect.

Mr. THOMAS CURRAN (Cook). I move to lay that on the table.

SPEAKER SHANAHAN. If the House will permit the speaker to state, the Committee on Contingent Expenses has reported at the request of the speaker on account of many demands that have been made for places. I asked the Committee on Contingent Expenses to report what this House owed in the way of wages to employees during the preliminary or temporary

organization. The speaker had nothing to do with that whatever. I understand they have two other reports, one report appointing a press messenger who is to be connected with the newspaper correspondents, as has been the custom for years, and a second report recommending the appointment of two cloak room attendants on each side of the House, and one lavatory attendant. There are eight janitors designated in the statute. The door-keeper and custodian of the building state that if you take any of the janitors off the floor and put them in the cloak room, that you will not have enough men to take care of the floor, galleries and the committee rooms. The chair will carry out the instructions of the House. If you don't desire the men in the cloak rooms, he will assign the janitors as far as possible, to take care of the cloak rooms, the floor of the House, the gallery, and the committee rooms. He has no interest whatever in adding anyone to the pay-roll, and those that will be added, will be added on the roll call of this House. (Applause.)

Mr. LYLE (Cook). In the list of employees who are to be paid for work done during the time the Secretary of State presides over this House, I don't find the name of at least one boy who was very faithful and always in attendance here. I was informed that along towards the end of the session these boys were inclined to say, if you didn't give them a tip, that this or that fellow is a cheap skate, and I understand they divied up on the tips. A man that hasn't a page on the pay roll has a hard time to be taken care of. I would like to ask the chairman of the Contingent Expense Committee if he has considered whether it would be possible to get a messenger for \$3.00 a day.

My experience with newspaper reporters is that they are the best messengers in the world themselves. They can take care of themselves better than anybody else can take care of them. I agree with Mr. Browne, and I will vote against this when it comes up.

Mr. BOYER (Cook). There are further reports on the clerk's desk on several House resolutions referred to the Committee on Contingent Expense. The committee has gone to considerable labor and spent considerable time considering this matter. We have submitted full reports as to seven or eight of these resolutions and the chairman of the committee has a House resolution on his desk which he intends to present in proper order, which will take care of the balance of that. I will say in answer to Mr. McCormick, if you will carry this program along, it will be taken care of this morning.

Mr. ROE (Fayette). The House is advised as to the report, and the committee has recommended so far as they care to go, and it is up to this House, as far as I am concerned, to either adopt or reject it.

Mr. McCORMICK (Cook). The debate is going on by unanimous consent. There should be a vote on Mr. Curran's motion to table my motion to re-commit.

SPEAKER SHANAHAN. Does the House desire to have the other resolution read for information? (Voices: "Yes.") Will the gentleman from Cook withdraw his motion?

Mr. CURRAN (Cook). Yes, for the time being.

Whereupon, the clerk read House Resolution No. 52, being the employees during the temporary organization of the House.

Mr. BROWNE (LaSalle). I would like to ask the chairman of the Contingent Expense Committee in all good faith, whether it is the intention of the committee to report in a recommendation for a House messenger—yes or no?

Mr. BOYER (Cook). No.

Mr. LYLE (Cook). We don't know whether these boys were asked to come here and work at the commencement of the session or not. There is one boy that was here and worked from the time this session opened up, and his name is not on that list.

Mr. McCORMICK (Cook). These two questions are not germane, one to the other. Let us vote upon the question before the House as to the employees to be added to the number of statutory servants of the House under the first resolution.

Mr. LYLE (Cook). I would like to have the name of George Stebbleton added to that list.

Mr. McCORMICK (Cook). That resolution is not before the House.

Mr. BROWN (LaSalle). I would like to amend the resolution by adding thereto the appointment of a House messenger, specifying the name of Michael Giblin, and have his pay the same as the press messenger.

SPEAKER SHANAHAN. Under whose direction will this House messenger be?

Mr. BROWNE (LaSalle).. The same as the press messenger.

SPEAKER SHANAHAN. The press messenger is under the direction of the members of the press.

Mr. BROWNE (LaSalle). No, he is under the direction of the speaker of this House at all times, the same as any other employee.

SPEAKER SHANAHAN. It is so understood then. The question then is on the adoption of the amendment offered by the gentleman from LaSalle that there be added to the resolution the name of Michael Giblin, to be appointed as House messenger, at \$5.00 a day.

Mr. ROTHSCCHILD (Cook). I move to lay that motion on the table. I will acknowledge my indebtedness to Mr. Giblin during the last session. I called upon him at times for services and I think he has been compensated, but I think this is a bad practice, to vote for a House messenger on one side or the other side of the House, and a press messenger. Let us agree on one thing or the other. We are either going to get along under the old system or start a new system. I make this motion to bring the matter properly before the House.

Mr. BROWNE (LaSalle). Why do you feel it necessary to let it lie on the table.

Mr. ROTHSCCHILD (Cook). I want to assure you that there is nothing personal to Mr. Giblin in my motion. This is to include everybody and each time the resolution is offered to increase the House pay-roll I will make a similar motion. I don't want it to appear that it is personal to Mr. Giblin or any other gentleman.

Mr. IGOE (Cook). Do I understand you are opposed to all of the men mentioned in this resolution?

Mr. ROTHSCCHILD (Cook). The resolution includes the press messenger and the House messenger?

SPEAKER SHANAHAN. Yes.

Mr. IGOE (Cook). You are opposed to both the press messenger and the House messenger?

Mr. ROTHSCCHILD (Cook). Yes, and to all additional employees. Emergencies may arise that someone is absolutely necessary, and I may change my mind. I like Mr. Giblin very much, and I would like to have him retained here, as he has done me many favors. I will undergo the inconvenience in order not to spend the money.

Mr. IGOE (Cook). Does the gentlemen know that the statute under which we appoint employees of the House and Senate now provides for the appointment of a Senate messenger?

Mr. ROTHSCCHILD (Cook). I am willing to stand by the statute whatever it is. If you want to change the number of employees, let us do it by amending the statute.

(VOICES. Roll call.)

Mr. ROTHSCCHILD (Cook). I am willing that it be re-committed to the committee.

(VOICES. No.)

Mr. ROTHSCCHILD (Cook). I insist upon my motion then.

Mr. McCORMICK (Cook). I move to re-commit the whole matter.

Mr. THOMAS CURRAN (Cook). I move to lay that motion on the table.

Whereupon, a division of the House was had and the motion to table prevailed.

SPEAKER SHANAHAN. The clerk will now call the roll upon the amendment offered by the gentleman from LaSalle (Browne) adding to the resolution the name of Michael Giblin as House messenger, at a per diem of \$5.00.

Mr. MITCHELL (Cook). If this amendment is adopted, will that include the press messenger?

SPEAKER SHANAHAN. That adds to the resolution the name of

Michael Giblin, and then the question will be upon the adoption of the resolution, including both names.

Mr. SHURTLEFF (McHenry). If this amendment offered to the resolution is to be accepted, or is to be considered, and if there are to be messengers appointed by this House, I suggest that this side of the chamber is as much entitled to a messenger or an assistant messenger as the other side of the House. If the amendment is to be acted upon it should be made for two messengers, or a messenger and an assistant messenger.

As the matter stands before the House I shall vote against the amendment, and for the reason that this House is organized by electing a speaker and appointing a Committee on Contingent Expenses, and it is my purpose, as long as they take the responsibility for it, to unload that responsibility upon the speaker and the Committee on Contingent Expenses. As I understand the rule and the statute, there can be no additions to the statutory number of employees, except upon a two-thirds vote, and, in my judgment, it will be a great deal better, whether there is a resolution before the House this morning or not, to leave the question of messengers to the Contingent Expense Committee, and let them bring it out or not, and coming from that source, it will be much more liable to be adopted in a legal way.

Mr. HOLADAY (Vermilion). While the name of the messenger has been suggested from the other side of the House, I will vote for this amendment for the reason that I have often called upon Mr. Giblin, as have other members of this House, and he has always been ready and willing to do just what we asked of him, and a thing of equal importance is, that he has been able to do what you wanted done. He is able to give you the information that you want and to get what you want. He is an expert stenographer, and he can act as a committee clerk at any time and take a stenographic report, and I say to the members of this House, that he will earn every dollar for the service he renders, and the House will get more than two for one in what they pay Mr. Giblin. I am going to vote "aye" on this proposition.

Mr. HUBBARD (Greene). I wish to say that in all probability Mr. Giblin is thoroughly competent to do the work. If he is an expert stenographer, he could have been appointed as a stenographer of the House, and his services uses in that way. I am voting against this amendment because I believe the House should confine itself to the number of employees provided by the statute, and therefore I vote "no."

Mr. IGOE (Cook). In explaining my vote, I want to say first of all, that it is quite apparent that I have not at all times agreed with the gentleman (Browne) who makes this motion, but at the same time I believe, as Mr. Holaday has said, that in the person whose name we are seeking to put in this resolution, the members of the House will have an employee who will give a dollar's worth of service for every dollar he gets, and as Mr. Holaday has said, I also can say that I have seen him acting here as clerk of committees and have seen him doing stenographic work, and I have also seen him as the messenger who runs to and fro at the request, not only of men on this side, but at the request of any man in this House who has ever asked him to do a favor for him.

Mr. O'ROURKE (Cook). Day and night?

Mr. IGOE (Cook). I have not employed him so much in the night, but I can say yes as to the day time.

(Whereupon, the roll call was concluded.)

SPEAKER SHANAHAN. The amendment is adopted. The question now is on the adoption of the resolution as amended. The resolution now reads for the appointment of Mr. McConnell as press messenger at \$5 a day, and Mr. Giblin as House messenger at \$5 a day. On that question the clerk will call the roll, and it will take a two-thirds vote to carry it.

Mr. BROWNE (LaSalle). What is your authority that it requires a two-thirds vote of this House to pass this resolution?

Mr. SHURTLEFF (McHenry). In the statement I made to the House, I was going to correct myself on the roll call, but it was not pertinent then. The old statute required a two-thirds vote to add additional names to the pay roll. I find by looking up the statute and revisions made in 1911 that that has been left out. The statute provides for certain specific employees

and has left out the section requiring two-thirds vote to add to it. What would be the condition of this, I don't know at this time.

Mr. BROWNE (LaSalle). The statutory enactment is always construed strictly.

Mr. SHURTLEFF (McHenry). I was speaking from the old statute in what I said.

SPEAKER SHANAHAN. Do I understand that that section is left out of the statute.

Mr. SHURTLEFF (McHenry). That is not in the revision made in 1911.

SPEAKER SHANAHAN. Then a majority vote will carry this resolution?

Mr. WILSON (Adams). If that provision was in the old statute, would it be the proper statutory construction to construe it that the new statute did not attend that there should be any addition?

Mr. SHURTLEFF (McHenry). I don't know what the intention was in passing this statute. I assume generally the House would have the power to employ such assistants as the House saw fit to employ if there was a necessity.

(Roll call concluded.)

SPEAKER SHANAHAN. The "yeas" are 95, and the "nays" 37, and the resolution is adopted.

The clerk will now read the other report of the Committee on Contingent Expenses which takes care of temporary employees before the House was organized.

Mr. LYLE (Cook). I want to offer an amendment to that resolution by adding the name of George Stebbelton to the list of pages for the same amount of money and the same number of days as the other pages have been put down to receive. This young man has been here every day to my knowledge. He has worked hard and I think he ought to be paid for it. He has always looked for something to do and I think he ought to be paid.

Mr. ROE (Fayette). We can say that for about fifty others.

Mr. LYLE (Cook). I know that some of the names on the list have not been here every day.

Mr. ROE (Fayette). Who are they?

Mr. LYLE (Cook). If you will line them up there so I can see them I can tell you.

Mr. ROE (Fayette). I move to lay the amendment on the table.

SPEAKER SHANAHAN. This is an important matter and something the chair knows nothing about. It is employment of people before the speaker was elected. The chair will not certify any of these names except on the order of the House. I don't know anything about their employment, who employed them or how many days they were here, or whether they are entitled to pay or not. The Committee on Contingent Expenses made a thorough investigation of this matter and they have certified the names of the people who are entitled to pay. The chair knows nothing about it and cares less except to settle any just debt and get rid of these people and get them out of the House.

Mr. BOYER (Cook). The committee spent hours going over the names of these boys. As you all well know, at the beginning of this session there were many boys here. Some of them rendered excellent service and others were only in the road. This committee took up each name and we found that the statute provided that we could select 18 pages. This committee agreed to select nine from the democratic side and nine from the republican side. These boys whose names appear on this list are boys that the individual members of the Committee on Contingent Expenses are sure and certain have been here and worked all of this time. Furthermore, these boys have not been on any other pay-roll. The Secretary of State employed a few boys and you will not find any of them in this list of 18. There are other boys appointed as permanent pages and you will not find any of those boys on this list. I hope you will adopt this resolution.

SPEAKER SHANAHAN. Let me make a suggestion for Mr. Lyle's benefit; that he will undoubtedly find the boy's name that he mentions on the pay roll of the Secretary of State for 44 days.

Mr. McCORMICK (Cook). There is a motion to table before the House and we are debating it.

Mr. LYLE (Cook). That boy's name is not on the Secretary of State's pay roll.

Mr. McCORMICK (Cook). Point of order!

SPEAKER SHANAHAN. The point of order is well taken.

Whereupon, a division of the House was had on the motion to table: "Yeas," 52; "nays," 40; and the motion prevailed.

SPEAKER SHANAHAN. The question now is on the adoption of the report of the Committee on Contingent Expenses, and on that question the clerk will call the roll.

Mr. BUTLER (Sangamon). I think that a condition confronts us at this time that is a little different from the ordinary, and if there is any committee that is not only entitled to the thanks but the sympathy of this House, it is the committee of which Mr. Boyer is chairman. I live down here in Sangamon and I know something about the pressure. They say that a submarine can go down 320 feet and then it collapses under water. I want to say that the pressure in this county is equal to a depth of 1,000 feet.

There has been an honest effort on the part of this committee to do what is right by the House and what is right by the boys and the employees who may come afterwards. There are three pay rolls: the Secretary of State's pay roll, the contingent pay roll of this House, and what we hope will be the permanent pay roll. I think this committee has acted in conjunction with the Secretary of State and the speaker and has divided up the employees so all who have been present and given some service are on one or the other of the three pay rolls. I hope that this report is adopted.

Mr. THOMASON (Clay). The statute provides for 18 pages. There are 18 pages provided for the temporary organization by the Secretary of State and they have been paid for their services. Why should we pick out 18 more pages to pay during that time. Eighteen pages were enough and have been paid for and why pay for 18 more pages? Why pick out these particular 18 that have been selected? I think it is improper to pay anything more than what has been paid by the Secretary of State.

Mr. McGLOON (Cook). I move to amend the report by adding thereto the name of Paul Mehassy, who served as a page from January 6th to February 18th, and allow him \$1.50 a day for that time.

Mr. BOYER (Cook). I move to table the amendment.

A division of the House was had: Yeas, 71; nays, 26; and the amendment was tabled.

(Roll called by clerk.)

Mr. KANE (Saline). Has the number of pages provided for by the statute been paid for already?

Mr. BOYER (Cook). The Secretary of State has a pay roll.

Mr. KANE (Saline). There are 18 on that, are there?

Mr. BOYER (Cook). I believe so.

Mr. KANE (Saline). I desire to be a law-abiding citizen and I vote "no."

(Roll call continued.)

Mr. LYLE (Cook). I would like to ask the chairman of the Committee on Contingent Expenses whether or not you have allowed pay to the boys who served up to the time of breaking the deadlock?

Mr. BOYER (Cook). The committee used its best efforts to solve that matter. There were many boys here, some entitled to consideration and some were not. Some of them should be paid in a small way and the democrats selected nine and the republican side selected nine, and we tried to select the boys who were present working all the time. We may have made mistakes and possibly have. There are many boys who received nothing for their services.

Mr. LYLE (Cook). Do you know you selected some boys who were not here and working all the time?

Mr. BOYER (Cook). We selected the boys that worked here all the time.

Mr. LYLE (Cook). And were here all the time?

Mr. BOYER (Cook). That is our belief.

Mr. LYLE (Cook). How did you get that information?

Mr. BOYER (Cook). From the members of the committee and personal contact with the boys.

Mr. LYLE (Cook). I will have to be like the gentleman from Saline (Kane) and vote "no."

Mr. McGLOON (Cook). Why didn't you put on a good page? The boy that waited on me was the best boy in the House. You have put on some boys here and it seems to me most of them are stationary and cannot move around. I have a good live boy and would like to know why he cannot be placed on that roll? Why are certain boys picked for that sort of work?

Mr. BOYER (Cook). There are other members that feel the same way and the committee is only sorry they cannot take care of all of these boys.

Mr. McGLOON (Cook). Why not place these boys according to their ability?

Mr. BOYER (Cook). We tried to.

Mr. McGLOON (Cook). I don't think so and I will have to vote "no."

Mr. HUBBARD (Greene). I will change my vote from "aye" to "no." When I voted, I was under the impression that the 18 pages whom the committee recommended should be paid were allowed by statute. I now understand that the Secretary of State has employed 18 pages and that will make 36 in all.

Mr. BOYER (Cook). I will explain that some of the boys on the pay roll of the Secretary of State are only on for a day; and others for two days, and others for a week.

Roll call concluded: "Yeas," 116; "nays," 17; and the resolution was adopted.

(Whereupon, routine business of the House, including introduction of bills, followed, without debate.)

Mr. PURDUNN (Clark). I think the time ought to be extended for the introduction of bills.

SPEAKER SHANAHAN. The time runs until next Tuesday, and thereafter on every Tuesday the roll will be called for the introduction of bills, and at any time a member may rise and ask unanimous consent to introduce a bill. It is merely not to take up the time of calling the roll.

Mr. PURDUNN (Clark). The extension of a week would not be out of the way. I will make it as a motion and you can have it referred to the Committee on Rules.

SPEAKER SHANAHAN. The matter will be referred to the Committee on Rules.

Mr. WILSON (Adams). I offer the following joint resolution and move its immediate consideration.

HOUSE JOINT RESOLUTION No. 10.

"WHEREAS, The Hon. Orville H. Browning, for many years and at the time of his death a member of the Adams County Bar, residing at Quincy; a member of the Illinois Legislature from 1836 to 1843, serving in both Houses; United States Senator from Illinois from 1861 to 1863, by appointment of Governor Yates, to succeed the Hon. Stephen A. Douglas; Secretary of the Interior of the United States, also discharging for a time the duties of Attorney General, under President Johnson; and a member of the Illinois Constitutional Convention of 1869-70; was a most distinguished citizen, eminent lawyer and honored public servant of Illinois; and,

"WHEREAS, A portrait in oil of Mr. Browning has been presented to the State of Illinois by his niece, Mrs. Eliza Price Miller, of New Berlin, Ill.; be it

"Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein, That the said portrait of Mr. Browning be gratefully accepted by the State of Illinois and placed in the custody and control of the Governor; that the thanks of the State be extended to Mrs. Miller for the gift of said portrait which will be a constant reminder of the high character and invaluable public services of Mr. Browning; and that this preamble and resolution be spread upon the Journals of the House and Senate, and an engrossed copy of the same be sent to Mrs. Miller."

Mr. WILSON (Adams). This is merely a resolution accepting a portrait in oil of the Honorable Orville H. Browning presented to the State of Illinois by Mrs. Miller of New Berlin. I move that the rules be suspended and we vote upon this resolution.

(Resolution adopted.)

Mr. McCORMICK (Cook). I offer the following resolution and ask that it be referred to the Committee on Rules.

HOUSE RESOLUTION No. 53.

"Resolved, That the clerk of the House be instructed to report to the House the numbers of those bills which in contravention of the rules of the House have been reported from committees unaccompanied by a record of the roll call of the same."

SPEAKER SHANAHAN. The resolution is referred to the Committee on Rules.

Mr. ROTHSCHILD (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 54.

"WHEREAS, By common consent, the 17th of March, popularly known as St. Patrick's Day, has become a universal holiday throughout Christendom; and,

"WHEREAS, By agreement of sacred and profane history, Patrick, the evangelizer of Ireland, is a world figure, as truly as the greatest conquerors, kings and law-givers.

"He appeals to us as a man of our day and our kind. We trace his footsteps in a modern land, edified by the fruits of his labors. In his life and works the age of miracles is prolonged and a connection established between the ordinary and the supernatural. Patrick was the people's patron. Classes and distinctions disappeared before him, and king and peasant knelt together and received his benediction. He conquered by the gentle but compelling power of love.

"Such were the labors of St. Patrick, that his fame expands year after year and with the centuries, so that in every land where Christ is received or revered, Patrick is honored as his great tribune;

"WHEREAS, In this, the greatest and freest of all the nations of the earth, where the right is guaranteed to all men to hold and proclaim the convictions of their conscience and where men of all beliefs and no belief abide in harmony, St. Patrick is honored and revered as a man of great virtue, singular capacity for organization and the greatest breath of sympathies; therefore, be it

"Resolved, by the House of Representatives of the Forty-ninth General Assembly of Illinois, That we join the states and the nations of the world in honoring the memory of Patrick, the patron saint of Ireland and the great promoter of Christian civilization."

Mr. ROTHSCHILD (Cook). I requested the privilege of presenting this resolution. It is offered in good faith. We stand for religious tolerance and religious respect and for that reason I offer this resolution and move its adoption.

(Resolution unanimously adopted.)

Mr. EPSTEIN (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 55.

"WHEREAS, The Hon. Emanuel Abrahams, who served as an able and faithful Representative in the Forty-fifth and Forty-sixth General Assemblies, died in Chicago on Tuesday, July 1, 1913; and,

"WHEREAS, The deceased throughout his entire life has been an honest and upright citizen, and an efficient and faithful public servant, having served his city as alderman, and was fatally stricken in the City Hall in the city of Chicago on Tuesday, July 1, 1913, while performing his duties as a public servant; and,

"WHEREAS, In his death the State has lost an honest and honored public servant, his country and city, a good citizen, and the people a faithful friend; therefore, be it

“Resolved, by the House of Representatives, That we tender our sympathy to the bereaved widow and family, and that this preamble and resolution be entered on the Journal of the House, and that a suitable engrossed copy be forwarded by the clerk to the widow and family, and as a further mark of respect to his memory, the House do now adjourn.”

Resolution adopted, and the House adjourned.

THURSDAY, MARCH 18, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by the Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. Charles Curren, the House dispenses with the further reading of the Journal and ordered it to stand approved.

Mr. SCHOLLES (Peoria). I wish to submit a report of the Committee on Elections, said report being House Resolution No. 40.

HOUSE RESOLUTION No. 40.

"Resolved, That in any election contest now pending or hereafter filed against a sitting member of this House, no attorney fee or expenses whatever shall be paid to or on behalf of the contestant unless he shall be successful in such contest, and not to exceed five hundred dollars for attorney fees, where such contestant is successful. Attorney fees not to exceed five hundred dollars may be allowed to any sitting member, against whom a contest has been filed, and in which a recount of the ballots is made, and not to exceed two hundred and fifty dollars, where the contest is dismissed without a recount of the ballots; whether such dismissal is on the motion of the contestant, contestee, or of the House, or of the Elections Committee, or any sub-committee of the same. No expenses as such shall be allowed to any attorney in any case for either contestant or contestee, but expenses may be allowed in his behalf as hereinafter stated. No expenses shall be allowed to any successful contestant, or to a contestee who is a sitting member of the House, except the account therefor shall be itemized in details, and shall be verified. A successful contestant, or a contestee who is a sitting member of the House may pay the actual railroad fare and hotel bills of his attorney, and include the amount in such account. Where any necessary expenses of a successful contestant, or of a contestee who is a sitting member of the House, may have been incurred but not paid they may be included in the amount to be allowed, but in such event the account therefor shall be itemized in detail by the party to whom it is due, and shall be verified by him. No attorney fee or expenses whatever shall be paid to or on behalf of any contestee who is not a sitting member of the House."

Mr. DONAHUE (McLean). I think this matter should go over until it is printed so we can see the contents of the resolution.

SPEAKER SHANAHAN. It has been printed and is in the Journal of the House after it was introduced.

Mr. WATSON (Hardin). This resolution is practically the same as we had governing the contests in the House two years ago, except that it provides that the maximum attorney fees that shall be allowed where the case goes off on a motion shall be \$250, instead of the maximum of \$500.

Two years ago we had more contests than there ever had been in the history of a General Assembly of Illinois, and many of them went off on motions, and the attorneys were here not more than twice, and they came in with bills for \$500, because the resolution gave the maximum allowance of \$500, and in addition thereto, there were large bills of expense. Judging from the experience of two years ago, the committee concluded that \$250 allowance was liberal, and they recommended that Mr. Kasserman's resolution be passed by this House as it is introduced. Mr. Kasserman, who drew this resolution, was a member of the sub-committee that audited the bills two years ago, and has had much experience in these matters.

That resolution will provide ample pay for any attorney that may appear in any of these contests.

Mr. DONAHUE (McLean). That talk may be all right but with respect to these expenses allowed members in these contests, the history of the case has been that members have hired lawyers and brought them to Springfield to look after their cases, and the expenses which have been allowed the members have been taken by the members and put in their own pockets and not given to any attorneys. There was no remedy for the lawyer who attended to these cases. These men are worthless, in some cases, who have these contests and the lawyers hold the sack. I think these expenses should be gone over and allowed directly to the attorneys that tried those cases in this House. Allow them to the attorneys so that they can collect them direct. I have had some experience along these lines myself. I know one man that got \$3,400 at the last session of the Legislature—\$2,100 for mileage, and then he got \$1,200 allowed under the pretext that he had to pay the expenses of his attorneys, and he put that down in his pocket, and he has it there yet if he didn't spend it.

I don't think this method of allowing expenses to attorneys ought to be followed any more in this House.

Mr. WATSON (Hardin). I didn't know the gentleman had any trouble in collecting his attorney fees two years ago, and I don't know that this resolution has anything to do with the manner of paying these fees and expenses. It simply provides the amount that should be paid, the maximum amount, and that is all there is to this resolution. As to who shall receive the money is a matter between the attorneys and the members who have contests.

Mr. BUTLER (Sangamon). I think the two provisions in that resolution that expenses shall be itemized and verified are two important parts of the resolution.

Two years ago I filed a contest in this House upon information brought me from parties in various precincts in the adjoining county. They told me what they had heard and what somebody had told them, and on that I filed, at the proper time, a contest, and when I came to look into the evidence I found that the judges of election would say, "I know that is true, but I don't want to have to go and talk about my neighbor. I don't want to get into a fight with him," and I couldn't get the evidence in such a way that I could use it. Therefore, before the contest was taken up and before a word was said about it, I paid my bills and dismissed the contest. There was no hearing. The very first day it was called, I was present and dismissed the contest, and yet they allowed \$500 to all contestees. If they had been obliged to itemize and verify the items, that would not have been done. I am for the resolution.

SPEAKER SHANAHAN. If there are no further remarks, we will vote on the adoption of this resolution.

(Resolution adopted.)

SPEAKER SHANAHAN. The Press Committee that will have charge of the press gallery and admission thereto will be the same as exists in the Senate, subject to the direction of the speaker: W. C. Hallowell, Chairman; E. O. Phillips, S. Leigh Call, George N. Brunk, Joseph Salkeld.

The press messenger will report to the committee.

(Whereupon routine matters of the House were taken up without debate.)

House Bill No. 176, a bill for "An Act to provide for an increase in the number of judges of the Circuit Court of Cook County," having been printed, was taken up and read at large a second time.

Mr. ROTHSCHILD (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 1.

"Amend House Bill No. 176, by striking out the enacting clause."

Mr. ROTHSCHILD (Cook). If the bill has any merit to it, it should be advanced and it should be passed. Unless this bill is passed in time for the convention next month, it will be of no use.

I am making this motion at this time because there has been no investigation and no report made to this House, nor has anything been said here as to why the number of judges in Cook County should be increased.

We have two courts of co-ordinate jurisdiction, the Superior Court and the Circuit Court, in the Supreme Court there being eighteen judges and the Circuit Court fourteen judges. We, therefore, have thirty-two judges in our courts of *nisi prius*.

Our courts are behind in the transaction of their business, and that is not unique to the courts of Cook County alone, but that is true of all courts all over the United States. There are three ways in which we might get speedy justice. The way that is proposed is one. That is to increase the number of judges. I suppose no matter how frequently you increase the number, there will be congestion, and that has been the history in the past. The number of judges in our Superior Court was increased a few years ago, and the congestion is just as bad in the Superior Court now as it was before. I don't think that is the way it should be done.

Another way to eliminate or reduce the congestion would be if the judges would work. That doesn't mean that all of the judges don't work, but there are many judges, or possibly some judges, that don't work as much or nearly as much as they ought to. The question is how late in the day they can call their court to order and how little time they can attend court and how many excuses can there be for not holding court. There would not be so much congestion if the judges would get down to business.

There is another way, and that is the way the people of this State are demanding, and that is to reform our judicial procedure. Nothing should be done to increase our judges until our procedure is simplified to get to a trial of a lawsuit after it is filed.

There has been no investigation made in connection with this bill to show that the congestion was due to the number of judges or how much work the judges are doing on the different classes of litigation that come up.

When the Municipal Court of Chicago was established, it was said that in contract cases most of them would be over in the Municipal Court, as they would get quicker action. The jurisdiction of the Municipal Court in contract cases is co-ordinate with the Circuit and Superior Courts, but still in our Municipal Court they are more than a year behind at the present time.

All of those things go to show that the trouble is not in the number of judges or in the working of the judges, but in the procedure of the court.

In England, I am told that there are fewer judges than we have in Cook County, and justice is speedy and cheap.

In the constitution of New York they only have twenty-seven justices in the Supreme Court, the court that corresponds to our Circuit and Superior Courts. At any rate, this is not the proper way to get speedy justice and eliminate the congestion in our courts. It is going to retard it, if anything. I think if we can arouse enough public sentiment and arouse the State to the fact that speedy justice can be obtained by a revision of our court procedure, that we will obtain what we are after.

Mr. MOORE (Henry). How far behind are they in the calendar?

Mr. ROTHSCHILD (Cook). I have a calendar here that shows that the Circuit Court is two years and eight months behind and the Superior Court two years and five months.

Mr. MOORE (Henry). Isn't it true that a few years ago they were three years behind?

Mr. ROTHSCHILD (Cook). Yes, and the number of judges has been increased.

Mr. MOORE (Henry). The litigation has increased to a considerable extent also, hasn't it?

Mr. ROTHSCHILD (Cook). Yes, it has increased, but there should be fewer suits in the Circuit and Superior Courts now that the Municipal Court has been established.

Mr. IGOE (Cook). It is distressing to me that it seems impossible for my colleague and myself to agree on important matters in this House affecting interests in Cook County. Mr. Rothschild knows, as every lawyer in the State knows, when he says that the trouble with the courts is because of a certain, old-time procedure, and talks about arousing the people of the State to amend the judicial procedure, he, as a lawyer, knows it could be amended if the lawyers themselves would agree to the amend-

ments, and it is not up to the people of the State at all. The lawyers in the Legislature are those who are opposed to it.

This is a bill which seeks to create six additional judges in Cook County. We are not asking for anything more than that to which we are entitled. Under the Constitution of this State, we are entitled to about twenty-three more judges up there, based upon our population. That is not a provision written yesterday or last year, but it is a provision which was written into the Constitution some forty years ago, and which provided that Cook County should have judges in the same ratio in which its population increased. Mr. Rothschild is not fair to the judges of our county when he says that they don't work. The trouble in Cook County is that the work is spread over such a large field. They have to do so many different kinds of work and the branches of the court are so distributed that men are taken from their judicial work and given special work which takes their time, and, therefore, they can not give to the general trial of lawsuits, the time that the judges down State can give.

For your information, I want to read to you the figures and show you how the judges of the Circuit Court are distributed in Cook County, and from these figures you will see that a very small percentage of our judges in the county are trying lawsuits, and you will see the reason why they are not doing so.

There are fourteen judges of the Circuit Court of Cook County at the present time. Of those fourteen judges, one is assigned to the Juvenile Court and that judge exclusively tries juvenile cases. He never tries a regular lawsuit. His sole time is given to the trial of cases affecting the boys and girls of Chicago. All of you men know him, as he has appeared down here, and that is Judge Pinckney, of Cook County. Two of the Circuit Court judges are trying cases in the Criminal Court.

You people down in the country have one judge that tries all sorts of cases, but up in Cook County we have a Criminal Court, and to that court are assigned two of our Circuit Court judges. That means two more judges are taken and all of their time given to the trial of criminal cases. Three judges are assigned to chancery cases. That is, all they do is to try chancery cases. Four judges are assigned to the branch Appellate Court of the First District. That leaves four judges of the Circuit Court of Cook County actually trying civil cases in that county. That is not the fault of the judge, and it is not fair to say that they are wasting their time. It leaves only four men out of a total of fourteen who are actually trying general lawsuits. That is the great reason why our people up there now are demanding more judges in order that justice may be speedily administered.

Mr. ROTHSCCHILD (Cook). Will you give the figures of the Superior Court?

Mr. IGOE (Cook). There are eighteen judges in the Superior Court, and the figures are exactly the same except as to the judge of the Juvenile Court. There is no judge of the Juvenile Court sitting from the Superior Court.

Mr. McCORMICK (Cook). How many judges of the two courts are trying civil suits and how many criminal suits?

Mr. IGOE (Cook). Two from the Superior Court and two from the Circuit Court are always trying criminal cases, and sometimes that number runs up to six, eight and nine. You all know that the jail of Cook County is always over-crowded and the poor devils pining away because they cannot get a trial.

Mr. McCORMICK (Cook). What is the average number of judges trying civil cases?

Mr. IGOE (Cook). It is about ten or eleven. You know that we have to bring in from the country districts certain judges to try cases. We bring in the county judges and circuit judges and they try our lawsuits for our people.

Mr. ELLIS (Kane). How many judges from the country districts are holding court in Cook County now?

Mr. ROTHSCCHILD (Cook). Six or ten. I think there is one from your county that sits there a good deal, and a very fine judge.

Mr. SMEJKAL (Cook). How many judges from both courts are assigned to Appellate Court work?

Mr. IGOE (Cook). There are twelve judges sitting in the Appellate Court of Cook County.

Mr. ROTHSCCHILD (Cook). I understand in the Superior Court there are two judges in the Criminal Court, three on chancery cases and four in the branch Appellate Court.

Mr. IGOE (Cook). There must be eight in the branch Appellate Court.

Mr. ROTHSCCHILD (Cook). There must be eight judges trying civil suits in the Superior Court?

Mr. IGOE (Cook). Yes. I said there were eight or ten judges trying cases.

Mr. WATSON (Hardin). How many hours do these judges work?

Mr. IGOE (Cook). That depends upon the judge. Some convene at 9:30 in the morning and work until 5:30 at night, and some begin at 10:00 o'clock and work until 4:30, and some commence at 9:00 and work until 6:00. If you want to make the time that the judges put in a matter of statutory affair, this is the place to do it.

I move to table the amendment.

Mr. SMEJKAL (Cook). I was astounded at the statement made by Mr. Rothschild in his attack on the judiciary of Cook County because they don't work. I have, in a small way, practiced in that county almost exclusively for the last nineteen years, and I know the longer I practiced, the more time I lost. The calendars are congested, and when you file a suit, you are lucky if you get a hearing within three years unless it is a *quo warranto* or *habeas corpus* proceeding.

I have been there as early as 9:00 o'clock in the morning and as late as 6:00 o'clock at night, and the judges have worked that entire time. They are a hard working lot of men, and we need the additional judges, and we ought to have them, and I trust that the motion of the gentleman from Cook (Mr. Igoe) will prevail and the amendment will be tabled.

Mr. McCORMICK (Cook). How much relief do you believe will be had by the additional six judges? The calendar is now two and a half years behind, and how much will they cut down that congestion by the addition of these six judges?

Mr. SMEJKAL (Cook). It ought to bring it down to nine months.

Mr. McCORMICK (Cook). Do you think the addition of six judges can work that miracle?

Mr. SMEJKAL (Cook). I think so, as they will be assigned to the law and chancery docket.

We have heard something said about the judiciary in England. We have the Municipal Court Act, and that gave us almost thirty judges. That court is almost eighteen months behind time in the jury calendar, and that don't give use the relief we need. Where we need the relief is in the Circuit and Superior Courts.

Mr. SANTRY (Cook). As clerk to the chief justice, I have a few figures for the information of this House. We have not had a calendar printed since a year ago last September. There were five sitting law judges and there were eleven hundred cases assigned to them. Since these calendars have been printed, there have been over twelve thousand cases filed, and that is the condition of the calendars in Cook County at the present time.

Mr. LYLE (Cook). How many masters in chancery are assisting the judges?

Mr. SANTRY (Cook). Each chancery judge is a master in chancery.

Mr. LYLE (Cook). I think we need some further relief up there, but whether or not in the form of additional judges I don't know. I think this matter ought to have gone to a committee and hear both sides of it. Two years ago there was a judge died in Chicago who had made eighteen trips abroad. It is common and customary for judges to spend from one to two months abroad. Now, that the war is on, there will not be any occasion for going there. I have known judges to adjourn court at 11:00 o'clock, in time to go out to the ball game in order to be there and get a good seat at 1:00 o'clock. I have had occasion to look up the record of one judge, and the average time he held court, and found some very surprising figures. He was one of our municipal judges, but the other judges are inclined along the same

lines. This man held court on an average of an hour and a half a day for two week's time, and on the last day of the two weeks' time we heard him tell his bailiff to call up a certain place and tell them he would be there at a certain hour, and we followed him where he went and he went into a place and stayed there until 1:00 o'clock the following morning. He didn't open court until 10:30. Lawyers will stand around the Circuit and Superior Courts waiting for the judges to come, and you will find them finding fault all over. The judges should work harder and do away with the congestion.

I think the judges should have been heard from before this matter is taken up, and asked how many hours they hold court.

Mr. BROWNE (LaSalle). Don't you think that the best relief you could get would be to get some real judges from down in the country to hold court in Cook County and handle the business for you?

Mr. LYLE (Cook). That is the only way we get along now.

Mr. BROWNE (LaSalle). And not rely on the politicians that you put on the bench.

Mr. LYLE (Cook). The country judges come in there and get only \$10 a day. They do for \$10 a day what some of the judges do for \$22.50. I feel we ought to have some additional judges or else better service, and whether or not we need six additional judges or need three additional judges is a matter that should be gone into thoroughly.

I have seen judges sit on the bench and eat peanuts and go to the ball game over and over again. I don't think we should rush through a bill for six additional judges without calling the matter to the attention of the bench.

Mr. HUBBARD (Greene). How many of these peanut politician judges have you on the bench up there? (Laughter.)

Mr. O'ROURKE (Cook). Is it the judges that waste all of the time up there? Isn't there a lot of foolish lawyers that waste a lot of time talking nonsense?

Mr. LYLE (Cook). It is probably true that a lot of time is consumed foolishly by the lawyers. (Laughter.)

Mr. SANTRY (Cook). The condition does exist, as Mr. Lyle said, in Cook County in the summer time when the baseball games are going on. This is vacation time; and the clerks are busy getting up the calendars for the following term of court. The judges are not sitting during vacation time, and I have known those same judges that go to ball games and who are accused of not working very hard to sit up in the Criminal Court room every day during their vacation.

I was with Judge Petit and he gave up his vacation entirely and sat in the Criminal Court to relieve the condition over there.

The country judges are good fellows, and they earn every dollar they get. They do a lot of work. During the vacation time there are none of those judges sitting in Cook County. There may be something about these peanut politicians, but I have stayed with the judges until as late as 10:00 o'clock at night, and I have carried lawyers over from day to day when they were not ready to try their cases. Lawyers have come and asked me to continue their cases and carry them over, as they were not ready to try them.

Mr. LYLE (Cook). What is the average number of hours per day that the judges work? I will leave Judge Petit out.

Mr. SANTRY (Cook). The only two judges I have been with are Judge Petit and Judge Gibbons.

Mr. LYLE (Cook). What is the average number of hours that Judge Gibbons works?

Mr. SANTRY (Cook). I think he puts in from nine to ten hours a day. He comes down on primary and election days and holds court, and that is something that none of the other judges do.

Mr. PRENDERGAST (Cook). I have been in the sheriff's office for the past four years and I know about the condition in the jail. There are times that we have as high as 800 prisoners in the jail waiting for trial. When Mr. Lyle asked the hours of Judge Gibbons, I will say that I have seen Judge Gibbons work as late in the evening, and I have seen Judge McGoorty work as late as 8:00 o'clock, and Judge Windes also. I think the judges stand as well today in Cook County as any part of the State.

Mr. BROWNE (LaSalle). Agreeing with all you have said, wouldn't it be more economical for the State of Illinois if you would call in more country judges to do your work at \$10.00 a day than to pay the big salaries to the newly elected judges?

Mr. PRENDERGAST (Cook). I don't think we can get them.

Mr. BROWNE (LaSalle). You never saw a time in your life when you couldn't get them.

Mr. SANTRY (Cook). I will say that last year when we tried to get country judges, we got letters every day from judges who said they were busy in their own districts.

Mr. WEBER (Cook). I am surprised that our distinguished lawyers on the other side are objecting to this bill. I thought every lawyer was in favor of this bill if he knew anything about the calendar in Cook County and has any cases pending. The people are all suffering. They expect the lawyers to get along with the calendar earlier and get the cases to trial. The Bar Association is asking that something be done to get some relief, and this is the only way we can get it at this time.

The remarks as to what the judges are doing are uncalled for. I have been in the Cook County courts for ten years, and I know that the judges are working industriously, and they may not be on the bench all the time and you may come into their court when they are not on the bench, but I think you will find them in chambers looking up some cases and authorities and working anyway. You will find one or two that are somewhat lax, but if the gentleman from Cook (Lyle) finds such laxity as he states, it is his duty to report that to the Bar Association, and action will be taken immediately.

We need relief in Cook County and this is the only way we can get relief at this time, and we ought to have this bill passed and passed without any delay, because we must have it before the June elections. We have cases pending three years that cannot be tried. Some cases take two, three and four weeks, and we have street car cases that take from two to four weeks. It is impossible to get a trial and get justice when you have to wait so long to have your suit brought to trial.

We must have relief, and I was surprised when I heard the objections from the republican side. I assumed all the lawyers from Cook County were unanimous in this request, and I hope they give support to this measure and that we pass it.

Mr. LIPSHULCH (Cook). I am not a lawyer, but I am interested in certain court work in Chicago, and it has been my experience that the judges in Cook County employ their time as well as can be expected from any man. I don't see why we should expect public officials to work day and night at the demand of some people. I have been able to do business with the judges during the regular hours of court, and I have found them reviewing cases at home and in their chambers many hours after the session of court is closed.

Chicago has increased in population in the last ten years tremendously, and the work has also increased, and it is not at all true that the judges sit upon the benches and chew peanuts as some people have tried to make you believe. They don't take any more vacations than other men do. I deny that. They honestly try to serve the public.

Today the people of Cook County come before you demanding that it is absolutely necessary to have relief, and I hope there will not be a dissenting vote on the floor of this House.

Mr. PURDUNN (Clark). The addition of six judges would mean \$30,000 a year to the State outside of Cook County, the State paying half the salaries. The system of calling in country judges had worked satisfactorily, and it is no expense to the State at large.

Before this bill is passed, this matter of \$30,000 additional expense to the State ought to be considered.

Mr. PERKINS (Logan). A few years ago we called upon the Circuit Court judges of this State for reports. They are required to make, under the laws of this State, certain reports. You will find that the country judges were not, at that time, working over half the time, and those reports were taken up and investigated, and several judges of this State

could not be found at all. Some of them were in Europe. I say that the State pays one-half the salaries of the judges of Cook County, and we should be responsible when we make these appropriations, and the Legislature ought to have a right to know, and the people are demanding of the Legislature of this State, that they know what they are paying their money for, and I say now that if they report to the speaker of this House, it will show that they have not worked from a third to one-half the time. The people are demanding that they should report.

I say this amendment should be adopted.

Mr. BURNS (Cook). How much of the taxes of this State does Cook County pay—what percentage?

Mr. PERKINS (Logan). It don't pay what it should pay.

Mr. BURNS (Cook). What percentage does it pay?

Mr. PERKINS (Logan). I suppose you can figure it out. We have to pay anywhere from 40 to 50 per cent.

Mr. BURNS (Cook). What percentage should you pay that you don't pay?

Mr. PERKINS (Logan). The rest of the State is getting like Cook County, and getting out of paying all the taxes that it can.

Mr. BURNS (Cook). Cook County can't compete with the down State for failure to pay taxes.

Mr. HICKS (Winnebago). I have been trying to figure this thing out on a population basis since this discussion started.

I find since the last census that in the State outside of Cook County there are 3,233,000 people, and in Cook County 2,405,000 people. We have 172 circuits with 51 judges in the down State with a population of about 63,000 people per judge.

Figuring on this basis it would give Cook County 38 judges, which I understand is what this bill calls for. If this bill passes it would place Cook County on exactly the same footing per population as the balance of the State.

Mr. LYLE (Cook). Did you add something like 33 Municipal Court judges?

Mr. HICKS (Winnebago). I did not, for the reason that down State we have a large number of our smaller cases taken care of by the justices of the peace.

Mr. IGOE (Cook). In answer to what has been said here with relation to bringing judges from country districts to try Cook County lawsuits, I want to ask you what you would think of a situation like this, of our bringing Cook County judges down into the State to try your cases?

(VOICE. It would be a good thing.)

Mr. IGOE (Cook). Why are not the people of Cook County entitled to have judges from their own county try the lawsuits that arise in that county? Why must we go all over Illinois to get judges to come up to Cook County, who know nothing about our conditions there, and try our lawsuits? In our criminal courts we should have judges that live in our county and who know the conditions that exist in a big city and know of the many pitfalls that constantly arise in a community such as that. We are entitled to have men that live there daily and understand the situation to decide our contests.

Now, as to what Mr. Lyle says. He talks about the peanut judges and the fellows that don't get down in time in the morning. I will ask brother Lyle why he, as a lawyer of Cook County should come down to Sangamon County to criticise one of his brother lawyers? If what you say is true, you can get relief in Cook County, and if all you say is true, the judge you mentioned should be impeached and taken from the bench, and you know it.

The trouble is with the lawyers. They see the conditions in Cook County and they pass them by, but they come 185 miles away from home to criticise the judges of Cook County.

I believe this amendment should lie on the table.

Mr. RODERICK (Cook). I don't agree with some of the statements made by the gentleman from Chicago (Lyle) when he says the judges of the Circuit Court and Superior Court are not attending to their duties.

The men on the bench are able and efficient men and give their time to their duties in their office. Our calendars in Cook County are two and

a half to three years behind, and it is not because of the negligence of the judges of these courts. We have a lot of litigation there, far in excess of the ability of the men on the benches to take care of.

I believe we ought to have these additional judges. The Bar Association of our State has recommended it. I am sure that they would not recommend that. I am sure that they would not recommend that this bill be passed for an additional six judges if it was not a good measure. Unless we get this relief, the growing disrespect for the judiciary of our State will sometime outgrow its bonds and there will be a revolution sure. We should seriously consider it now. I am surprised at some of the gentlemen from our county who are against this proposition. We have enough work there for twelve additional judges, and we are only asking for six.

One gentleman wanted to know about the \$30,000. Nobody from Cook County objected to the foot and mouth bill that appropriated two and a half million dollars, of which Cook County will have to pay one-half. It is not fair to Cook County to inject that into it. We didn't object to it when you asked for two and a half million dollars for the live stock interests of the State.

I think the amendment ought to be killed.

Mr. HAMLIN (Cook). I am in favor of this bill. I have, for the past nine years been practicing before the courts in Cook County. My experience has always been that the judges in our county are an industrious, conscientious and hard-working class of men. I am very much surprised that the gentleman from Cook should assail our bench. The distinguished gentleman (Lyle) when he says that one of our Cook County judges was in the habit of eating peanuts on the bench, knows that there is no substance in this statement. As a matter of fact I am acquainted with one judge who practically every Saturday instead of adjourning court at 1 p. m. for luncheon, holds it until 3 or 4 p. m. without any intermission. If a judge of this sort desires to eat peanuts on the bench, I am personally willing to permit him to do so.

It is the sentiment of Cook County that the additional number of judges are required.

Mr. LYLE (Cook). With reference to the statement I made regarding the judges loafing on the bench, all I have to do is to refer the people to what occurred in the columns of the public press in Chicago, item for item, day after day, showing the hours and the minutes that these judges were on the bench for two weeks' time. I will bring down the copy of the newspaper with the items listed and the dates.

The gentleman who gave the number of judges we have in Chicago (Hicks) did not include the masters in chancery. There are something like 64 who practically try cases, in addition to some 33 judges of the Municipal Court, making 97, and in addition to that, the out of town judges of which he speaks. The taxpayers have to contribute to this expense. Before they are asked to do that, they should have some sort of a report as to the actual amount of time that the judges up there put in on the bench, and the statement will surprise you.

SPEAKER SHANAHAN. Is the gentleman from Cook (Rothschild) ready to close?

Mr. ROTHSCCHILD (Cook). Yes. I regret the debate has taken the form that it has. One minor point that I raised has been the only point debated. I know as much about the judges of Cook County as most of the men on this floor. I have the highest respect for them. There are good and bad judges, and judges that work and judges that don't work. There are good judges down State and bad judges.

I think Cook County is entitled to have judges from its own citizenship to try its own cases. If we are entitled to six additional judges, the gentlemen from down the State will vote for it. The question of expense should not enter into it at all. If we need six more judges, we are entitled to them, and your patriotism will make you vote for those judges. Let us not get into an issue whether the down State is going to vote for something for Chicago or not. If I felt that the addition of six judges would help the situation, I would be in favor of adding those judges. There is no attempt

on my part to attack any judge. I know some of the judges mentioned on the floor of this House in debate, and I have the highest respect for them.

I feel that the addition of six judges will not give us the relief that is sought for. Our courts are away behind. The Superior Court is as far behind as the Circuit Court, and it was just recently we increased the number of judges.

At the present time there is an agitation on foot for constitutional changes in this State, and there is a great deal of public demand for a change in the form of judicial procedure. With the constitutional changes we can reorganize our courts and make it possible for them to work faster. We can reform the judicial procedure, and I don't think we ought to do anything until the procedure of the courts has been reformed. It is not, as I said in the beginning, a situation unique to Cook County. Wherever we have this cumbersome procedure and practice, there we also have congestion. That is where the remedy must lie, and not in increasing the judges, and for that reason I am opposed to any increase.

Whereupon, a division of the House was had upon the motion to table the amendment to strike out the enacting clause: "Yeas," 84; "nays," 11.

And the amendment was ordered to lie on the table.

There being no further amendments, the bill was ordered engrossed and to a third reading.

The House proceeding upon the order of House Bills on third reading, House Bill No. 12, a bill for "An Act to amend an Act entitled, 'An Act to provide for the holding of primary elections by political parties,'" was laid before the House.

Mr. DAHLBERG (Cook). I desire to have that bill referred back to the Committee on Elections. We have other bills affecting the primary election law, and I don't think it will be proper to pass a bill of this kind at this time.

Mr. BURNS (Cook). There is no reason for that. It was sent out by the Committee on Elections last week, and on the floor of the House, the emergency clause was stricken out. It only names a day for the judicial primaries, and for that reason, I am going to ask to table the motion of the gentleman from Cook (Dahlberg).

Mr. WILSON (Adams). I want to say a word in regard to this motion. I will object to any effort to re-refer this bill. The present primary act should be a complete whole. As it is drawn at the present time, it was intended to include all officers except township elections. I want to say that I have serious doubts that any other bill will go through. In any event, this bill should be complete in itself. When this bill came up on second reading, I objected to the emergency clause for the reason that things had gone so far in the nomination of judges for the next June election that I didn't think the House would be doing what was right by passing this bill with the emergency clause in it.

I am opposed to referring this bill back or making it dependent on any other bill that may come out of the Elections Committee. Any other primary bill will have a pretty rocky road to travel before it goes through this House.

Mr. DONAHUE (McLean). As I view this bill, I think it should be passed now. When these primary bills were up before the House the other day, a member of the committee that acted on the last primary bill that was before us, said there was a provision in that bill to provide for the nomination of all judges in this State by a primary election law, and from that information I took occasion to examine the Journals of the House and the Journals of the Senate of the last session of the Legislature.

There was a primary bill passed here two years ago known as Bill No. 834. It passed this House and went to the Senate, and over in the Senate they inserted some amendments to the bill. It came back here to the House, and the House refused to concur in the Senate amendments. Then a Conference Committee was appointed to look after the differences. That committee made a report, and in that report no reference was made to any bill by any title whatever. They simply referred to it as House Bill No. 834.

Under the decisions of the Supreme Court of this State, all Conference Committee reports must state the title of the bill, the House lost control of that bill, and it became a law insofar as the House was concerned. It went into the control of the Senate. Any amendment placed on that bill, under

the decisions of the courts, could be placed only one way, and that was by reporting the title of the bill, in the report of the Conference Committee. That committee's report had nothing to say as to the title.

Under the decisions of the courts, there should be a title in the Conference Committee's report in order that the members might know what bill they were voting on. That not being done, the entire law is void, and, as I view it now, the old election law of 1910 is in force, requiring the judges to be nominated at the primaries, and the law passed in 1913 is absolutely void under the decisions of the courts of this State, and I believe this bill ought to be recommitted and threshed out.

Mr. BROWNE (LaSalle). After a bill has left the committee and comes upon the floor of the House and has gotten by second reading, it is then past the amendment stage unless it is sent back by the consent of the House to second reading. When it passes the amendment stage, it cannot be re-committed to the committee and cannot be amended on the floor of the House. As the bill stands now, it is up for a vote on the floor of the House on third reading.

I make that as a point of order.

SPEAKER SHANAHAN. The point of order is well taken.

Mr. SCANLAN (LaSalle). I move that the bill be referred back for the purpose of amendment.

Mr. SHURTLEFF (McHenry). How did the chair pass on the point of order?

SPEAKER SHANAHAN. That the motion at this time was out of order.

Mr. SHURTLEFF (McHenry). I understood that it was one of the motions that could be made, under our rules, to recommit. I haven't the rules before me, but I think the right to recommit, by our rules, is a privileged motion.

Mr. BROWNE (LaSalle). Then it is a senseless proposition.

Mr. SHURTLEFF (McHenry). That may be.

SPEAKER SHANAHAN. Under Rule 51, "When a question is under debate, no motion shall be received but—

To fix the time to which to adjourn.

To adjourn.

A call of the House.

To lay on the table.

The previous question.

To commit.

To postpone to a day certain.

To postpone to a day indefinitely.

To amend."

The speaker was mistaken.

Mr. SHURTLEFF (McHenry). A bill can be amended only upon second reading. I understand further it is always within the power of the House to send a bill back to a committee.

Mr. BROWNE (LaSalle). Yes, but you must send it back to second reading, as you cannot recommit it from third reading.

SPEAKER SHANAHAN. If the gentleman will refer to Rule 51, which says, "When a question is under debate, no motion shall be received but—

To fix the time to which to adjourn.

To adjourn.

A call of the House.

To lay on the table.

The previous question.

To commit.

To postpone to a day certain.

To postpone to a day indefinitely.

To amend.

Which several motions shall have precedence in the order in which they are named; and no motion—

To postpone to a day certain.

To commit, or

To postpone indefinitely."

Mr. BROWNE (LaSalle). That really doesn't determine it, as it doesn't

say when it is on third reading. The matter may be under discussion on second reading.

Mr. SHURTLEFF (McHenry). I understand there are, in parliamentary practice, certain privileged motions, and one is the right to adjourn. It is in the power of the House always to recommit a bill to a committee, and it has been done universally within my knowledge here for 15 years, on second reading or on third reading.

Mr. BROWNE (LaSalle). You never saw it done on third reading in your life.

Mr. SHURTLEFF (McHenry). Yes, as I have done it myself.

Mr. BROWNE (LaSalle). Then it was done when the House was asleep.

Mr. SHURTLEFF (McHenry). I can't answer as to that, but it has been done.

SPEAKER SHANAHAN. Is there any rule that recalls a bill from third reading to second reading?

Mr. BROWNE (LaSalle). At any time a bill may be recalled from third reading to second reading for the purpose of amendment, and when it is back on second reading, then it can be recommitted.

SPEAKER SHANAHAN. The chair will stand corrected if rule 51 is the rule of the House.

Mr. McCORMICK (Cook). Rule 35 reads as follows:

"A motion for commitment, until it shall be decided, shall preclude all amendments to the main question."

Mr. BROWNE (LaSalle). You can see the nonsense of any other rule if it existed, or of any attempt to enforce such a rule. What is a committee for? A committee is for the purpose of considering a bill and sending it out upon the floor of the House for the purpose of voting on it. That must be done before second reading. After second reading has passed, there is no such thing as the amendment of a bill, and you will agree to that. You must send it back to second reading. If there is no possibility of amendment after it has passed second reading, there is no office which a committee can perform on it.

SPEAKER SHANAHAN. I will ask the gentleman from McHenry (Shurtleff) a question.

A bill is reported from a committee with a committee amendment. It is amended in the House. It is ordered engrossed and to a third reading, and it is read a third time. A motion is made to recommit the bill to a committee, and the committee re-reports the bill with additional amendments. What is the record regarding the previous action of the bill? The clerk said the custom has been to recall to second reading and then commit.

Mr. BROWNE (LaSalle). When a bill is on second reading, yes, you can commit it to the committee, but when it is on third reading there is no purpose in committing it. That proposition you put to the gentleman from McHenry (Shurtleff). Here is a bill that has gone to a committee and come out with the recommendation that it pass, and it goes to second reading and you order it engrossed and to a third reading. It is engrossed and placed on third reading and has been read here the third time, and before the vote is taken, someone moves to recommit. It is recommitted to the committee, and the committee makes more amendments on it and sends it out. It is not in the shape that the House had it on second reading, and the House is always entitled to a second reading on a bill as it comes from a committee. If your theory is correct, when it comes back, it is on the order of third reading. It cannot be, and it must be on the order of second reading.

Mr. WILSON (Adams). The procedure suggested by the clerk is the only thing that can be done. It must go back to second reading first, and then if you want to recommit it to a committee, it can be done.

SPEAKER SHANAHAN. I am asking for information.

Mr. SHURTLEFF (McHenry). I will state the rule, as I understand it, the best I can. It is more a play over words than a serious question. I think that the gentleman confuses one rule that we have with another.

I have before me "Robert's Rules of Order," and I want to read one short section, section 22 on page 63:

"To commit or refer (or recommit, as it is called when the subject has been previously committed). This motion takes precedence of the motions to amend or indefinitely postpone, and yields to any privileged or incidental question, and also to the motion to lie on the table, or for the previous question, or to postpone to a certain day. It can be amended by altering the committee, or giving it instructions. It is debatable, and opens to debate the merits of the question it is proposed to commit."

In parliamentary law there are certain arbitrary rules and there are certain privileged questions. There are certain things under parliamentary law a house has a right to do without any rule under general parliamentary law. One is to adjourn, which is always in order. Our rules have laid down the order of precedence of these privileged motions, and they are this:

"When a question is under debate, no motion shall be received but—

"To fix the time to which to adjourn.

"To adjourn.

"A call of the House.

"To lay on the table.

"The previous question.

"To commit.

"To postpone to a day certain.

"To postpone to a day indefinitely.

"To amend.

"Which several motions shall have precedence in the order in which they are named; and no motion—

"To postpone to a day certain.

"To commit, or

"To postpone indefinitely."

"To commit" is a privileged motion, and is always in order subject to a higher privilege of those that I have read. "To postpone to a day certain; to postpone indefinitely; to amend;" that is a privileged motion. We have gone to work and made another bill as to amending. That bill must be amended upon second reading. We have made another rule that conflicts with this privileged motion to commit or recommit. It is in order on first reading, second reading or third reading whenever a question is under debate in the House or a conference report is being recommitted. It is a privileged motion at all times.

The only confusing question here as to amendment on second reading is that we have taken out of our rules the privileged question of amending and said that must be on second reading. We have not interfered with the privileged question to commit, and it is always in order when a question is being debated before the House. It is quite contrary to what the gentleman has insisted upon. It has been done time and again when this House has been awake, as it is usually awake.

Mr. BROWNE (LaSalle). Everything the gentleman (Shurtleff) has read from Robert's applies to second reading.

Mr. SHURTLEFF (McHenry). I will be glad if you will find anything that says anything about second reading, first reading or third reading in what I have said.

What I am trying to find out is what will be the record of the House when a bill has been amended in the committee and the amendments adopted by the House and the bill amended in the House and ordered engrossed and to a third reading, and then recommitted on third reading to a committee and again amended by the committee and brought back to the House, what will the official record of the House show?

Mr. HOLADAY (Vermilion). I think the House would have the right to amend a bill at any time, but we have made a special rule that a bill can only be committed on second reading. Under the general procedure and under our rules, we have a right to recommit a bill at any time. When a bill is recommitted to a committee, it is in the same position that it would be in when it was committed for the first time. When it is reported from that committee, it comes out in exactly the same position that a bill does when it has been committed but once.

Mr. BROWNE (LaSalle). What is the purpose of recommitting after it goes to third reading?

Mr. HOLADAY (Vermilion). It doesn't make any difference what the purpose is.

Mr. BROWNE (LaSalle). If you recommit a bill to a committee it is for the purpose of amendment.

Mr. HOLADAY (Vermilion). That would be the general supposition.

Mr. BROWNE (LaSalle). By doing that, you are undoing all that the House has done on the floor.

Mr. HOLADAY (Vermilion). Yes, and if the House wants to do that thing it has a right to do it.

Mr. BROWNE (LaSalle). The committee goes all over it again. The bill has already proceeded to third reading and you have recommitted it to the committee for something they cannot do with it on third reading, and then it has to go back to third reading, and you have deprived the House of a power that it has.

Mr. HOLADAY (Vermilion). It comes back as any other bill on the order of second reading.

SPEAKER SHANAHAN. The Constitution makes certain requirements regarding the passage of bills, and the official Journal of the House must conform to that, and all of these bills that have been declared unconstitutional by the courts have been referred to the official record of the House. The rule of the House is not definite or clear.

The chair believes until a new rule is made that the proper course would be to recall a bill to second reading for the purpose of amendment, and then if you desire to have it done, recommit the bill.

Mr. SCANLAN (LaSalle). I renew my motion to recall the bill to second reading for amendment.

Mr. WILSON (Adams). I move to lay that motion on the table.

Mr. SCANLAN (LaSalle). This bill was rushed through committee to get a vote on the emergency clause. Since that time there have been several other primary bills introduced in the House which have been referred to the Committee on Elections, and I think the bill ought to come back to second reading and then sent to the committee so the committee can reconsider all those bills at one time.

Mr. WILSON (Adams). It is very evident from the motion of the gentleman from LaSalle (Scanlan), that its purpose is the defeating of this bill. There is no intimation that there is anything wrong with this bill. I think the bill is in good shape, and it covers the judicial primaries.

Mr. McCORMICK (Cook). I join with the gentleman (Wilson), in believing in a judicial primary. I yield to nobody in this House in my support of the direct primary bill, but if you are to pass a bill which is to be a balanced and complete bill, I am in favor of it. We have no such bill as yet, and I am unalterably opposed to this patch work.

Mr. SCANLAN (LaSalle). I insist on my motion.

Whereupon a division of the House was had: "Yeas," 40; "nays," 57; and the motion to table was lost.

SPEAKER SHANAHAN. The question recurs on the motion of the gentleman from LaSalle (Scanlan), to recall this bill to second reading for the purpose of amendment.

Mr. BROWNE (LaSalle). This is an important matter and I ask for a roll call, as this motion means the killing of this bill.

SPEAKER SHANAHAN. The clerk will call the roll.

Mr. SHURTLEFF (McHenry). What became of the non-partisan judicial primary bill?

Mr. BURNS (Cook). That bill only names a date for the judicial primary.

Mr. SHURTLEFF (McHenry). I thought the citizens of Chicago wanted a non-partisan judicial primary bill.

Mr. BURNS (Cook). There probably is a non-partisan judicial primary election bill in the Elections Committee. This bill was put in there first in order to name a date for the judicial primaries for the judges to be elected in June. It came up on the floor of the House with an emergency clause attached to it and that was stricken out, and it was then advanced to third reading. There is nothing in this bill now but simply naming a date for

judicial primaries in the future. Any amendment that any man wishes to make to this bill can be made by going across to the Election Committee in the Senate, and there is no reason for sending it back to the committee.

Mr. SHURTLEFF (McHenry). I voted to strike out the emergency clause in this bill. I am willing to vote against the bill. There was a large committee from the city of Chicago that came to Rockford to attend the bar association meeting and plead with that association to aid them in Chicago in having a non-partisan judicial primary bill, and I suppose the bill we had the other day was a non-partisan judicial primary bill. If it is the sense of this House that this bill is not going to apply for six years to come, I don't think there is so great haste that this bill must be rushed to the Senate. It won't become operative until at least six years, and there is plenty of time, even if we don't pass it at this session, it may be done two years or even four years from now, and be in ample time for a judicial primary law in the State of Illinois.

Mr. BROWNE (LaSalle). I wish to explain my vote. I do this largely because there are a large number of men on the floor of this House that never heard me express my views relative to the primary law. I am opposed to it first, last and all the time. It is, in a sense, a legislative crime. It is something nobody ever needed, and has added expense to running for office until today running for office is almost prohibitive. It was a bill passed in the interests of the press and passed by the press. It is one of the seven sisters, sought along that line—initiative and referendum, the primary law, recall of judges, and I can name four more if I took the time, that it is desired to pass. When you have passed this, then you have passed from the realm of free moral agents, and you are shackled and tied properly, as you will be if you keep up voting for these measures. I am opposed to a primary law because it does not work out. It is a beautiful theory, and as Ingalls used to say, it is an "iridescent dream." It doesn't send men of bigger caliber to the Legislature or to the bench and does not improve the caliber of the men it sends anywhere. It adds to the expense that the candidates have in making their campaign for election. Why do you want this bill to pass? Everybody that can get away with it is trying to creep out from under the canvas and get away from the effects of the primary law, and the men that are doing it are the men that don't dare to stand up and say they are against it; they don't dare to vote against it. They would vote for a primary law tomorrow and hold their noses while they voted for it. They are willing to have it apply to everybody but themselves, and then want to get out from under it. I am one of those that believe if we have a primary law it ought to apply to everybody alike. I don't know of any halo hanging over the sanctity of the judiciary that should exempt them from the operation of the primary law. If it is a good thing for you and for me and necessary to purify the Legislature, for God's sake let us apply it to the bench; they need it as bad as the Legislature needs it. If you are ever going to get rid of it you must make it apply to everybody. The court has found a way to exempt itself from its operation; they have found that it does not apply to them. The only thing to do is to make it apply to them so we are all in a common boat, and then if we don't like it we can all work and try to get rid of it. As long as you exempt this one and that one, you will not get any place. If it is good for one it is good for everybody, and I am going to vote against the proposition of the gentleman from my district, for whose views I have the utmost respect. I very much fear—I have not heard him say that he wants this sent back for amendment—and I very much fear it will stay there quietly and peacefully until the chloroform has been applied and "good night; my lights are out." I fear his inspiration has come from the gentlemen that sit on the bench in my district. I vote "no".

Mr. SCANLAN (LaSalle). I stated there were other primary bills before the committee and wanted it referred back to the committee so the whole question can be considered at once.

Mr. BROWNE (LaSalle). You don't like a primary law for a minute any more than I do.

(Roll call continued.)

Mr. BUTLER (Sangamon). I would like to say a few words. I am absolutely against the principle of bad faith in this bill, of minority rule.

This bill is along the line of a primary bill now in existence, which I believe in having this primary law applied to everybody. If it is good for one, it is good for all. Let us apply it to everybody, let the gentle rain fall on all. I vote "no."

Mr. LIPSHULCH (Cook). I wish to recall to your mind a little incident that happened a short time ago; a gentleman who is as well known politically in this State as anybody, Governor Deneen, was called before the bench by one of the courts some time ago on a little proposition which had to do with the primary law, and was asked whether he was the father of this primary law, and he admitted he was, and he was asked further if it makes for freedom and liberty as far as the public is concerned, and he admitted that it did not; that it made the so-called bosses stronger today than under the old system of elections. I am for a primary law if it will do what the people think it will do. I will not vote for a primary law that is so framed to leave out part of the elective offices of the State and take in part. I vote "no."

SPEAKER SHANAHAN. The chair will ask the privilege of the House to read from Hinds' Precedents, which shows how close the question is:

"SEC. 5561. The motion to recommit with instructions may be made before the engrossment of a bill, and is debatable; but a demand for the previous question on the bill to the passage, if sustained, cuts it off. On January 11, 1899, the House was considering the bill (H. B. 8571) to provide a criminal code for the District of Alaska, the question being on the engrossment and third reading of the bill, and the previous question not having been demanded or ordered.

"Mr. Oscar W. Underwood, of Alabama, moved to recommit the bill with certain instructions.

"Mr. Sereno E. Payne, of New York, made the point of order that the motion to recommit was not in order as the bill had not been offered to be engrossed and read a third time.

"The speaker *pro tempore* held:

"The previous question not having been asked for or ordered a motion to recommit is in order."

"Debate having begun, Mr. John J. Jenkins, of Wisconsin, made the point of order that the motion was not debatable.

"The speaker *pro tempore* said:

"The chair decides that a motion to recommit with instructions opens up the entire subject."

"Debate having proceeded, Mr. Vespasian Warner, of Illinois, demanded the previous question on the bill to its passage.

"Mr. Underwood having called attention to the pendency of his motion to recommit, the speaker said that ordering the previous question on the bill to its passage would cut off the motion to recommit with instructions; but that the latter motion might be made after the bill had passed to be engrossed, provided the previous question on the bill to its passage should be ordered.

"SEC. 5562. The motion to recommit may be made after the engrossment and third reading of a bill, even though the previous question may not have been ordered. On February 16, 1899, the House was considering the sundry civil appropriation bill, and had ordered it to be engrossed and read a third time. The question then recurred on its passage, and the previous question had not been ordered.

"Mr. William P. Hepburn, of Iowa, moved to recommit the bill with instructions that there be added to it legislation providing for the construction of the Nicaragua Canal.

"Mr. Joseph G. Cannon, of Illinois, made the point of order that the motion was not in order, as the previous question had not been ordered.

"The speaker said:

"The chair thinks the motion is regular, and the clerk will present it."

When such distinguished parliamentarians as Mr. Cannon and Mr. Hepburn differ with the speaker of the House, the speaker of your House is scarcely to blame if he should ask for information, or be in doubt as to how a parliamentary question of this kind is to be decided.

On this question the "yeas" are 69 and the "nays" 51, and the bill is recalled to the order of House bills on second reading.

Mr. THOMAS CURRAN (Cook). I move that the bill be referred to the Committee on Elections.

(Motion prevailed.)

Mr. BURRES (Champaign). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 56.

"WHEREAS, Since the adjournment of the last session of the General Assembly death has removed from its earthly scenes another of that galaxy of prominent public officials, Hon. James S. McCullough, who died at his home in Urbana, Champaign County, Ill., on the 22d day of June, A. D. 1914; and,

"WHEREAS, The Hon. James S. McCullough was a man of unblemished character and of the highest integrity as a public official, a private citizen and a soldier of the Civil War, having suffered the loss of his left arm, in the defense of his country, at Fort Blakely in 1865, and later serving his county from 1873 to 1896 as county clerk, and the State of Illinois as Auditor of Public Accounts for four consecutive terms; and,

"WHEREAS, It is the desire of this body to render appropriate tribute to his memory by recognizing his untiring energy, his devotion to duty, his splendid ability and his sterling worth as a man and as a citizen of this State; therefore, be it

"Resolved, by the House of Representatives of the Forty-ninth General Assembly. That as a public acknowledgment of his distinguished services and as a token of the respect in which he was held by the citizens of Illinois, we extend to the family and friends our sincere condolence; and, be it further

"Resolved. That this preamble and resolution be spread upon the Journal, that a suitably engrossed copy thereof be forwarded to the family, and as a further mark of respect to his memory, that the House do now adjourn."

Resolution adopted, and the House adjourned.

FRIDAY, MARCH 19, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by the Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. Dahlberg the House dispensed with the further reading of the Journal and ordered it to stand approved.

Routine business of the House, without debate.

Mr. BROWNE (LaSalle). Mr. Speaker, I would like to call attention to House Bill No. 37, which was introduced by Mr. Fieldstack. It was referred to the Judiciary Committee. It was a measure for reimbursement of members because of the unanticipated cutting off of transportation, etc., by the Public Utilities Bill passed at the last session. Now, I don't think that bill ought to go to the Judiciary; I think it should go to the Appropriations Committee, where it belongs.

SPEAKER SHANAHAN. I think, if the gentleman remembers, that I stated that the bill would be referred to the Committee on Judiciary and afterwards to the Appropriations Committee, as there is some legal question about the drafting of the bill, so that it would be constitutional.

Mr. BROWNE (LaSalle). Well, the only thing that I desire, Mr. Speaker, is to do away with all delay in the matter, because I don't want to obstruct its passage; we have a great many more here and we don't want to obstruct the passage of these appropriations—for instance, the foot and mouth disease—and I know there are a lot of other matters that will not be adopted until this is adopted.

SPEAKER SHANAHAN. Well, as I stated yesterday, we will see that there will be no question about the manner in which the bill is drafted.

Mr. SANTRY (Cook). Mr. Speaker, I have an amendment to offer on Rule 14, section C; instead of its being referred to the Rules Committee, I would like to have it considered at this time for this reason: there were several matters came up before the Industrial Committee, and the witnesses that were testifying in that matter—we couldn't ascertain whom they represented.

Mr. McCORMICK (Cook). Will the clerk read the proposed amendment?

THE CLERK (Reading). "Any person or persons representing associations or organizations of any kind, composed directly or indirectly, wholly or in part, of firms, partnerships or corporations, shall file a list of such firms, partnerships or corporations with the clerk of the committee before appearing before such committee."

Mr. McCORMICK (Cook). Mr. Speaker, the rule now reads—section C of Rule 14: "The name of each person and address, appearing before the committee; with the name of the person or persons, firm or corporation and address, in whose behalf such appearance is made."

Now, it developed yesterday that one of the persons appearing before the committee represented an association, but when requested to state to the committee the membership of the association, he advised the committee that it was none of its business.

Now, it seemed to the gentlemen from Cook, Mr. Santry and Mr. McGloon, as well as to myself and others in that committee, that it would be proper for us to know who composed these associations.

Some members of this House will remember a celebrated 70 cent gas league that we had in Chicago, moving the public temper and swaying the multitudes, and we discovered that it consisted of two persons.

Now, there are a number of people who have appeared or who will appear here during the course of this session representing associations, and I have no doubt that they represent interests and should be heard before committees of this House. Mr. Santry and the other gentlemen and myself have felt that we are entitled to know whom they represented; in fact, that we were entitled to something more than the nebulous existence of those associations.

For that reason I second Mr. Santry's motion that this amendment to the rule be adopted.

Mr. MCGLOON (Cook). Mr. Speaker, I would like to say, as a member of the Industrial Committee, we had a number of gentlemen appear here yesterday who were representing employers' and manufacturers' associations and retail merchants' associations composed of an unlimited number. Now our object is to have these men register with the Secretary of State and state each individual firm that they represent, so that we might know whom and what they represent.

I don't feel as though these people should come before that committee and get up and say that they represent an association possibly comprised of one hundred or more different concerns. I don't think it is a fair proposition, and I feel as though this resolution ought to pass so as to enlighten the members of your committee, so that they might vote intelligently on all propositions that come up.

Mr. BROWNE (LaSalle). Mr. Speaker, I voted with this House, and adopted the views of the speaker of this House in a reform which I believed was *pro bono publico*, which I believed was being made for the interests of the people of the State of Illinois, and the members of this House, and that was the exclusion from the floor of this House of everybody except the people that had a right to be here. I thought that that was a good measure; I think so now—or rather I think it is a good rule, and I am glad to see that it is being enforced, and it is a step in the right direction and relieves this House and this Assembly of a curse that it has labored under all these years.

Now, I am for anything in reason that will relieve the members of this House of any possibility of embarrassment in an honest endeavor to conduct their affairs, but there is a limit to all things, and this amendment simply puts an unconstitutional phase upon what you are trying to do, and belittles the whole proposition.

A committee is not this assembly, sitting on the floor. A committee is a sort of a town meeting, except when it goes into executive session. It is wide open for the world, and it ought to be; they ought to be open for everybody, and any man who wants to go there and be heard upon a measure, whether he represents somebody, or whether he only represents himself and his own ideas; he ought to have the right to go, and any man that is a member on this floor, that is so susceptible and so small, that he feels, or feels that somebody else will be contaminated or spoiled or hurt in committee by reason of somebody coming in there, hasn't got any business down here anyway; he ought not to be here. (Applause.) It is not manhood; it is not bigness; it is not right, and I am ashamed of it and I will not subscribe to anything of the kind. When it gets so that I and my conferres cannot go into a committee and have anybody come in there and express their views without injuring me and my integrity, good God! let me stay at home where I belong, under the covers. It is nonsense and it ought not to maintain here, and you will make jokes of yourselves if you do it. We have had enough of this kind of stuff; let us stop now. (Applause.)

Mr. TURNBAUGH (Carroll.) I would have no objection to this resolution if the rules can be amended in any such way; if the resolution is amended in a way that shows what it is and that it is intended to be fair.

At the hearing yesterday before the Industrial Committee, after one side had practically been heard, and the question of whom they represented or as to whether they had registered with the Secretary of State had never been raised, and when the gentlemen on the other side started in to ask a few questions and say a few things, the question was immediately raised as to whom they represented—not only the organization, but all the firms who composed that organization, where they were situated, and so forth. Now

is it fair to ask those people to file with the Secretary of State all this detail information and not ask the representative of a labor union to file theirs—to file their membership and say whether they come here by authority or simply as individuals?

I am willing to vote to amend these rules if they will make this resolution fair.

Mr. McCABE (Will.) The gentleman who represents the employers' association—I am not certain of the correct name—he appeared before that committee and wanted to ask a few questions and when he did it the witnesses raised a lot of objections, and Mr. Taylor answered Mr. McCormick saying to him it was none of his business; he was speaking directly to Mr. McCormick, and because of that there was a lot of trouble, and I think it is unfair to mention the fact. Mr. Taylor was fair and the other people were fair, but there was too much anxiety to shut out everybody else.

Mr. McCORMICK (Cook). Now I have no objections to John Walker filing a list of the members of his organization if some of these gentlemen insist upon that view.

Mr. Taylor raised a question which is familiar to us all; they were down here representing organizations, and I believe that if this rule means anything, then that those who come in the capacity of agents—not in their own behalf, but as agents—should name their principal, I can raise no objection to this amendment. It must inevitably go to the Committee on Rules.

Mr. TURNBAUGH (Carroll). I rise to a point of order. Rule 59 provides "No rule shall be suspended, without the vote on roll call or division, of two-thirds of the members present, nor shall any rule be altered or amended without one day's notice being given of the motion thereof, and the vote on roll call of two-thirds of the members present, but any amendment or alteration having the approval of the Rules Committee may be adopted on roll call or division by a majority of the members elected."

Mr. BROWNE (LaSalle). Mr. Speaker, I desire to supplement it, if I am not wrong, and I will ask the speaker to correct me if I am—that you cannot amend a rule on the floor of the House without a two-thirds vote.

SPEAKER SHANAHAN. There is no question about it. If there are objections to the resolution it must go to the committee—and there have been objections raised on this question.

Mr. McGLOON (Cook). I will say on the point of asking them whom they represented, that it was my impression that the people representing the labor unions had all registered, and when they were put on the stand they told their names and whom they represented, which was proper, and the people representing big industries and big businesses, they got up and said that they were from so and so, and that they represented a certain association which was comprised of a number of different industries. Now, that is what I objected to, and I didn't show any favoritism, because, as I said, I thought the labor people were registered, and inasmuch as each individual only represented one union here, they said so when they got on the stand, and that was the reason that I was so opposed to the men that represented the big interests.

SPEAKER SHANAHAN. The chair will state that it has generally been courteous to at least notify the speaker regarding any resolution going to be introduced by a member so that he might know what was coming up. I would like to state that some of the new members probably did not understand that.

Under the old rules, the chairman of the Committee on Appropriations, as the minutes of the committee will show, always demanded of every person who appeared before the committee to comply with this rule, and he stated whom he represented, what organizations or individual or firm, and I am very heartily in favor of the rules as the rules were made up, or of any amendment that might be made to the rules. I am a little fearful that under the amendment that has just been offered, that it might be carried so far as to compel someone to give the names of the stockholders of some corporation, and I don't believe that any member desires that.

I think that this amendment can be drawn in a proper manner so that the desired information that all the gentlemen from Cook and the other

gentlemen want, can be given, and there is no reason why it should not be done before going to the Committee on Rules.

Mr. BUTLER (Sangamon). I think under our practice and rules the resolution has to go to the Committee on Rules.

SPEAKER SHANAHAN. So that they cannot demand the names of every stockholder of a large corporation or of a large association, such as the Federation of Labor, some man might get up and demand the name of every man that belongs to the union—or the Teachers' organization or any other organization which comes here.

Mr. ROTHSCCHILD (Cook). Before this resolution is put I would like to have some understanding as to the adjournment. Are we to adjourn until Monday at 5:30?

SPEAKER SHANAHAN. A motion to that effect will be in order.

Mr. BROWNE (LaSalle). Do I understand that there is nothing to be done at 5:00 o'clock?

SPEAKER SHANAHAN. No. Of course, if there is no quorum present——

Mr. BROWNE (LaSalle). Why not the old proceedings, where the members understood that they didn't have to be here until 10:00 o'clock Tuesday morning.

Mr. ROTHSCCHILD (Cook). How many bills will be on second reading Monday?

THE CLERK. Eight or ten or a dozen.

Mr. ROTHSCCHILD (Cook). I would suggest that we have an agreement of that nature, no bills to be considered here on second reading Monday.

SPEAKER SHANAHAN. The chair is here to have business performed, and the chair is going to insist on having sessions five days in the week. Now, if any member present raises an objection to a bill being considered, the bill will go over, and the chair will always try to protect all the members so that any bill of any importance will not be considered when there are only a few men in the House, because the chair does not desire to have motions made the next day to recall bills to second reading, etc., for the purposes of amendment. The chair desires to do as much business as we possibly can do.

Mr. PLACEK (Cook). Mr. Speaker, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 58.

"WHEREAS, Hon. Phillip Steiner, a former member of the House from Cook County, departed this life at his home in Chicago, Cook County, Ill.; and,

"WHEREAS, He was a distinguished and honored citizen of this State and a prominent and influential member of the House and highly esteemed in the community in which he lived; therefore, be it

"*Resolved*. That the House of Representatives of the Forty-ninth General Assembly tender to his family and friends their sincere sympathy in their loss; and, be it further

"*Resolved*. That this preamble and resolution be spread upon the Journal of the House, and that a suitably engrossed copy be forwarded by the clerk to the family of the deceased, and that as a further mark of respect to his memory, the House do now adjourn."

SPEAKER SHANAHAN. The resolution is adopted and the House stands adjourned until 5:30 o'clock Monday evening, March 22.

Whereupon the House adjourned.

MONDAY, MARCH 22, 1915.

5:30 o'Clock P. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. Mulcahy, the House dispensed with the further reading of the Journal and ordered it to stand approved.

The House proceeded upon the order of the introduction of bills, and to House bills on first reading without debate, until House Bill No. 35 was reached on the order of first reading, whereupon, the following debates followed:

Mr. BROWNE (LaSalle). This bill being reported out of the Judiciary Committee, with all due respect to that committee, certainly could not have been properly and thoroughly considered by the committee or it would have been sent out on the floor of this House, I am sure. That is merely my humble judgment. I believe that the passage of that bill will result in more harm and more evil than the author or the introducer of the bill has any idea.

SPEAKER SHANAHAN. Do you object to it?

Mr. BROWNE (LaSalle). I simply ask to have it recommitted to the Committee on Judiciary at this time for the purpose of having it given further consideration and not for the purpose of killing it, but to have it thoroughly discussed in committee. It is a very drastic bill and the provisions are of a kind that I don't believe will enable the bill to pass on the floor of this House when it comes to that time.

SPEAKER SHANAHAN. The gentleman from LaSalle (Browne), moves that the bill be re-referred to the Committee on Judiciary.

Mr. THOMAS CURRAN (Cook). This is Mr. Gardner's bill and he is not here and I wish that the matter could go over until Mr. Gardner is here tomorrow.

Mr. BROWNE (LaSalle). It cannot do any harm to the bill or any harm to Mr. Gardner. I was not in the committee, nor were several others, when this bill was reported out and we would like to engage in a discussion of this in the proper place.

Mr. THOMAS CURRAN (Cook). I believe in committee is the proper place but I wish you would let it go over until tomorrow and make that motion when Mr. Gardner is here.

Mr. BROWNE (LaSalle). It seems to me that to let it go back to the committee is in the interests of the bill, where it can be properly treated, as it may be whipped into a condition where it can be passed on this floor without any doubt. In its present shape it should not be passed.

Mr. THOMAS CURRAN (Cook). Can't we let it go until tomorrow and take that question up when Mr. Gardner is here?

Mr. BROWNE (LaSalle). All right.

SPEAKER SHANAHAN. Pass House Bill No. 35 and let it remain on first reading.

Mr. ATWOOD (Ogle). I would like to have House Bill No. 4 advanced on the calendar.

Mr. BROWNE (LaSalle). I will raise an objection to the consideration of any of these bills on second reading except House Bill No. 265 which is an appropriation bill. I don't raise any objection to the appropriations bills, but there are some important measures that ought to receive consideration by a comparatively full House.

SPEAKER SHANAHAN. Do you raise objection to House Bill No. 4?

Mr. BROWNE (LaSalle). No, none at all, or to House Bill No. 265.

Whereupon, House Bills No. 4 and No. 265 were taken up and read a second time and ordered engrossed and to a third reading.

SPEAKER SHANAHAN. Objections are raised to House Bills Nos. 45, 40, 222, 240, 147, and 23.

Mr. GORMAN (Peoria). I offer the following resolution, and move its adoption:

HOUSE RESOLUTION No. 59.

"WHEREAS, The late Hon.^e Peter Cahill, who died on October 21, 1913, was a member of the House of Representatives of the State of Illinois, during the Thirty-eighth, Thirty-ninth and Forty-first sessions of the General Assembly; and,

"WHEREAS, The said Peter Cahill was held in high esteem by all his associates and acquaintances and especially honored in the community in which he lived, by selection as member of the board of supervisors and to other important positions, representing his neighbors and associates; and,

"WHEREAS, His public acts furnish conclusive evidence of his desire to serve the best interests of the public; therefore, be it

"Resolved, by the House of Representatives of the Forty-ninth General Assembly, That we express merited appreciation of the said Peter Cahill, as a citizen and public servant; and be it further

"Resolved, That a copy of this preamble and resolution be spread upon the Journal, that a suitably engrossed copy thereof be forwarded by the clerk to the family, and as a further mark of respect to his memory, that the House do now adjourn."

Resolution adopted, and the House adjourned.

TUESDAY, MARCH 23, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by Rev. E. S. Combs.

The Journal of the previous day read in full, and approved.

The House proceeded upon the order of petitions, reports of standing committees, introduction of bills, all without debate.

Whereupon, the House proceeded upon the order of House bills on first reading, and House Bill No. 35 was taken up on the order of first reading, and the following proceedings were had:

Mr. BROWNE (LaSalle). I desire to have the consent of the House to re-refer this bill back to the Judiciary Committee. I want to say in explanation that when that bill came out of the committee, while there were quite a number of members of the committee present, a quorum, at the same time there were a number that would have liked to have been present had they known that the bill was to come up, but they were not there. I have absolutely no objection to this bill in a proper and sane form. I believe it is a step in the right line if properly taken, but this bill as drafted is too drastic and not only is it too drastic but it is not legal and it contains elements that will absolutely nullify it if put upon the statute books. Not only that, but it also contains provisions that are absolutely beyond the pale of sanity in practical application.

Now, I have no desire to kill this bill and my object in asking for its re-reference is merely that we may in a cool and deliberate manner, within the confines of the Judiciary Committee, go over the matter and discuss it, and if it is deemed upon a rehearing that there are matters that can be changed in it to make it a better bill, that the changes should be made. That is the place to do it, and not out here on the floor of the House where there is so much going on and where we cannot properly handle the matter. I am making this motion in all fairness. I don't want to attack this bill on second reading with a motion to strike out the enacting clause and with a long list of amendments take up the time of this House. There are other men who believe in this bill in principle. Judge Turnbaugh, an eminent gentleman at the bar and a member of this House was not present when this came up and he feels just as I do and there are others that I could name that feel the same way. No harm can come to this bill by a re-reference and the sponsor of this bill and its friends ought to welcome getting it into a condition so it will meet with no opposition on this floor.

It may possibly pass in its present shape, but I don't believe it will; still I don't know. I am prepared to believe that a good many things can happen now in the present atmospheric legislative condition that ought not to happen. I don't think this bill in its present condition can pass. If you will consent to that re-reference to the Judiciary Committee where it can be properly handled and gone over again carefully and judicially, I believe it will come out on the floor of this House in a better condition. Certainly it will not come out any worse and there ought not to be any objection to this.

I ask this as a personal favor and on behalf of other members of this House who have an honest desire for sane legislation.

SPEAKER SHANAHAN. The gentleman from LaSalle made that same motion last night but the introducer of the bill was not here and it was agreed to let it go over until today for discussion.

Mr. GARDNER (Cook). This bill was taken up by the Committee on Judiciary and after a full discussion on the merits of the bill it was reported out with the recommendation that it do pass. It had the support of thirty-one members of the committee. I have no objection to sending this bill back

if I know the reason, but to say that it is to amend it, don't appeal to me, as it can be amended on second reading on the floor of the House.

Mr. BROWNE (LaSalle). If the House cares to take the time I can cite to you fifty reasons why it ought to go back. I have them tabulated and prepared here.

Mr. GARDNER (Cook). Judge Goodnow, who drafted the bill, appeared before the committee and the bill was thoroughly gone into, and I am opposed to it, and I move to table the motion to recommit the bill.

Whereupon, a rising vote was taken on the motion to table, which was lost; and the bill was recommitted to the Judiciary Committee.

Thereupon, the House proceeded upon the order of House bills on second reading, among others being House Bill No. 415, and the following proceedings were had.

Mr. BROWNE (LaSalle). I object to the consideration of this bill at this time. It is not due to any antipathy I have to the bill, and not altogether personally, but at the request of a great many members on the floor of this House I have been urged to make this suggestion, to let this bill stand until such time as the appropriation sought for to cover the mileage for the members is out upon the floor and sufficiently along on its way to passage to warrant this bill going through. Until such time, I am requested to object to the further consideration of this proposition. This is a matter that contains an emergency clause and it will need all the friends it can get on the floor of this House and I don't think it is wise to crowd that at this time until we see what happens to the other bill, and I understand that will be considered in the committee today.

SPEAKER SHANAHAN. This is the bill regarding which there has been so much pressure ever since the beginning of this session, for the payment of these claims for live stock destroyed on account of the foot and mouth disease, and I don't believe the bill ought to be pushed back for the purpose of aiding or defeating any other bill. The chair is in receipt of letters every day from farmers throughout the State demanding to know when this matter is going to be considered.

Mr. BROWNE (LaSalle). Do you think it is any greater pressure than is being brought to bear on the other proposition that members have been deprived of their mileage through the interpretation of a statute that was passed and an interpretation that could not be anticipated.

SPEAKER SHANAHAN. The pressure is ten times as great, if the speaker is to judge from the letters he is getting.

Mr. BROWNE (LaSalle). I don't believe the speaker knows what he is talking about.

SPEAKER SHANAHAN. Probably not; but the speaker is yet to find ten members who are urging the other matter.

Mr. KESSINGER (Kane). Does the gentleman from LaSalle (Browne) mean to say that the members should be willing to compel the farmers to wait for their money on this great loss that they have suffered until some other measure providing for the mileage of the members is considered and passed? I cannot understand any such action as that. We all knew we were not going to get the mileage when we ran for office. I am in favor of any measure which is proper that will enable us to get our money, but I think it is nothing more than four-flushing for any man to get up on the floor of this House and say that the farmers shall be deprived of their money until the mileage is taken care of.

Mr. BROWNE (LaSalle). I want to suggest now that probably the gentleman is sincere, but there is no necessity for an exhibition of such passion. Your people at home will get all this just the same, if you don't do this thing. My people will get it just the same. If this measure for the arrangement of this mileage for the members that they are entitled to passes, there will not be any man who will get to the window any quicker than you will.

Mr. KESSINGER (Kane). I have the utmost respect for the ability of the gentleman from LaSalle (Browne) but making fun of anybody does not answer arguments, and this morning, with as little experience as I have had, I would hate to go on record as a member of this House in saying that the farmers shall not get what the State of Illinois has promised them, and what the Federal authorities have already paid them, until I found out

whether I could get a few hundred dollars for my mileage. I am not posing that I don't want the mileage, but I am not so small to say that I will not let the farmers have what is due them until this other matter is settled.

This bill should be advanced to the Senate and sent to the Governor for signature as soon as possible and get this matter out of the way.

Mr. BROWNE (LaSalle). Irrespective of what he thinks, the bill will not be sent along in that kind of a way with the feeling that exists on this floor. He can record anything he pleases and feel ashamed of anything he pleases. These are the facts and I am stating them publicly on the floor of this House. If the gentlemen of the press don't like it, they can make the most of it.

Mr. SMEJKAL (Cook). I have a couple of amendments which I wish to offer to this bill.

(Amendments adopted without debate.)

Mr. ELLIS (Kane). I have an amendment which changes the amount of one of the allowances by adding \$20.

Mr. SMEJKAL (Cook). I trust that this amendment will not prevail. We have had a committee working on this matter for three weeks and they have checked the Federal and the State figures. Mr. Ellis spoke to me about this matter this morning and I suggested that we take this matter up with the Live Stock Board and they certify whether the change ought to be made. If members are to change this report it will confuse matters and we won't get anywhere. I trust this amendment will not prevail.

Mr. DUDGEON (Grundy). As Mr. Smejkal has said, the sub-committee has been working on this matter over two weeks and taken figures from the Federal and State books. These figures Mr. Ellis wants to change were not as he gives them on the State or Federal books, we are not to blame if they are wrong. This amendment should not pass.

Mr. ELLIS (Kane). The people have not had an opportunity to see the exact amount that was going to be allowed. In a paper published in Kane County some of the amounts were made public. I have a letter this morning from a lady whose stock was killed in which she says: "I lost stock to the amount of \$5,629.35 as per appraisal, one-half of which sum the Federal authorities have paid and issued vouchers for." This amendment merely adds \$20.14 to an amount due her.

Mr. DUDGEON (Grundy). What figures do you find on the books downstairs?

Mr. ELLIS (Kane). The figures you have given here.

Mr. DUDGEON (Grundy). Then those are the correct figures. She writes you differently, but those are the figures certified to by the Federal and State authorities.

Mr. SMEJKAL (Cook). This does not foreclose the lady from coming in and asking that any amount due her over and above these figures be allowed at a later date. The intention is to have another bill for damage to property and other matters, disinfecting, and so on, and there will be a third bill for a lump sum for future cases, and I move that this amendment lie on the table.

Rising vote taken; motion prevailed, and the amendment was tabled.

Mr. BROWNE (LaSalle). I insist upon my motion that the bill remain on the calendar where it is for the present. I do this for the reasons I have suggested and not because I have the slightest thing in the world against this bill and I am for it just as hard as any member in this House, but there are members upon the floor of this House who will vote against the reimbursement of the members on this mileage proposition who want it and members who will be four-flushing when voting against it. There is just one way to do in matters of that kind and that is to be reciprocal and proceed along that line. I say to you members who are interested in getting this reimbursement of the members for something you are not to blame for at all and could not anticipate that the only way to do it is to hold this up for a little while; in other words, charity begins at home, usually. Some of you may not like that sentiment and you may think we are mere atoms and don't amount to anything. I think that is true as to some, but it is not true as to a whole lot more, and for that reason which I have mentioned, I am making this motion. When the proper time

comes, I will be behind this bill just as hard as anybody else. The people in my county have had their cattle slaughtered. Do you suppose I will go to my home without seeing they are reimbursed?

Mr. KESSINGER (Kane). It is not a matter of charity but a matter of justice and I move to lay the motion of the gentleman from LaSalle (Browne) on the table.

Rising vote taken; motion prevailed and the motion was tabled.

Mr. TURNBAUGH (Carroll). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 60.

"Resolved, That Michael Sullivan and Isabel Schwarz be and are hereby elected as First and Second Assistant Enrolling and Engrossing Clerks, respectively."

Mr. PERKINS (Logan). I offer the following resolution as a substitute:

"WHEREAS, W. S. Smith was formerly employed by the House of Representatives as First Assistant Engrossing Clerk and has, during the period of such employment, paid strict attention to his duties and given general satisfaction; therefore, be it

"Resolved, That the said W. S. Smith and Oliver Harrison be and are hereby employed as First and Second Assistant Engrossing Clerks of the Forty-ninth General Assembly."

Mr. FOSTER (Schuyler). I move that the substitute be tabled.

Mr. MITCHELL (Cook). I think the gentleman should explain what county the people are from and who they are so that we can know how to vote intelligently.

Mr. PERKINS (Logan). This resolution that I have offered as a substitute provides for the appointment of two people who are very well known to the members of this House. One of them has served this House two terms and you all know he is efficient, that is Mr. Smith. The other gentleman comes from Peoria and is an able young man and a stenographer and these two young men are able to handle this work well. This House should have some right to say who shall fill these positions. These are the last two places to be filled.

Mr. HUBBARD (Greene). This matter was taken up before the Committee on Rules this morning and we decided to recommend Mr. Sullivan and Miss Schwarz. I served on the Committee on Enrolled and Engrossed Bills two years ago and we tried to do our work carefully and prepared every bill. I know the two who are mentioned in this first resolution did their work faithfully and well. I don't know anything about the qualifications of the party recommended by the gentleman from Logan. They may be well qualified.

Mr. PERKINS (Logan). Do you say you don't know anything about this Mr. Smith? He has been serving the House for two sessions.

Mr. HUBBARD (Greene). I don't say I know nothing about him. He may be all right but I am speaking of the two recommended by the committee. I know they are thoroughly qualified.

Whereupon a rising vote was taken on the motion to table the substitute amendment, and the substitute amendment was tabled.

Mr. PERKINS (Logan). I want a roll call on this.

SPEAKER SHANAHAN. If there is a close question you can have a roll call and not only now but at any time.

Mr. MOORE (Henry). I have a resolution I wish to offer and move its adoption:

"WHEREAS, James Kinney was formerly employed by the House of Representatives as First Assistant Engrossing Clerk and has during the period of such employment paid strict attention to his duties and given general satisfaction; therefore, be it

"Resolved, That the said James Kinney's name be and is hereby inserted in said resolution as First Assistant Engrossing Clerk of the Forty-ninth General Assembly."

Mr. FOSTER (Schuyler). I move that the substitute resolution be tabled.

Rising vote taken, and the substitute resolution was tabled.

Whereupon a rising vote was taken on the original resolution offered by Mr. Turnbaugh (Carroll) and was adopted.

Mr. JACKSON (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 60.

"WHEREAS, Major John C. Buckner, a member of the Thirty-ninth and Fortieth General Assemblies from the Fifth Senatorial District, departed this life at his home in Chicago, Ill., on the 19th day of December, A. D. 1913; and,

"WHEREAS, Major Buckner was a distinguished citizen of this State, holding at various times positions of trust and honor, having been Major of the Illinois National Guard and for fifteen years prior to his death Deputy Internal Revenue Collector; therefore, be it

"*Resolved*, That in the death of Major Buckner the State of Illinois has lost a man who was thoroughly representative of his race and one whose every act and vote as a member of the House was in the interest of and for the good of all the people; his district a faithful and conscientious representative and his family and friends one to whom they could always turn for comfort and advice; and, be it further

"*Resolved*, That this preamble and resolution be spread upon the Journal, that a suitably engrossed copy thereof be forwarded by the clerk to the family of the deceased, and as a further mark of respect to his memory that the House do now take a recess until 2:30 p. m."

Resolution adopted and the House took a recess until 2:30 p. m. same day.

Two-thirty o'clock p. m., reconvened.

House met, pursuant to adjournment.

The speaker in the chair.

Mr. PERKINS (Logan). I wish to offer the following resolution and have it referred to the proper committee:

HOUSE RESOLUTION No. 61.

"WHEREAS, The members of the Forty-ninth General Assembly are called upon daily by members of various organizations, who request that the railroad passenger rates in the State of Illinois be increased by law from two (2) cents to two and one-half (2½) cents per mile; and,

"WHEREAS, No change should be made in existing passenger rates except such change is based upon absolutely the best information obtainable on the subject and the absolute need of the transportation companies of Illinois; now, therefore, be it

"*Resolved, by the House of Representatives of the State of Illinois*, That the State Public Utilities Commission be and it is hereby requested to furnish to this body all documents, papers, and information of all kinds in its possession, which in the opinion of the said State Public Utilities Commission may have a bearing on the subject of passenger rates in Illinois, and the said commission is further directed to furnish its written opinion concerning the necessity of the increase in passenger rates demanded for and by the railroads of this State."

SPEAKER SHANAHAN. The House will now resolve itself into a Committee of the Whole for the purpose of consideration of a Constitutional Convention.

A number of gentlemen have been invited here to address the House this afternoon, and I will ask the gentleman from Cook (Weber), the introducer of the resolution, to preside.

Whereupon the House resolved itself into a Committee of the Whole House.

Mr. WEBER (Cook). We have a program arranged for these speakers, and I would request that the members give attention to the speakers, and not interrupt them while they are speaking. If any member has any questions to ask, he will be entitled to do so when the speakers have finished.

A number of distinguished citizens have written letters to the speaker, and I will ask the clerk to read the letters.

(Letters read by clerk.)

Mr. WEBER (Cook). The Honorable ex-Senator Henry M. Dunlap, of Champaign County, will now address the committee.

Mr. DUNLAP. Mr. Chairman, members of the committee: My only excuse for being here is in response to the invitation of your chairman and my own great personal interest in the amendment of our present Constitution.

I am on the firing line, and I propose today to fire off a few small arms, and the great guns are to follow later.

The matter of a Constitutional Convention, as you gentleman are well aware, has been brewing for a great many years. The attempt to amend that Constitution in important particulars has not resulted to the satisfaction of those interested, largely because of that constitutional provision that only one amendment may be submitted to the people at one time.

In the effort to amend that amendment, it is like attempting to run too many trains over a one-track railroad.

There have been too many interests involved to even get through an amendment or even to wait until an amendment of that character might be adopted by the people that would permit the submission of two or more amendments at the same time, but in the hurry and the effort of the people interested in these different matters, they have jostled and collided with each other, until anyone who has had practical experience in politics realizes that to obtain the relief that is needed, the only solution is a Constitutional Convention.

I have been very much interested in that part of the Constitution that relates to the matter of revenue and the assessment of property. I mean I have been greatly interested during my term of office on the other side of the hall here for twenty years in that department of legislation, and the inability, under the provisions of the Constitution, to secure relief.

The facts are that the classification of property must be made, under that Constitution, equal as it pertains to all classes. There is no exception made. When that provision was put into the Constitution, no doubt it was put there with a good purpose in view, but it really acts to prevent an equal assessment and a just assessment of property on an equal basis to all concerned.

There is the matter of a double taxation that concerns us. Take, for example, a man who will buy real estate—a farm, for instance. He invests \$10,000 in a farm. He has \$5,000 of his own capital, and he borrows \$5,000 and gives a mortgage on that farm. He is taxed for that farm for its full value, and, under the theory of the law, the man that loans the money to him is taxed upon that money also. In other words, the mortgage and the farm are both taxed. There you have an instance of double taxation.

Some states have reformed that part of the laws relating to the taxation of property, in that they exempt mortgages from taxation.

For one, I live upon a farm, and I speak from the farmer's standpoint in this, that I believe it would be for his interest, for the interest of the land owner and real estate owner, if the farm mortgage, or the mortgage on real estate, were exempt from taxation. He would be enabled to borrow his money on a lesser rate of interest.

There is no question but what if mortgages were taxed as is other property, the farmer would pay whatever tax that was, because in those states where they are taxed and where they have to be recorded, a provision is put into the mortgage that the man who owns the land shall pay the amount of that tax, whatever it is, in addition to his interest.

So it is easy to see that you have there double taxation, which cannot be avoided under the present Constitution, in fact, cannot be except that those who own the mortgages fail to always remember that they are the owners of such property, and, therefore, the assessor fails to get them listed.

Our present Constitution, it seems to me, is a breeder of liars, so far as personal property is concerned. If a man were to give in his personal property for its full value, as required by law, and have one-third of it listed for assessment, he would practically have his income confiscated by the State, and when we put an imposition upon the citizens of a State that is impracticable, which in point of fact is confiscation, why you nullify that Constitution, and the only relief that people have is to return their property,

not as the Constitution requires, but as other people owning similar kinds of property return it.

I know of one instance where a widow lady living in the city of Chicago, when called upon by the assessor to list her property, gave in the \$10,000 that she had left from her husband's estate in the way of life insurance to the assessor as \$10,000. Well, those of you who pay taxes in Chicago know that practically would wipe out the income that she would derive from that money when it is loaned out at interest.

Not being wise to that fact, the assessor kindly informed her, if she gave in that money at that value, what the result would be, and persuaded her, much against her will, to put that on the basis of what other people were returning that same kind of property at.

Now, there should not be provisions in the Constitution that would provide for anything like that.

In the different classes of property that are to be assessed and in the different taxing bodies, there should be amendments. In my opinion, the State should derive its revenues, not from direct taxation as the county and the city, but it should derive it from other sources. There should be a division of the sources of State and local tax. By that I mean as is done largely in the State of New York, where they have many millions more of dollars to raise for their state than we have in Illinois, and they derive nearly all, if not quite all, of their state tax from other sources than that of direct taxation.

I haven't the time to go into this, but I believe that if our Constitution permitted, the revenue laws could be adjusted by you gentlemen of the Legislature on a fair and equitable basis. That property that is now invisible would be brought out and placed upon the State books.

I believe, contrary to what some people do, that the great majority of people are honest and want to do those things that are along those lines, and will do it, under any circumstances that will permit of it, so I believe that our Constitution ought to be brought into a line to permit of the honest assessment and collection of taxes.

Now, there is one other reason that I would urge in favor of a Constitutional Convention, and that is this: That we have found in the Legislature that if we want to get an important matter through like revenue legislation, we have got to hold a special session for that purpose, and devote the time and thoughts of the members of the General Assembly, untrammelled by other subjects, to that particular matter of revenue.

In 1885, under Governor Oglesby, a tax commission was formed and brought in a report. Nothing particularly was done with that, although attempts were made at all succeeding General Assemblies, until in 1897, as I remember, under Governor Tanner, a special session of the Legislature was called to consider revenue legislation, because of the fact that in many counties of the State it was impossible to raise enough revenue under then existing conditions of assessment and collection of taxes to meet the expenses of the counties and schools and villages and cities of the State, and it was only after a failure of the legislation in the general session that this special session was called.

In an effort, then, to equalize this difference between the assessment of personal property like money and real estate, instead of taking money at its full cash value and real estate at its full cash value, the committee having charge of that matter met with this difficulty in practice. The assessor of real estate could view the real estate or the buildings, and he could put an estimated value upon that property. It might differ very materially, according to the assessor in the different counties of the State or the different cities; it would differ, perhaps, as to individuals, but he could conscientiously make an assessment of real estate, but when it came to personal property, like moneys or mortgages or anything of that kind, he would say to the man listing his property, "Money is a hundred cents on the dollar, and I can't make any estimate except a hundred cents on the dollar for what you return to me as money."

So you see there with land assessed at one-fifth of its value, if a man gave in his money to the assessor, he was assessed five times as much upon that money as he was upon his real estate. It was confiscation to give it in at its full value, and so in the General Assembly at the special session

they placed money and real estate upon the same basis, listing real estate and money at its full cash value and took one-fifth of that for purposes of assessment. That was some relief, but later on this percentage was made one-third, and that is the way it is today, and, as a matter of fact, double taxation on real estate and on money still remains.

It remains for you, gentlemen of the Assembly, to submit this matter of a Constitutional Convention to the people and get their decision upon it,

Whether you agree that in certain questions that might come before that Constitutional Convention, they are liable to do certain things that you don't like personally, or that I do not like, that is not the question, but there are important things in the matter of a new Constitution that the people are entitled to after forty-five years of service under the present Constitution.

The people are entitled to a revision of the terms of that Constitution in certain matters. I think there are a number of things and several good reasons why a Constitutional Convention should be held, and I put it up to you gentlemen of the Assembly that you will be doing a service to the people of this State by submitting the matter of a Constitutional Convention, so that this Constitutional Convention can, like the members of the General Assembly in special session, take that matter under their consideration, and having that one thing to do, they will do it well.

I thank you, gentlemen, for your attention. (Applause.)

Mr. WEBER (Cook). We will next hear from Mr. George F. Buckingham, of Chicago, formerly of Danville.

Mr. BUCKINGHAM. Mr. Chairman and Gentlemen of the Committee: I am forcibly reminded of the flight of time as I stand at this desk at which twenty-five years ago I officiated as clerk of this House.

That twenty-five years is one-fourth of the entire history of Illinois. Those of us who live three years more will participate in the celebration of the State Centennial. In 1918 Illinois will celebrate the first hundred years of her history.

During that hundred years, we have lived under three Constitutions—1818, 1848 and 1870. The first of those Constitutions was a very simple one. It contained practically the fundamentals of that form of government which men call the republic.

When our forefathers met at Philadelphia to form that charter of our liberties under which our nation is organized, among other things, they guaranteed to each state a republican form of government; that is to say, they provided that each state should be a miniature republic.

A republic differs from a democracy in that it puts into play that modern invention brought into existence on this side of the Atlantic, the scheme of representation as applied to a people's government.

Our forefathers devised the republic for good and sufficient historical reasons. They looked abroad over the history of all time, and examined the structure of every government that had been created by man, and they discovered on that survey that there were in the universe two general forms of human government. One was the monarchy; the other, the democracy. The monarchy had concentration and strength and efficiency, and, therefore, it was a most efficient form of human government, but it lacked in the recognition of human liberty—the great essential of the English speaking people through all the centuries.

They looked again, and they saw that the democracy, such as that of ancient Greece, while it gave the largest individual liberty to the people who lived under it, did not possess that strength and efficiency necessary to its own sustenance, and that, therefore, in the language of the Constitution builders, every democracy of history wherein the people had directly ruled, had directly made their laws and had directly executed them, had lived a short and timeless life and died a sudden and violent death.

Therefore, our forefathers met the golden mesne between those two forms. They made that which was neither the monarchy nor the democracy; they made the republic. They designed, by its use, to take of the benefits of both the ancient forms of government; to give us the strength and stability of the monarchy, and to preserve to us the individual liberty of the inherers in the democracy; and it is the American form of govern-

ment that is called the republic and that was guaranteed to each state of the Union by the original Federal Constitution.

The distinctive form of the republic is that it is guided by a written Constitution; that its activities are exercised, not by the people directly, but by representatives chosen by the people; that those representatives are divided into three classes, three branches of government, each of them equal, co-ordinate and independent—each of them pursuing within its own sphere its individual scope of government.

That is the essential of the republic. That essential was reproduced in the first Constitution of Illinois, and those basics, those fundamentals, gentlemen of the committee, were reproduced in the Constitution of 1848 and again in the Constitution of 1870, and it is my humble judgment that in a Constitution made in the year 1918, or in the year 2018, those things, together with the Bill of Rights, which is the flower of the evolution of ten centuries of English speaking civilization, will be preserved in that Constitution, because they represent those things which endure from century to century.

Those essentials, those basics of the Constitution are built upon the human nature that does not change, and, therefore, should be, and doubtless will be, preserved in any Constitution that is builded now or hereafter.

I say these things, perhaps uncalled for at this time, because there are gentlemen in this State who contend, and earnestly contend, that we do not need a general revision. They seem to think that a revision of the Constitution necessitates a change in its every provision.

It is my humble judgment that 80 per cent of the Constitution we have, in the crux of a Constitutional Convention, would be preserved to the people of Illinois, because it fits the conditions now as well as it fitted them when the Constitution was adopted in 1870. But when we pass beyond those general fundamentals, and when we come to the domain of those matters of governmental concern that are purely local and applicable to a given locality, there we find a state of conditions entirely different and to which this argument does not apply.

Forty-five years is a long time. For forty-five years we have lived under our present Constitution, and there is hardly a man present whose adult life spreads over this span of forty-five years, and measured, if you will, by the economic and industrial advance that has taken place in that forty-five years, it is a longer period than from Pharoah to 1870.

In 1870, my friends, the State of Illinois had but two and a half millions of people within her borders. Now she has six million and a half. The great city on the inland lake had a population of less than three hundred thousand. Today the population of that great city is close to the two and a half million mark.

It seems obvious to me that there has grown up in this State a new relation between the State at large and its urban population and the welfare of that 60 per cent of the people who live in cities which did not exist at all in the year of 1870 when our Constitution was made, and it seems clearly obvious that a basic charter which takes into account the status of a city which does not exceed in population three hundred thousand, becomes utterly inadequate and antiquated when applied to that modern Babylonia which men call Chicago.

We have within our borders today 60 per cent of the people living in cities. Here we have a city, only second to one larger in the United States, and in it have grown up conditions that are new—problems of city government that belong to the 20th century that the people of 1870 had no conception of at the time our Constitution was building.

It seems to me that this advance and this change of conditions that has taken place in this forty-five years is one of the marvels of history.

It was not long before 1870 that there came into existence a power that has wholly revolutionized the world and has wholly changed the face of nature. Man discovered the sleeping giant that had lived in boiling water since time began, and man harnessed that sleeping giant to the lines of transportation by land and sea, and straightway those interior places, those hidden lands which in the olden days of water transportation had been nothing but savage wilderness, blossomed forth as the rose and became the richest part of all our national domain, and here in the center of this

Mississippi Valley has grown up a great State which has practically been developed in her entirely since the year 1870.

We are face to face with a condition, so far as it relates to the relation between the city and the State and between the State at large and the city, that had no existence whatever forty-five years ago, and which the charter under which we now work is utterly inadequate to take care of.

There are many other problems closely inter-related with these. One of them, for instance, is the problem of taxation. I think it will be admitted by almost every student of that subject that our system of taxation is antiquated and unwise as applied to all the cities of the State, but when it comes to be applied to metropolitan conditions, it becomes simply intolerable.

In the city of Chicago, and in the territory covered by that great city, there are no less than nineteen separate, independent taxing bodies, each of them with local power to levy taxes upon the property of the citizens who live within that area. This is a condition that should not be permitted to endure.

This State ought to have a 20th century up-to-date Constitution that would make adequate provision for metropolitan government. One of the great problems that confronts us is reducing those governments to two only, probably, a State government and a city government, and these other nineteen activities in which taxing power overlaps taxing power in a bewildering manner, would become subdivisions of one economic, scientific form of government.

These and many problems press upon our State as problems that belong to the 20th century, and which our forefathers of 1870 had not to deal at all.

We should pass from the question of the necessity of making a new constitutional provision to cover these subjects to the question of how it can be effected.

I am aware that a number of gentlemen in this State have advocated, and have advocated with great sincerity and with great force, that all that might be accomplished by amendments to our present Constitution. It is a fact that our present Constitution has within itself such provisions with reference to amendment as to make it very difficult indeed to amend the Constitution under any circumstances. That has been tried out and has been demonstrated repeatedly in the history of the last few years, but there are some gentlemen who say, "Very well, let us make a single amendment which will wipe out the present obstacles to amendments to the Constitution, and thereby make it easy and simple to adopt other amendments to the Constitution and thereby procure the relief that is undoubtedly required." But to that I answer that the people of the State have never taken kindly to that suggestion. On two occasions—1891 and 1896, that suggestion was submitted to the people for their consideration, and at both times it was decisively rejected, and, gentlemen of the committee, in my judgment, the people sensed that problem true.

A Constitution is not a thing to be easy of change. It is the highest organic law. It is the charter of our liberty. It marks the circle within which the law-maker and the executive may move, and without which he may not move. It is the protection of the individual citizen, guaranteed to him by the highest form of basic law. It should not yield readily to every passing whim of public opinion. It should only give way when the pressure for change has become so great, so insistent, so practically unanimous that it compels itself; and I sincerely believe that in this Constitution and any other that may be hereafter adopted, the difficulties of amendment should be preserved, because it is not of the genius of our form of republic that our Constitution, our highest form of organic law, should be easy to change, or brought down to the level of the statute in its dignity, or still lower to the ordinance passed by the city council every Tuesday night, "subject to change without notice."

I sincerely believe that it is a great mistake to make amendments to the Constitution any easier than they now are, and that brings us to this other question.

If you submit a single amendment to the voters of this State, as was done in 1891, the fact is their attention is not concentrated upon a general idea.

I believe that every student of free government must agree in the propo-

sition that the difficulty of working the republican form of government lies, not in the ignorance of the people and not in the indifference of the people, so much as it lies in the difficulty of bringing to the attention of the people anything that may be proposed for their consideration.

There is nothing so just and nothing so true as the final decision of the people when they have had before them for an extended period the consideration of any great subject until they have become thoroughly familiar with all the arguments pro and con, but against that, it ought to be said that there is nothing so fallacious and nothing so dangerous as the undigested opinion of the people upon a proposition that has not been explained to them and upon which they have not had time to mature a considered judgment, and so I say that a single amendment never does get the attention of the body politic which its dignity deserves.

On the other hand, a Constitutional Convention marks an epoch in the history of the State. All of the propositions that are brought before the people would be up for months, yes, for years, for consideration of the body politic. The best minds of the State would be directed upon these subjects that are before the people; the limelight of publicity, in the newspapers and on the forum, would be brought to bear upon these problems, and when finally there was a digested document put out by the Constitution makers for the consideration of the people, the people would have been better educated and be in better condition to pronounce an intelligent judgment than in any other way.

Therefore, gentlemen, I submit to you that as between the process of individual amendment and the considered and mature process—the orderly process of a Constitutional Convention—it seems to me that there is no choice at all on the part of the people of Illinois.

Now, then, it has been said by divers gentlemen—and I have heard this in Chicago more particularly than anywhere else—and I am going to talk spades to you this afternoon, because I have lived in both the country and the city, and I think I know the viewpoint of them both. I have heard this thing said, that Chicago should not submit herself to a Constitutional Convention, because, forsooth, it would result in a limitation of her representation in the Legislature of the State.

Now, the viewpoint of the people who live in the State at large and those who live in the city of Chicago upon that proposition, I think, may be analyzed about like this: The people of Chicago say, and very justly say, that they are entitled in that territory to solve their problems; and to make efficient government in that area that is so densely populated, there is required a large measure of autonomous self-government upon subjects that do not concern at all the people of the State at large, and everybody, I think, must agree with them who has been around this Legislature for 20 years.

Fully half of the things that are brought to your attention are matters that do not concern anybody except the people of Chicago, and yet you are called on to waste your time and that of the State in considering things that are purely and specially local.

Therefore, any new Constitution would provide a basis upon which legislation might be followed which would give to the great metropolis a large measure of local, autonomous self-government.

But the people of the State view, on the other hand, with some trepidation, the vastly increasing population of that remarkable city. They see the constantly growing unit in a single county, numbering now two millions and a half of people, and holding within its borders forty per cent of what may be called undigested population—population which will not, until the next generation, be fully alive to our ideas and our ideals, and therefore, the people of the State say, and they feel on that pretty generally, that there should be some basis upon which it might be provided that that great population mass should not in the growth of the future finally become the dominant element in the representation of the State, and, gentlemen, if we hark back to history, we find that this controversy between two sections and on this question is not a new one.

When our Federal Constitution was being builded, four of the great

colonies, New York and Virginia at their head, claimed that representation in the Federal Congress ought to be and should be based solely upon population, and the little states, on the other hand, like Maryland and Delaware, contended that it should be based solely upon territory; that each state should have just as much representation in the National Legislature as each other state, regardless of its size, and that controversy, which is exactly the one before us, took up more time in the consideration of the Constitutional Convention than any other question that was before it, and finally the men of Connecticut came forward and they showed to the convention that they and their forefathers, for 150 years, under the charter that had been granted by King Charles II to the colony of Connecticut, had lived under two houses, one of which was based upon population and the other of which was based upon territory.

That compromise was adopted by the builders of our Constitution, so that today one house of our National Legislature is based solely upon population and the other is based solely upon territory; so that the state of Nevada has just as much representation as the state of New York, notwithstanding their disparity of population.

Therefore, I say to you, gentlemen, that there is not in this question an insuperable obstacle. It may well be that some such plan as this, or some other of a similar kind that would be worked out in the wisdom of those who were wise enough to make a Constitution, would solve with justice to everybody concerned, the different interests of the State and of the city with respect to this matter, so that the rights of each of them would be preserved for all posterity.

And, gentlemen, there is one other class of objectors to a Constitutional Convention, who put forward with great earnestness and great force, an objection that seems to me unsound. Those gentlemen say that we should not revise our Constitution by a convention, because there are in this State so many different ideas and so many notions for supremacy within her borders, that a Constitutional revision would almost certainly result in a lot of fallacies being injected into our Constitution.

With these gentlemen I do not agree. In the first place, we are a republic. The people must ultimately rule, and we have got to be content with what the people finally say they want, and the most that we can expect is to have them, when they say it, know absolutely to the best of their ability what they are talking about.

I again revert to the facts of history. I want to call your attention to the period just preceding the 1848 convention, and I want to trespass on your patience to read you what the Governor of the State of Illinois said about the conditions in the State:

"The domestic treasury of the State was indebted for the ordinary expenses of government. Auditor's warrants on the treasury were sold at 50 per cent discount, and there was no money in the treasury whatever, not even to pay postage on letters. The treasury was bankrupt; revenues were insufficient; the people were unable and unwilling to pay taxes; the State had borrowed itself out of credit. A debt of nearly fourteen million dollars had been contracted for the canals and railroads. The currency of the State was annihilated. There was not over two or three hundred thousand dollars in good money in the pockets of the whole people, and this occasioned a general inability to pay taxes. The whole people were indebted to the merchants, nearly all of them to the banks and to foreign merchants, and the banks owed everybody, and none were able to pay. To many persons it seemed impossible to devise any system of policy out of this jumble and chaos which could relieve the State."

Now, gentlemen, I submit to you that there is a picture that not even our most eminent "standpatters" and pessimists could take as representing this year of our Lord; and out of that turmoil and confusion, when the 1848 convention sat down, do you know what changes were made? I will enumerate them. There were three. The first great change was to fix the salary of the Governor at \$1,500 a year; the salary of the justices of the Supreme Court at \$1,200, and the salary of the legislators at \$2 a day, when they worked. (Laughter.)

The second great thing that came out of that turmoil and chaos was a

provision that the veto power on legislation, which had theretofore rested in the Governor and the Supreme Court, should be vested in the Supreme Court alone; and the third provision of that Constitution in which it changed from the former Constitution was in the provision that these gentlemen whose salaries were fixed should make an official oath before taking office that they had not fought a duel and did not intend to.

That was the sum and substance that came out of that turmoil and confusion; and, gentlemen, do you know of any better way, when there are conflicting councils and conflicting argument, to arrive at the proper consensus of wisdom and justice than for one hundred and fifty patriotic men to sit down together and thresh out the differences? It seems to me that is the wisest plan that the brain of man has ever devised, and out of that plan, we are certain, at any period of the State's history, to procure as a result a consensus of whatever wisdom and whatever patriotism there is in the body politic.

Today, Mr. Chairman, we of Illinois, number six million and a half of people. We have a greater population than existed in the United States when our Constitution was written.

This is a splendid State, an example of patriotism to all the people of the world. Its history is an incentive to the patriotism of men. If all the waters and all the lands that lie beyond the borders of Illinois were wiped out immediately, still this great State could go on, a mighty empire in itself. Out of the bosom of her mother earth, in every succeeding harvest, there springs more of human wealth than all the empires of antiquity rolled together possessed in their palmiest days. Beneath the surface of our soil there is the accumulated coal, that form of black diamond, richer by far than all the Golcondas of history. Every snowdrop that melts upon the Rockies, every raindrop that falls upon the Alleghenies flows past our borders for a thousand miles in potential energy to run the industries of the future.

When the great adventurer LaSalle first set his foot upon our soil, nearly three centuries ago, he found that the inhabitants of this region called themselves the "Illinois," and when he inquired what that meant, he was told that it means the "men," the men among men, the men as contradistinguished from those who were but half men—superb, strong, splendid men, men who could build an empire, and, gentlemen, I respectfully submit for your consideration that in that three centuries, the quality of the men of Illinois has not deteriorated, and I believe that at this moment there exists within our borders just as much of patriotism and wisdom and character as ever existed at any period of the world's history.

I don't believe that the people of Illinois should be afraid to submit to the men of Illinois the revision of our basic law by a Constitutional Convention.

I thank you, gentlemen, for your kind attention. (Applause.)

Mr. DONAHUE (McLean). You say one reason why we should have a Constitutional Convention is that the Constitution may be so amended as to give the city of Chicago the right of local self-government. If that is true, I don't understand section 34, Article IV of the Constitution. As I understand that section, the people of Chicago can have the right of local self-government in any way they might see fit.

Mr. BUCKINGHAM. I didn't say the city of Chicago should have local self-government in its broad sense. It is my judgment that the city of Chicago should only have autonomous in regard to those things which are purely local. In order to produce that condition it would require something like three, most lawyers claim and I have never been able to discover less than five, amendments to produce all of the changes necessary to bring about an efficient form of local government under twentieth century ideals.

Mr. DONAHUE (McLean). Isn't it true that a charter was submitted to the city of Chicago for its adoption and rejected?

Mr. BUCKINGHAM. Yes.

Mr. DONAHUE (McLean). What does the section say?

Mr. BUCKINGHAM. I haven't the language before me and that is a purely technical subject. Not only that, but a great many other things in the Constitution need revision in order to bring about a uniform and harmonious scheme of government. It has some rights of local self government

but not the large right which is necessary for the full fruition of its self government.

Mr. WEBER (Cook). We will next hear from the Hon. Frank O. Lowden, of Ogle County. It is not necessary to introduce him to an Illinois audience as we all know him.

Mr. LOWDEN. Mr. Chairman, and Gentlemen of the House: This subject has been so thoroughly discussed by the speakers who have preceded me that I shall detain you only for a brief time. Formerly I was of the opinion that the real remedy was an amendment to the amending clause of the Constitution. For years I advocated that such an amendment should be submitted to the people. I still think that if, a few years ago, those interested in one amendment or another could have been united in favor of an amendment to the amending clause, such action would have obviated the necessity for a Constitutional Convention. But such an amendment is an abstract proposition. It is very difficult to interest the people in the question, not whether you will amend the Constitution in substance, but whether you will amend the method by which it may be amended. If any of you gentlemen have ever presented this question to your constituents, you know that it is hard to arouse much enthusiasm. This, however, as all can see, is an entirely different matter—a proposal for a convention in which the wise men of the State, presumably, will participate and go over the whole subject from one end to the other. You can arouse the attention of the people to such a proposal. Although the effort has been made for years to unite those in favor of some change in the Constitution, for only by such united action can any result be attained, thus far we have failed. In the meantime proposed amendments have been accumulating upon a great number of subjects. Even if it were possible to secure the adoption of an amendment to the amending clause, in all likelihood such a large number of amendments would be submitted to the people at the same time that, in effect, you would have a revision of the Constitution. Which is better—to revise the Constitution by a Constitutional Convention or upon the initiative of the Legislature? I know something about legislative bodies; I served in one myself for a number of years, and I know that when you gentlemen meet here you are fully occupied with your duties as legislators, and that you cannot by any possibility give the same attention to amendments to the Constitution that a Constitutional Convention could give. I was in Congress when that body adopted a resolution submitting to the states the amendment authorizing an income tax. I recall that neither branch of Congress considered that resolution with anything like the thoroughness which a Constitutional Convention would have given it. Amendments to the Constitution are mere incidents in the work of a Legislature and not its real business. Isn't it better to call a convention, which will have nothing to do with appropriations for the State, nothing to do with the ordinary business of the State, but which shall devote itself to a thorough revision of the Constitution in a regular and orderly way? Such a convention would be composed of the best men in the State; it would doubtless include some of the ablest and most experienced men in the Legislature. Nothing would be contained in the Constitution such a body would frame that had not been subjected to the fullest debate and the most deliberate consideration. Could the most enthusiastic advocate of the other method say as much for the possible raft of amendments which might come from a busy Legislature?

It is argued that the Federal Constitution has been changed, from the beginning, only by amendment. That is true. There is, however, this vast difference between the Federal Constitution and state constitutions. Under our Federal Constitution Congress has power only over those matters which are expressly delegated to it in that instrument. In the states, all the powers of sovereignty not expressly delegated to the Federal Government are vested in the legislatures, subject only to the restrictions contained in the state constitutions themselves. Therefore in the Federal Constitution it is not necessary that there be so many restrictions and limitations and prohibitions upon the Congress as the framers of our State Constitution seemed to think it necessary to have in a state constitution. The result is that while our Federal Constitution is simply a Constitution in the proper sense of the word and contains but the framework of government and the enumeration of the rights of the citizens which are beyond even the power of a

majority, our own present State Constitution contains not only these things but also a vast amount of legislation upon all possible subjects. It is true that the earlier state constitutions more nearly resembled our Federal Constitution, in not attempting mere legislation. In that respect they were superior to the modern state constitutions and have proven more enduring. Take Massachusetts, for example; she has lived and thrived under a constitution adopted by her in 1780. Shortly after our Civil War, however, people, generally, became distrustful of legislatures everywhere, and they sought, in the state constitutions adopted during that period, to take power away from legislatures and to legislate themselves through the constitutions. They labored under the delusion that they could shackle the legislator's power for evil and still give his virtues full play. In this they were wrong, as we now can plainly see. To withhold power from a public official because he may abuse it is to confess the failure of our form of government.

At any rate, whether wisely or not, it must be admitted that our present State Constitution contains a vast amount of legislation. And I submit, no matter how wise the gentlemen were who met in 1870, and I yield to none in my admiration of their ability and patriotism, they could not possibly foresee for half a century just what form our laws should take on corporations, railroads, insurance companies, banks, and a thousand other things upon which they legislated while framing a constitution. When we stop to think about it, the wonder is that our State Constitution should have endured for almost a half a century when it covers so many subjects not properly of constitutional right but of ordinary legislation. In fact, Bryce says that the average life of a constitution in our country is about thirty years, and I know of no single case of a constitution as voluminous as ours which has endured as long as ours has endured already.

I hope, if we do have a Constitutional Convention, that we shall profit by our experience of the past and that we shall not put into a new constitution matters that are properly the subject of legislation. We would do better, much better, if we were to recur to the old constitutions which contented themselves with laying out the framework of government, with the declaration of fundamental principles which do not change with changing times, and then leave to the Legislature the power to enact laws within those fundamental limitations.

I have just read the preliminary report of the Joint Committee on Efficiency and Economy in the management of the business of the State. That committee has undertaken a commendable work and has shown conclusively, to my mind, how impossible it is to have a really efficient and economical conduct of our State business under existing law. The committee, however, finds that it is tremendously handicapped because of the legislation contained in the Constitution. I believe we might learn much from big business which would help in conducting the business of the State of Illinois, which is getting to be a pretty big business itself, and that is that you cannot hold an official responsible unless he has power commensurate with his responsibility. Big business in this country would not endure a single year if, when it appointed men to transact its business of importance, it laid down prohibitions and limitations and qualifications as to every step they should take. So, as I said a moment ago, I hope that in the framing of the new Constitution we shall get back to the statement of the fundamental principles of a Constitution, omitting mere legislation which must be entrusted to the Legislature and upon which no set of men, no matter how wise, can anticipate for half a century. The new Constitution, I trust, will not be so rigid with reference to amendments as the present Constitution is. Of course, it must be conceded that there would be no value whatever in a Constitution if it could be changed as easily as a law. If, however, our present Constitution, which is more difficult to amend than any other State Constitution of which I know, had been more liberal in this respect, amendments would have been made from time to time in the past, and there would be no need or demand now for a Constitutional Convention. A Constitution should be so difficult to amend that resort will be had to amendment only after mature deliberation, with delays enough so that deliberate action of the people may be assured, and only when there is a general demand for such amendment. To make a Constitution so iron-bound that it is practically impossible to amend it at all, defeats the very purpose of amendment and make more frequent

Constitutional Conventions necessary. Our Federal Constitution is a perfect illustration of the happy mean in this respect.

Another objection urged against a Constitutional Convention is the supposed conflict between the interests of Chicago and of the rest of the State. If it be true that such conflict does exist, a Constitutional Convention, in my opinion, would tend to end it. The people of Chicago and the people of the rest of the State have got to live together, whether they will or not. There is no way in the world by which the people of Chicago and the people of Illinois outside of Chicago can be separated. No one has been able to persuade me that, when the new Constitutional Convention meets and decides upon a basic law for all of Illinois, the result will do any wrong to Chicago or to the balance of the State. You cannot frame a new Constitution which will injure Chicago without injuring equally the whole of the State, and you cannot frame a Constitution which will injure the downstate without equally injuring Chicago. And if, which I do not admit, there are differences now between Chicago and the rest of the State, the way to adjust those differences is for Chicago and the rest of the State to meet in Constitutional Convention and there thresh out their differences. For let it be remembered that no Constitution framed by any convention which is not framed in a spirit of fairness to both the city of Chicago and the rest of the State has any possible hope of adoption at the polls.

There is another reason why the time is ripe for this action: New York is about to hold a Constitutional Convention. Many of the very ablest men in that great state are to be delegates in that convention. We should derive great benefit from their deliberations. New York is in very much the same situation as Illinois. It has a great city and the up-state country, just as Illinois has a great city and the down-state country. The population of New York is as diversified as the population of Illinois. Its problems, on the whole, are very like the problems of Illinois. If you gentlemen adopt this resolution, we shall have the benefit of the debates and deliberations of the best and most trained minds of New York; we shall follow their processes in making a new Constitution, step by step, and we shall have before us their finished work in advance of the time when we are called upon to act.

I believe that the people of this State are in a frame of mind in which they will take up this great work with patriotism, with infinite care, with sobriety of judgment. I have no doubt but that the people of Illinois will select delegates to this convention as wisely as the people of New York have just selected delegates for theirs. If this resolution prevails, I haven't the slightest doubt but that everyone of you who supports it will be justified by the results of the convention you thus call into being.

I thank you for your courtesy.

Mr. WEBER (Cook). We will next hear from the Hon. Charles Adkins, a former speaker of this House. (Applause.)

Mr. ADKINS. Mr. Chairman and Gentlemen of the House: The subject of a Constitutional Convention has been almost exhausted this afternoon, but there are a few things I think as valid reasons why we should have a Constitutional Convention that perhaps have not been mentioned.

As has already been stated, when our present Constitution was adopted in 1870, we were entering on a period of development and perhaps during that time we passed through the greatest periods of development that our State will ever pass through. You will remember about that time we were offering all sorts of inducements for the purpose of developing our transportation enterprises and all other lines that entered into the make-up of the matter of meeting the wants of our people. The restrictions that were necessary to be thrown around these various interests at that time will not suffice at the present time. We developed our railroads and our manufacturing enterprises to meet the needs of our people as fast as our population had increased. As we have almost completed our development from the state of nature to the well-developed state, we now find certain restrictions are necessary to be thrown around some of our interests. The abuses that crept in through the privileges we granted in order to offer inducements to develop our State, became somewhat of an issue with many of our people. The inducements offered to get people to put capital into enterprises in some instances were abused and became an issue all over the country,

people claiming that we were not restricted enough. The pendulum began to swing back, threatening to swing a little too far.

Some of the provisions are not sufficient for the wants of all classes of people today. Some of the reasons advanced why we should have a Constitutional Convention, I think, are as apparent to you men as to any of the men who have been speaking today.

Reference has been made to the city of Chicago. Probably Chicago could go on and develop for an indefinite length of time under the present Constitution and under the laws that might be enacted by your body here, but by reason of the fact that our Constitution is such that it is holding up legislation year after year, causing the members of both Houses to violate the Constitution, and in turn keep up the same strife between the country and the city, it seems to me that nothing but a new Constitution will cure that.

For the last four years you men in the House have appointed apportionment committees to re-apportion our State every 10 years, which should have been done four years ago. I know why it was not done and so do you. It will not be done this session. I know why I was opposed to it, by reason of the fear of the country people that the Chicago people in time would dominate them and that in time they would get in a position to control their own affairs, as they should, and not being interested in many of the enterprises down State that perhaps the interests of the balance of the State would suffer by reason of a lack of interest on the part of those that might live in the great cities.

A new Constitution that would bring about a settlement of the Chicago representation would place us in a position where we could comply with the Constitution along that line, and, as suggested by Colonel Buckingham, it seems to me that if that suspicion existing between the two localities was settled, that we could go along and co-operate much better than we ever have.

If by an agreement Chicago was granted certain powers to govern herself, and then her representation increased, you would have to enlarge this hall and re-apportion every 10 years and fill a hall twice as big as this. The interests of the State would seemingly decrease and the representation in Chicago in the popular body would increase. The country would stop the city in the Senate, and there you are. There will have to be a common understanding between the great cities and the great country and when that common understanding is reached and a satisfactory adjustment of that whole contention which threatens sometimes to be a grave one, and a satisfactory solution of that is made, you will find that the problems put up to you men that affect Chicago affect the country and you will be relieved of that embarrassment of considering whether it will give Chicago too much power or the country districts too much power.

The one solution of that proposition is to get together in a Constitutional Convention and argue the matter and place it on an equitable basis and you will be prepared in the future to do business the same as our Congress or any other state that has a similar restriction on the representation of a great city. That is one principal reason why we should have a new Constitution.

As to the body that will meet in a Constitutional Convention and as to their fitness to deal with this proposition, I have no fear of a Constitutional Convention when these men may be selected. Take the proposition of a new Constitution, the proposition of the amendments that have been talked of for the last four or five years and you will find that our citizenship has become familiar with them and they have some ideas of their own and they are not slow to express them. If this resolution is submitted to the people and they adopt it, and we prepare to select our members, you will find the citizenship in each district exercising due care in selecting men to weigh these problems. The man that goes from any congressional district in this State to attend a Constitutional Convention will be conscious of the responsibility that rests upon him, and when he goes there he is going to be careful of his record and what he advocates and what he does, because he will know the eye of every citizen of the State is on him, and there is no doubt but what a body of that kind with as much talk as we have had

about this proposition, and as long as we have been running under this whole Constitution that when we get a body of men of that kind together we will get a body of men that will handle the matter properly and be able to go back to the people for their approval and we stand a better show today with our present citizenship of getting a Constitution better than we have been able to do in the last fifteen years.

Another important thing is the manner of selecting our public officials under our present Constitution. You remember back in 1818 when we adopted our first State Constitution, we thought the conditions were such that it was necessary to elect so many officials to govern our people. They thought at that time that a governor and lieutenant-governor were the only officials to elect and we should appoint the rest. Time went along and people became dissatisfied with that and they made other constitutional officers until every State officer is a constitutional officer and provision made to elect him. We went along for a number of years and finally the old system of selecting candidates for offices in the various political parties got out of date and a good many abuses grew up and people demanded a change. The constitutional restrictions were such that you could not do it in a representative manner. We found in the same subdivision that the manner of selecting men by popular vote is an ideal proposition. We found in extending it over the whole State that it was not an ideal proposition. I don't think there was a man in this House sufficiently familiar with the names of all the minor State office candidates for public office at the last State election to mark his ballot intelligently. We have got to have our Constitution so we can do one of two things or both. We have got to eliminate a lot of these minor constitutional officers or we have got to have a provision in our new Constitution whereby we can have the larger units a representative feature.

There are, for instance, twenty or thirty men candidates for Secretary of State or Attorney General on a ticket and not one man in fifty knows anything about them. It is like the grab-bags we have in schools. Nobody knew what kind of a package he had until he unwrapped it. We have got to eliminate some of these constitutional officers or something whereby we can have a more representative manner of selecting them.

Another strong reason why we should have a new Constitution is that the very life of our State and nation depends upon the efficiency and ability of the men we select to represent us here. We hardly ever hear this urged as a reason why we should have a new Constitution. There was a time when we could talk about these ideas and they were very popular. The question is not whether we should not go back to 1818 and elect an executive head and let him appoint the rest, or provide a representative means of selecting our candidates for these State officers. These are some of the reasons why we should have a new Constitution. We should argue the differences out that seemingly exist between the city and the country, and another thing is that we should have a more representative manner in selecting our constitutional officers, or reduce the number that we may have.

Take the problems that will be put up to the people and the questions of legislation that will be put up to you men to consider in the future will be a different character than what they have been in the last forty-five years. We have a larger number of people to find homes for and educate and to make good American citizens of, than we had forty-five years ago. Now that means a new set of problems. That means that our present constitutional restrictions are such that we cannot go on solving these problems economically and in the interest of all of our people unless we have a new Constitution.

As to the manner of amending the amending clause, I am opposed to that proposition. It sounds good when you first think about it, but here you come with perhaps a half dozen amendments and one bunch trade off with the other and you get them all through and they are submitted to the people, and the people give them very little consideration, and the first thing we know we have a lot of stuff in our Constitution which we would like to get rid of, and once you get a clause in the Constitution, it is like the itch we used to have in the country schools; it is hard to get rid of.

We have the people now talking about the Constitution. You hardly

go into a little town but what someone says something about the new Constitution. The matter will be studied and talked about by the people. Any changes will not be made without due attention being called to the people. First we will have a lot of time in which to do it and the people are on the look-out for it as it has been talked about and a good many things they would like today they cannot have by reason of the constitutional restrictions and they will be looking to the things that they are interested in, to get relief. The best thing for our people today is to adopt a new Constitution instead of trying to pull the plug and amend it by wholesale. I think the people are in the humor and conditions never were better for the consideration of a Constitutional Convention than now.

There are a good many of these new ideas that people have called freaks which have been tried out, and we know how they worked. These propositions will be put up to the people and considered, and I am not uneasy about a Constitutional Convention that will be held if you pass this resolution. These propositions will be taken up and considered on their merits and considered how they apply to present day conditions and to the interests of all our people, and out of that convention we will get a Constitution that will fit the needs of the people today and we will not have any freak provisions in it that we will have to apologize for. Any man that stands for provisions that are unpopular with his people will become very unpopular in his community indeed. A man accepting that responsibility is usually a man of good sense enough who will try to do the thing for the best interests of all of our people.

The objections that have been urged against a new Constitution so far as I have been able to learn, are not valid, and the provisions of our old Constitution do not apply to our new conditions, and if put up to the people today, you will hardly find a man but what acknowledges the fact that something ought to be done. You are as familiar with this proposition as any of the men who have spoken to you this afternoon, but we all come from various localities and we come for the purpose of giving this proposition due consideration and discussion, and from what I have learned and the sentiment I found throughout the State, where I have been with regard to the matter, I don't think that there is any doubt but what the people should be given an opportunity to express themselves whether they want a new Constitution or not.

I thank you, gentlemen. (Applause.)

Mr. WEBER (Cook). Our next speaker will be Mr. B. F. Harris, of Champaign.

Mr. HARRIS. Mr. Chairman, and Gentlemen of the House: This subject has been so thoroughly covered, and I know you have been previously so well advised that I cannot presume to take more than a few minutes of your time. I am sure you are tired and I know I am.

I come to you as a private citizen without any personal grievance or prejudice, and at some little inconvenience. I happen to be so situated that I have no quarrel with anything in general and such selfish interests as I may have don't dictate that I should busy myself with such a matter. Notwithstanding, I know that whatever is best for the largest number of the people of Illinois is best for you and for me, and that as a well-meaning and would-be helpful citizen it is my duty and as public representatives it is your duty, to stand for and vote for whatever is best for the largest number of our people.

The great mass of our people have made appeal and complaint of many inadequacies and inefficiencies in the law, and the general methods don't give much serious time or thought or aid in an attempt to correct. That is a bad habit on the part of all of us. It seems to me that some of us everywhere should be aroused to a greater sense of public duty, because it is that great virtue alone which makes possible popular government and alone will perpetuate it. I have not been a careful student to any extent of this subject, and I don't come to you with any preparation, but I am satisfied that our Illinois Constitution has been long outgrown. Evidence of its fallibility lies in the almost practical impossibility to amend the Constitution. Evidence of its failure to appreciate human nature and changing conditions, it seems to me, is in the proposition that in a jury of twelve men, all must agree, while on the other hand, with seven Supreme Court

justices in the Supreme Court of this State, four of those justices believing that a law enacted by the people through this body, although they believe that law may be a just one, yet that majority of four may over-ride the unanimous action of this Legislature, while twelve men must agree on a matter of a chicken thief. That being the case why shouldn't seven men have to agree that the law passed by the people of this State was unconstitutional, if that be the case. It seems to me that representation, taxation, jurisprudence and administration in the minds of many people, are not being handled in the proper manner that they should be in this State, and it seems to me that because of this fact that so many of our laws and methods are dead letters, that the law is not above contempt.

Many of us escape taxation and many of us have a double tax to bear, and the lack of a short ballot, and we have so many public servants and so many duplications of them thwarts the purpose of the law and divides the responsibility and increases the expense.

To correct all of these things is not a subject lightly to be considered. This going into the fundamental law of the State is a matter that must be done and it must be done by patriots. Better not do it at all than to do it in any other way.

I want to endorse every word that Mr. Lowden has said to you today. He expresses my sentiments absolutely. I am convinced in my own mind of the necessity for this convention and as a private citizen suggest to this Legislature that at the earliest possible moment it provide for a Constitutional Convention, and the members of that convention be nominated by petition, and of course absolutely disassociated in every way from party affiliation or obligation.

I thank you. (Applause.)

Mr. WEBER (Cook). Mr. George E. Cole will make a few remarks.

Mr. COLE. Mr. Chairman and Gentlemen: You have all heard the eloquent speeches made by the gentlemen in their arguments and I don't propose to detract from them by any remarks of mine, as I am not a talker. I merely wish to say that as president of the Constitutional Convention League, it has been my duty and privilege the last year to ascertain the public opinion throughout the State at large and I am firmly convinced that the great majority of the people of the State of Illinois desire an opportunity to ratify the call for a Constitutional Convention, and in their name I ask you to give them that opportunity by passing this resolution.

I thank you. (Applause.)

Mr. SHURTLEFF (McHenry). I move that further consideration of this measure by the Committee of the Whole be postponed until tomorrow. There has been an understanding that there would be no vote taken today but that the matter be taken up by the committee tomorrow, and, if possible, vote on it tomorrow.

I move that the committee do now rise.

(Motion prevailed, and the Committee on the Whole House rose.)

SPEAKER SHANAHAN. What is the pleasure of the House?

Mr. WEBER (Cook). The committee reports progress and the matter is continued until tomorrow.

Mr. SHURTLEFF (McHenry). I would like to make a suggestion, with the consent of the House which should have been made before the Committee of the Whole House rose. I move that we extend a vote of thanks to the gentlemen who appeared here today and made the very able addresses that have been made. At this time I make that motion, that a vote of thanks be extended to the visiting gentlemen who have addressed the Committee of the Whole.

(Motion prevailed.)

Mr. BRUCE (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 62.

"WHEREAS, The Hon. John S. Clark of Cook County, Ill., member of the Forty-third General Assembly of the State of Illinois, has departed this life; and,

"WHEREAS, The said John S. Clark served with honor to himself and was a man who sacrificed much of his time and ability in serving the

people of Illinois, a man whose record as a member of the General Assembly of his State was of such character as to stamp him as being a man of integrity and honesty whose conduct as a member has earned for him the respect of every member thereof, and every person of his acquaintance; therefore, be it

“Resolved, That in the death of the Honorable John S. Clark the State of Illinois has lost one who as a member of this House was honest and patriotic and the people of his district an able and energetic representative, his family a kind and loving father and the community in which he resided a distinguished and honorable citizen; and, be it further

“Resolved, That this preamble and resolution be spread upon the Journal, and that a suitably engrossed copy thereof be forwarded by the clerk to each child of the deceased, and as a further mark of respect to his memory that the House do now adjourn.”

Resolution adopted, whereupon the House adjourned.

WEDNESDAY, MARCH 24, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. Mulcahy (Cook), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. KANE (Saline). I desire to have the record show that I was absent yesterday on account of sickness in the family.

Mr. PAGE (McDonough). I would like to have the record show that Mr. Graham from Mercer County yesterday was not here on account of sickness in his family.

Mr. TOMPKINS (Will). I desire to make the same announcement for Mr. McCabe of Will County.

SPEAKER SHANAHAN. The record will so show.

Whereupon, routine business of the House was transacted.

THE CLERK. The speaker desires me to make the announcement to the members, that the time when the speaker will talk with members or individuals or delegations interested in measures before the General Assembly, will be at his room in the Capitol, from 9:00 a. m. to 9:45 a. m.; 9:45 to 10:00 a. m., reserved for Rules Committee; from 2:00 until 6:00 p. m. at the Capitol, and from 8:00 p. m. to 11:00 p. m., at rooms 202 and 203 Leland Hotel. The speaker will be glad to see parties interested in the different measures during these hours.

Report of Committee on Illinois Centennial Commission, by Mr. Burns, of Cook County.

Mr. O'ROURKE (Cook). There is a point I want to raise, Mr. Speaker and members of the House, and that is that this commission was appointed two years ago, and a part of the present members of the committee are not members of this House; they are not members of the Legislature, and we ought to have a revision of the membership of that committee.

SPEAKER SHANAHAN. I think probably that should come in with the report of the committee. Referred to Committee on Appropriations.

Consideration of measures as a Committee of the Whole House. It is the desire of the House to sit this afternoon or at any time for the further consideration of the Constitutional Convention amendment?

Mr. SHURTLEFF (McHenry). The committee was here yesterday, of course before the Committee of the Whole House, in which addresses were made, and I think it would be a fair proposition to hold further meetings of the Committee of the Whole House if there are any other gentlemen that desire to be heard, either outsiders or members of the committee, as one of the committee having in charge this resolution. I would say that the proposers of the resolution have nothing more to submit at the present time, and if there are members of the House that either desire to discuss the matter or have outsiders discuss it, I would think it proper to have another meeting for that purpose.

If no one desires to oppose it, I would suggest that House go into a Committee of the Whole, and do something, either reporting the resolution out, or not report it out. It is up to the House.

SPEAKER SHANAHAN. Do you desire that at this time or later on?

Mr. SHURTLEFF (McHenry). If there are no suggestions from the House as to further meetings for discussion, I would suggest that the regular order be taken and the House adjourn into a Committee of the Whole.

Mr. BROWNE (LaSalle). Is it the idea of the gentleman that this is

going to affect in any way the discussion or the policy of the House when it is reported in?

Mr. SHURTLEFF (McHenry). I don't see how it could.

Mr. BROWNE (LaSalle). I don't see how it could, either, but I wanted to get at the idea of it.

Mr. SHURTLEFF (McHenry). I don't see how it could.

SPEAKER SHANAHAN. Then the House will resolve itself into a Committee of the Whole, and the gentleman from Cook, Mr. Weber, will take the chair.

Committee of the Whole House, Mr. Weber (Cook), presiding.

CHAIRMAN WEBER. What is the pleasure of the committee with reference to this resolution?

Mr. SHURTLEFF (McHenry). Mr. Chairman, I move that Senate Joint Resolution No. 3 be taken up at this time—the resolution calling for a Constitutional Convention, and I suggest that the Senate Joint Resolution No. 3, calling for a Constitutional Convention be read.

(Motion prevailed.)

Mr. SHURTLEFF (McHenry). If that was read yesterday, there is no necessity for reading it again.

I would move that this resolution be reported out with the recommendation that it do pass.

CHAIRMAN WEBER. There is a motion that this resolution be reported out with the recommendation that it do pass.

Mr. BROWNE (LaSalle). It seems very evident that there is an intention to bind the members of this House in some way by the report of this committee, so that when it comes up for final disposition on the floor of this House some one may feel, by reason of the action of this committee, that they are under some obligations to vote for this measure.

Now, if this committee were an ordinary standing House committee, there would be some semblance of reason for reporting this out with a recommendation, but when you come to consider it, this committee is the whole House, or it is the same thing as the Whole House, only called a Committee of the Whole, then the purpose of this motion and the logic of it, is altogether too patent. What is the sense of this committee reporting out to itself a bill with the recommendation that it do pass? There is absolutely no sense to it; there is absolutely nothing fair or right about it one way or the other. The Committee of the Whole is not for that purpose and never was. The Committee of the Whole is for an open discussion of matters that come into the House, and are of such magnitude that they are considered too big and too important for any of the standing committees to handle, and the Whole House wants to participate. After the Committee of the Whole has heard it, then the Committee of the Whole adjourns and the House goes into session, and it receives the benefit of everything that came before the Committee of the Whole, and it acts.

Now, I oppose this motion at this time, because no good purpose can be served by getting a vote here from the Committee of the Whole on this proposition. We are going into executive session—that is, the House is going into session today or some other day and vote on the question of this resolution; that is the time to vote on it, and there is absolutely nothing fair or right about this procedure, of this submitting the recommendation of the Committee of the Whole to itself. It would be like Browne recommending to Browne that a certain thing be done or the gentleman from McHenry recommending to himself that he do something. There is a purpose in it and that is as I say, to put some one under a fancied obligation to vote for the thing in the House when it comes up in that way.

Mr. SHURTLEFF (McHenry). The motion I have made follows the general order and customs of other bills in the House that have been before a Committee of the Whole, and I don't think any discussion or debate on my part is necessary, and I insist upon the motion. There are no ulterior motives here so far as I am concerned, or anyone else, on this proposition. If the resolution remained where it is and never was reported out—we are not going to gain any great prestige or gain anybody's vote, in my judgment, that is not for this motion. This is the customary order and I insist upon my motion.

CHAIRMAN WEBER. The question is, shall this resolution be re-

ported out with the recommendation that it do pass? All those in favor of the motion signify by saying "aye." Contrary, "no."

Mr. SHURTLEFF (McHenry). I ask for a roll-call.

Mr. BROWNE (LaSalle). Now, Mr. Chairman, I want to protest against a roll-call. That is another unheard of proposition; it is all along the same line. I, for one, won't answer to it, and others will not. You will either win in the open, or you will lose.

Mr. MAUCKER (Rock Island). I wish to say a few words. This is a proposition where it will require a two-thirds vote to prevail. It is the vote of the House that is going to do the business, and we should rise here and turn the proposition over to the proper organization with the proper speaker in the chair, and vote upon it in its entirety.

CHAIRMAN WEBER. Does the gentleman from LaSalle want a division of the House?

Mr. BROWNE (LaSalle). The gentleman from LaSalle doesn't want anything only what is right and regular.

CHAIRMAN WEBER. The clerk will call the roll.

(Roll called.)

Mr. SHURTLEFF (McHenry). Under the rules of the House, roll-call is provided for the committee in every case. I want to know of any rule of the Committee of the Whole that is any different from any other committee. This matter can stop here where it is. If the Committee of the Whole doesn't want it and doesn't want to recommend it to the House, it can be recommended to lay on the table and that is the end of it. I have no great interest in this thing, not so much as the gentleman from LaSalle seems to think, but this is no time and no occasion to change the whole course of orderly procedure simply because some one member may not like this resolution or may be opposed to it, or because it happens to be myself that made this motion. I ask for a roll-call upon this motion.

CHAIRMAN WEBER. The clerk will call the roll.

(Roll call continued.)

Mr. LIPSHULCH (Cook). In relation to the argument about Constitutional Convention, I want to say right here that there is not a single man on this floor who stands for progressive measures any more earnestly than I do, but under the circumstances, after having given this matter due consideration and after listening to the most ardent advocates of the measure, I came to the conclusion that it is not a measure asked for by the people. They came here and told us it was, but so far I have not heard a single voice that came from my district, and our district consists of 12,000 votes,—and I have not heard a single voice raised on behalf of a Constitutional Convention and I say a Constitutional Convention at the present time is not called for. Further than that, I believe that if at the present time a Constitutional Convention was called or allowed to come before the people on referendum, that it would go down in defeat, never to rise again. I don't like to see it go down that way. I am not sure that those who are such ardent advocates of the measure will agree with me that this measure should not appear before the people at the present time.

I will say further that those who voted for the Constitutional Convention this morning voted for it simply because they thought it was policy, because they thought somebody might give them a little praise or pat them on the back for their vote, and for this reason, being convinced that the people have not asked for it, and until they do ask for it, I shall vote "no."

CHAIRMAN WEBER. On this question the "yeas" are 79 and the "nays" 2, and the motion to report the resolution out with the recommendation that it do pass, is carried.

Mr. SHURTLEFF (McHenry). Mr. Chairman, I move that the Committee of the Whole do now rise.

(Motion prevailed.)

Whereupon the Committee of the Whole House rose.

House proceedings continued.

The speaker in the chair.

Mr. WEBER (Cook). Mr. Speaker, as Chairman of the Committee of the Whole, I have to report the question of the Constitutional Convention is reported out, with the recommendation that it do pass.

SPEAKER SHANAHAN. The report is received, and the amendment will go on the Journal.

Introduction of bills. There seems to be a misunderstanding about the introduction of bills. Yesterday was the last day for the calling of the roll on the introduction of bills; hereafter the roll will be called for the introduction of bills on Tuesday, but as a great many of the members did not so understand it, if there is no objection by the House we will call the roll today, which will be the last day. Hereafter it will only be called on Tuesday. If there are no objections the clerk will call the roll for the introduction of bills.

Introduction of bills, without debate.

House Bill No. 106, providing for taxation of personal property of fraternal beneficiary societies, on the order of third reading was taken up by the House. Amended on suggestion of Mr. Smejkal (Cook) by striking out in lines 31, 32 and 33, the words "based upon the National Fraternal Congress Table of Mortality with interest at 4 per centum per annum."

(Roll called.)

SPEAKER SHANAHAN. On the passage of this bill "yeas" 137, "nays" none. The bill having received the required two-thirds vote is passed with the emergency clause, and the clerk will report the title of the bill.

Whereupon House Bill No. 102 was taken up on third reading, the said bill providing for a deficiency appropriation of \$29,965.00 for the industrial board.

Mr. SMEJKAL (Cook). This bill provides for a deficiency appropriation for the Industrial Board. In the bill there is an emergency clause that requires 102 votes to pass.

This is for services rendered and this bill is necessary because the appropriation two years ago was wholly inadequate to take care of the expenses of the department.

(Roll called.)

SPEAKER SHANAHAN. On the passage of this bill, "yeas," 142; "nays," none. The bill having received the required two-thirds vote, it is declared passed, with the emergency clause, and the clerk will report the title of the bill.

Whereupon, House Bill No. 79 was taken up on third reading, the bill providing for an Act making an appropriation to meet deficiency in appropriations for insurance superintendent for expenses in prosecuting violations of the insurance law.

(Roll called by clerk.)

SPEAKER SHANAHAN. The "yeas" are 126 and "nays" 9, and the bill having received the required two-thirds vote is passed with the emergency clause and the clerk will report the title of the bill.

Whereupon, the House took up on the order of third reading House Bill No. 176, providing for an increase in the number of judges of the Circuit Court of Cook County.

(Roll called by clerk.)

Mr. BROWNE (LaSalle). (On roll call.) I was not here when my name was called and I desire to vote "aye" on this bill and to suggest in this connection that I notice there are a number of country members who have not voted for the bill. I have some misgivings about it myself, as I cannot become reconciled to the fact that they elect as good judges as we send up from the country and I think you better take our judges. At the same time if they want the judges, I don't think we ought to prevent them from having them. I think the country members ought to give Chicago their way on this proposition.

(Roll call concluded.)

SPEAKER SHANAHAN. The "yeas" are 126 and "nays" 9, and the bill having received the required two-thirds is passed with the emergency clause and the clerk will report the title of the bill.

Whereupon, the House took up Senate Bill No. 3 on the order of third reading.

Mr. SMEJKAL (Cook). This is the customary bill we usually introduce at this time of the session and provides for the incidental expenses of the General Assembly giving \$4,500 to the Senate and \$6,000 to the

House. Formerly the bill called for \$10,000 in bulk, but we have divided it this time and increased it \$500.

(Roll called by the clerk.)

SPEAKER SHANAHAN. The "yeas" are 143 and "nays" none and the bill having received the required two-thirds vote is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. THOMAS CURRAN (Cook). I would like to have the record show that Mr. Charles Curren is detained at home on account of sickness.

SPEAKER SHANAHAN. The record will so show.

Mr. LIPSHULCH (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 65.

"WHEREAS, As a result of the rigid enforcement, of the laws against opium and other drugs of that nature many persons in the habit of using such drugs are in a state of extreme suffering; and,

"WHEREAS, Our humanity is stirred by suffering from whatever cause; and,

"WHEREAS, The city of Chicago and other such centers where the drug victims may be found in large numbers are not prepared for such an unusual situation; therefore, be it

"Resolved, That the State Board of Health and State Board of Pharmacy be requested to furnish this House at the earliest possible time all such information as may be in their possession touching the use of such drugs; and, be it

"Further resolved, That a committee of five be appointed by the speaker of the House, to report to this House the condition as they may seem to such committee to exist with a view to at once afford such relief as is within the power of the State to afford to the aforementioned sufferers, and that the report and recommendations of said committee be laid before this House for further action as soon as possible."

Mr. LIPSHULCH (Cook). At the present time an urgent condition exists in such cities as Chicago and other large centers in the State of Illinois. A bill, as you all know, has been passed and put in force prohibiting the sale of all opium and its derivatives. There are thousands in the State who never were suspected of being victims to the drug and they are suffering untold pain and agony. There are many unscrupulous physicians and institutions who are taking advantage of this condition. The papers are full of numerous tales of woe and suffering and it appears that all the world is interested in doing something for the relief of these people. If you will investigate, you will find that nobody is doing anything. The victims will suffer a great deal more after the first supply is exhausted and you will find that the number of suicides will multiply to a number far beyond your conception. An emergency exists and we ought to act on this resolution and appoint that committee and let them investigate the condition and come back with a report and recommendation as to what we shall do.

SPEAKER SHANAHAN. The resolution carries with it an expenditure of money and it must be referred to the Appropriation Committee. It is so refferred.

Mr. GORMAN (Peoria). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 67.

"WHEREAS, The late John Downs who was a member of the House of Representatives of Illinois in the Thirty-fourth General Assembly departed this life on the evening of March 1, 1915; and,

"WHEREAS, The said John Downs in his private life was a fond husband and father, and in public life unique in the services he rendered for county, city and State. Besides his services in the Legislature, he performed public duties as assistant county clerk, was employed in the service of the city by appointment of Mayor Bryan and served in the United States Revenue service for seven years;

"WHEREAS, The record of a blameless life is the best example that may be held up to posterity; therefore, be it

“Resolved, That the House of Representatives of the Forty-ninth General Assembly give expression to its appreciation of the exemplary life of John Downs and of the appreciation of his valuable public services; and, be it

Further resolved, That this preamble and resolution be spread upon the Journal; that it suitably engrossed copy thereof signed by the Speaker and attested by the clerk be forwarded to the family; and as a further mark of respect to his memory, that the House do now adjourn.

Resolution adopted, and the House adjourned.

THURSDAY, MARCH 25, 1915.**10:00 o'Clock A. M.**

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. McGlooin, the House dispensed with the further reading of the Journal and ordered it to stand approved.

The House proceeded upon the order of petitions, reports from standing committees, introduction of bills, etc., all without debate.

Mr. SMEJKAL (Cook). I want to call up on the order of third reading House Bill No. 247. This bill calls for an appropriation for the State Factory Inspector aggregating altogether the sum of \$2,453. The original bill was a lump sum of \$2,500 and the committee had the items separated.

Mr. McCORMICK (Cook). I would like to ask the gentleman a couple of questions. How many of these deficiency bills have been reported and how many do you contemplate reporting to the House?

Mr. SMEJKAL (Cook). I can answer as to how many have been acted on and reported and the amounts of them, but I don't know how many more we are going to have.

Mr. McCORMICK (Cook). How many has the committee reported?

Mr. SMEJKAL (Cook). The Appropriations Committee has acted on the following deficiency bills up to the present time: A bill calling for a deficiency of \$1,700 in the Rock Island Free Employment Agency. Two years ago the Legislature provided for an agency in that city and the appointment of a superintendent and assistants but did not provide for maintenance.

There is a deficiency bill for the insurance department falling for \$26,000, which you passed yesterday.

There is also a deficiency bill providing for an appropriation to the Industrial Board calling for \$29,965.

There is also a bill for a deficiency in the Auditor's office calling for an appropriation of \$4,500.

Also a deficiency under the fugitive law which calls for \$15,000, but which was amended to read \$20,000 because up to yesterday the deficiency was a little over \$15,000 and we thought by July 1st it would reach \$20,000, and therefore made it for that amount.

The bill under consideration now calls for \$2,500 for the items therein mentioned.

There is also a deficiency for the public utilities department of \$35,000.

There is a bill for the State Board of Contracts calling for a deficiency of \$100,000.

The total aggregate amount of all of those items up to the present time which can be classed under deficiencies is \$232,441.12.

Mr. McCORMICK (Cook). It seems to me that at a subsequent date the chairman of the Appropriations Committee should submit a summary of these deficiencies. Two years ago we passed a Budgetary Act, supposed to be made up of careful estimates from the Executive Department and we are beginning this session with a larger number of deficiency bills than usual, if not larger in the aggregate. Obviously the General Assembly has no control of the spending power of our State Government if at one session it appropriates a fixed sum and then at the next session nine departments came to us with deficiency appropriations aggregating a quarter of a million dollars. This is a slipshod and extravagant method of doing business and it would be well within the province of the Appropriation Committee to

introduce an amendment to the Budgetary Act requiring the Executive to say definitely in a report to the General Assembly what estimates for the various departments are approved by him.

Mr. IGOE (Cook). The so-called budgetary Act that the gentleman speaks about didn't apply to this year that you are now talking about.

Mr. McCORMICK (Cook). I have not suggested that it does.

Mr. IGOE (Cook). The inference that can be drawn from your rather clouded remarks is that it does apply.

Mr. McCORMICK (Cook). I don't care to engage in personalities with the gentleman. There is no inference to be drawn from my remarks unless he seeks to draw them. If the shoe pinches, well and good. The deficiencies stand, however. They are there and we have to pass upon them. They are incurred by the administrative and executive parts of the government.

SPEAKER SHANAHAN. When the Public Utility Act was passed, nobody could give a definite opinion as to the amount of money it would take to run the department and the chairmen of the Appropriation Committee of the House and the Senate, together with the Governor, agreed upon an amount, not knowing whether it would be enough or not. The sum that the Industrial Board needed could not be told as nobody knew how far reaching the work of the Industrial Board would be and it has outgrown ten times what it was supposed to be.

The deficiency in the State printing contracts occur every year, as there is no way of estimating how many reports and how much printing the General Assembly will direct. Year after year there are additions to these reports that are gotten out, which as a rule remain in the basement of this building and are seldom sent out. If there was some way in which the General Assembly could arrange in regard to the printing of these reports and have them distributed in time when they might be of value to the public it would be the best act that the General Assembly could do.

Under our printing contract reports are gotten out six, eight and ten months after the information is desired by the public and the reports become useless except to some particular persons that may be interested in that special line.

Mr. IGOE (Cook). What was the net profit which the Utility Commission showed to the committee yesterday for the last year?

Mr. SMEJKAL (Cook). It was something like \$450,000.

Mr. McCORMICK (Cook). Profit paid by whom?

Mr. IGOE (Cook). Paid by corporations who had bonds issued.

Mr. McCORMICK (Cook). Of course you may call it a profit if you like, but it is at the expense of the persons who make use of the service of the utilities.

The people pay the profit of course.

(Roll called by clerk.)

Mr. LYLE (Cook). I voted against this because so many bills are coming in for deficiencies. I think perhaps the fact that the inspectors office is doing more efficient work than some of the other departments, but I vote "no" merely as a protest against all these deficiencies.

SPEAKER SHANAHAN. The "yeas" are 135; and the "nays" 1; the bill having received the required two-thirds vote is declared passed with an emergency clause and the clerk will report the title of the bill.

Mr. TICE (Menard). I desire to call up House Bill No. 147 on the the order of third reading.

This is simply to cure a defect in the present law. Through some inadvertency when the law was printed the words "not less than twelve" were omitted from the original bill and this simply supplies those words. Under the law as it now reads "any number of land owners residing in any town road district"—and the amendment makes it "any number of land owners, not less than twelve, residing in any town road district." It is very urgently needed to clear this defect in the statute as it now stands.

(Roll called by clerk.)

Mr. BROWNE (LaSalle). I desire to explain my vote. I have read this bill very hurriedly two or three times. It may be that it improves the present conditions under what is known as the Tice Road Law. Most anything will do that. I am so bitterly opposed to that entire Act that I don't believe anything can be done to make it any better or any worse. I think the only

thing to do is to wipe it off the books and put a real road law on the books, giving back to the county and townships the authority of which they have been shorn and give them the taxes for their roads in the places where they are levied, and therefore, I vote "no."

(Roll call concluded.)

SPEAKER SHANAHAN. The "yeas" are 105; and the "nays" 14. The bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. FARRELL (Cook). I desire to ask unanimous consent of the members of this House to be excused. I went to the speaker and told him that I am sick. I desire to be recorded as voting for all appropriation bills until the adjournment of this session and I hope the House will grant this request.

SPEAKER SHANAHAN. Are there any objections?

None being heard, the gentleman is excused.

Mr. FARRELL (Cook). I thank you.

House Bill No. 4 on the order of third reading.

Mr. ATWOOD (Ogle). I would like to call your attention to the provisions of this bill very briefly. It applies to only eight school districts in Illinois. Under the charter of which the school districts of this State were organized it gave the right to issue warrants in anticipation of taxes. The Warrant Act we passed two years ago the right to issue warrants and some of these districts are crippled in the management of their schools. This bill has an emergency clause and I hope my friends on both sides of the house will give this measure their support.

(Roll called by clerk.)

SPEAKER SHANAHAN. The "yeas" are 121; and the "nays" none. The bill having received the required two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent at this time for leave of absence for members of the Appropriation Committee who are to visit the different institutions this week and week after. If they are absent, that is the reason for it.

SPEAKER SHANAHAN. The record will so show.

Mr. SMEJKAL (Cook). I will call up House Bill No. 415 on the order of third reading which is the bill to reimburse the farmers for the losses sustained on account of the foot and mouth disease.

(Roll called by clerk.)

Mr. BROWNE (LaSalle). (On roll call.) At the risk of becoming unpopular with the press and perhaps with some members on the floor of this House I am nevertheless constrained to maintain the position which I took the other day relative to this matter. I am sincerely in favor of this allowance and I want to pass and when the proper time comes I will work as long and as hard for it as anybody else, but that time has not come. There are a number of reasons why.

I want to call your attention to some other reasons, aside from the fact that Mr. Browne has not been allowed compensation for what the public utilities deprived him of along the mileage line. You can put it that way if you want to, but aside from that this bill provides for an allowance simply for the cattle that have been slaughtered. There are hundreds of men, day laborers and men who haven't got 160 or 320 acres of land behind them to live on and men who haven't got herds of cattle and droves of hogs behind them to sell and live on but men whose only capital on earth is the brawn and muscle in their body that they have to extend every day in the procurement of their daily bread for themselves and their families. Hundreds of these men have been employed in the eradication of this so-called foot and mouth disease in the digging of the trenches and the destruction of the barns that have not been compensated. They received only from the Federal Government the same as the farmer. I think all of them have received that part.

In addition to that the State Veterinarian, not Mr. Dyson or any of those men who are on a salary, but the men from the various counties who are sub-veterinarians and who only get pay for the actual work they do themselves and who have advanced money out of their own pockets for carrying on this work, have not been paid. They can't afford that.

I don't believe that this appropriation ought to be made in this way

without carrying with it an appropriation for those fellows that have worked and have earned this money and in many instances that I know of personally they need it to pay for their daily bread.

I will ask the gentleman from Grundy (Dudgeon) is it of more consequence to you to take care of the farmer who can take care of himself or the poor devil who has to work every day for his daily bread?

Mr. DUDGEON (Grundy). He is very much mistaken in regard to the poor man who is working for his daily wages as the farmer has paid for that labor.

Mr. BROWNE (LaSalle). It is not true and I know it and you know it. You know that there is money due in my county and yours for those men who have not been paid. I can prove it to you and there is no use of your making that statement to this House.

Mr. DUDGEON (Grundy). Every bill in the State of Illinois for farm labor has been paid. The sub-committee went to Chicago and they took the items from the Federal books and all has been O. K.'d, by the Federal Government. We have been to Chicago twice to get the amounts on file in the State Veterinarians office and the State Veterinarian it will take sixty days to get it. We were supposed to get the items for the disinfecting and the property destroyed. We have been promised that some day this week and we will put that in a bill as soon as we get the figures from the Federal and State authorities.

Mr. BROWNE (LaSalle). Yes, about as soon as some other things that I know of will be done.

I want to say to you that there are these bills outstanding. I know in my own county, in my own town, of three men who were employed as day laborers in the digging of these trenches. I know of one man, a single man who has to keep his mother and somewhat of a family and he had about \$12.00 coming to him and he needed it. He had spent his time and could not get his money. Work is scarce in that part of the country and he had to have money to keep up some little insurance for his mother and he had to borrow it. I know of three that have not been paid and I know of others elsewhere.

Mr. DUDGEON (Grundy). I got my information from Dr. Bennett.

Mr. BROWNE (LaSalle). I don't care who you got it from. I got it from the men that did the work.

Mr. DUDGEON (Grundy). The Federal Government has paid \$40,000 along this line. All cases of labor expense has been paid for by the farmer.

Mr. BROWNE (LaSalle). I say to you that the Federal part of it has been paid and the other part ought to be appropriated in this bill. It is a good deal more important that these men get it than that the other men get it. The chairman of this committee was frank and honest with me and he didn't try to duck and dodge and get under the canvas. I asked him about it yesterday and he was frank and above board in the matter and I admire him for it. He told me that this part of it would have to be taken care of later. This item ought to be in this bill before it passes.

There is another reason and that is more personal. There will be today an attempt in the Judiciary Committee of the House to pass out a committee bill providing for the mileage allowance or railroad transportation that has been eliminated by reason of the unforeseen construction on the public utility law. It may be that that measure will not get out of that committee today. It may be that it will be killed there. If it is, well and good, then I am done with it. I don't care because there will be lots of you that will vote against it that perhaps will be eating snow-balls when I will not. I can stand it if you can. I hope it will be passed out but perhaps it will not. Until we have an opportunity to do that and to pass on it on the floor of this House I am not going to vote for this appropriation and especially in the shape it is now in. Therefore, I wish to be recorded as present, but not voting.

(Roll call continued.)

Mr. DUDGEON (Grundy). This sub-committee was instructed by the Appropriations Committee to gather data for three bills. One was the data contained in this bill and we have another bill to cover the disinfecting and the expense of the lumber and other property destroyed. Just as

quick as we get the bills O. K'd. by the State and Federal Government we expect to introduce such a bill.

We are working on that now. The third bill will be for the State Deputy Veterinarians. Dr. Dyson understands full well that we are in earnest in our efforts to get these bills out and we are working just as fast as possible. He knows it is hard to get these bills from the deputy veterinarians. We are doing all we can and I vote "aye."

(Roll call continued.)

Mr. IGOE (Cook). I am a member of the sub-committee working on these appropriations for the men who have lost their cattle and also for the men who have given their labor in order to stamp out this disease. If the person to whom the gentleman from LaSalle refers from his county, did this work for the State, they are going to be paid and if their claim is on file with the State officials it will be met. While it is true it is not in this bill, it is also true that the Appropriations Committee contemplates the introduction of two other bills which will take care of every individual in Illinois who has a claim against this State on account of the efforts made to stamp out this disease.

There were two objections raised by the gentleman from LaSalle against this bill at this time. One was that certain individuals had not been paid, certain men of brawn. There is no disposition on the part of this committee to treat these men who have given their labor and given their time in any manner different from the manner in which the men who have lost their cattle are being treated. I don't think that is an objection at all. The other objection is one based upon the proposition that a certain bill concerning mileage should come upon the floor of this House and be voted for at the time this bill is being voted for. It is not fair to treat that mileage proposition in that manner.

I was in the Judiciary Committee when this bill came up the other day and at the risk of some criticism at the hands of some of the press people I voted in favor of it and voted to have it come out on the floor of this House to let men asking for the mileage get up and make their record and let us appear before the people and show we are for or against it.

I believe it ought to come out on the floor and be discussed openly and freely. It is not right that we should stop this bill and hold it for some other bill. This bill will show to the farmers and give them a renewed assurance that Illinois, even though they have been the victims of a scourge that is centered in this State in which we live, that the State is behind the industry in which they are engaged and that this General Assembly has given to these farmers their assurance and their word that they will be compensated and I tell you it is our duty as men to keep our word and compensate them. I vote "aye."

(Roll call continued.)

Mr. KANE (Saline). If I vote against this bill it would not be for the reasons mentioned in the speech given by the gentleman from LaSalle. To my mind, according to the way I read the statutes, it is against the law to pay a man more than \$75.00 a head for his cattle. I would like to ask the gentleman how many appraisements included in these items are in violation of the law of the State of Illinois as it now exists.

Mr. IGOE (Cook). The law says nobody shall recover more than \$75.00 for any animal that has been killed or slaughtered as the result of the operation of the law. As I understand it that law was enacted a good many years ago and was intended to apply to horses when glanders was so prevalent among horses. Every item in this bill violates that law.

Mr. KANE (Saline). You are mistaken when you say \$75 applies to a horse. It applies to all bovine animals and the \$100 applies to a horse. You know nothing about the laws of the State of Illinois. I want to know how many items in this bill violate the law. We have a law in this State that provides for such occasions as this and fixes the limitation at which the appraisement may be made.

I see one herd known as the Barton herd that the average price fixed for 212 head is at \$230.

Mr. McCORMICK (Cook). Can an act passed by this General Assembly which will become a law be in violation of any other act or law on the statute books? I am only raising that point as a layman.

Mr. KANE (Saline). If this was an act either to amend the old act or an act to take the place of the old act that was in conflict with the old act, the old act would be repealed, but here is a law on the books providing how this thing shall be done. You don't seek to amend the old law but to make an appropriation which would be in conflict with the old law as it now stands. Under the old law you would still have to pass this bill as an appropriation bill to pay for the stock that was killed under the law as it is upon our statute books.

Mr. SMEJKAL (Cook). I desire to inform the House that I did introduce a bill that raised the appraisal value from \$75 to \$250 and it is now pending in the Committee on Agriculture. I don't know why it has not been reported out.

Mr. BROWNE (LaSalle). You don't pretend that it is law?

Mr. SMEJKAL (Cook). No.

Mr. BROWNE (LaSalle). You are violating the law and trying to fix it so you will not.

Mr. KANE (Saline). This bill does not include any expense for disinfecting?

Mr. DUDGEON (Grundy). It does not.

Mr. BROWNE (LaSalle). You are offering another bill?

Mr. DUDGEON (Grundy). Yes.

Mr. KANE (Saline). I will vote for this bill and fight the other bill. The law as it now exists provides that the farmer shall pay for the disinfecting of his premises, and if he refuses to do that, he forfeits this amount that is paid for the stock.

Mr. SHURTLEFF (McHenry). Isn't it true that that law applies only to the State Board of Live Stock Commissioners in their conduct of the office and payments by them?

Mr. KANE (Saline). It applies to any animals that are slaughtered on account of having infectious diseases.

Mr. SHURTLEFF (McHenry). And the State Board of Live Stock Commissioners administering and making the payment.

Mr. KANE (Saline). That is the only authority we have in this State for doing that. You attempt to get around it by making agreement with the stock owners themselves. You either have to violate the law, or you have to make an agreement and get the consent of the stock owner.

Mr. BROWNE (LaSalle). Isn't it true that if this appropriation is passed that anyone that sees fit can attack it and destroy it? Isn't it illegal?

Mr. KANE (Saline). I don't want to say that.

Mr. BROWNE (LaSalle). Isn't it true that the Auditor of the State of Illinois can refuse to pay if he sees fit?

Mr. KANE (Saline). That is my opinion, but not well matured at this time, but I want to say in regard to the bill that you are holding this bill up for, that the Auditor would not be authorized to pay a cent of that, and if that bill that you are speaking about passes, I will not receive a cent and I will act as attorney for any body of citizenen in this State who enjoins the collection of money under the bill you want passed.

Mr. BROWNE (LaSalle). I am not discussing that.

Mr. KANE (Saline). The same thing might apply to this.

Mr. BROWNE (LaSalle). Isn't it true from a purely legal standpoint that this House in voting for this appropriation is voting for an illegal thing and that they are violating their oaths of office in doing it?

Mr. KANE (Saline). As I understand it they are acting in violation of the law on the statute books.

Mr. BROWNE (LaSalle). Those are the only laws there are, those now existing.

Mr. KANE (Saline). I have heard tell of unwritten laws.

Mr. BROWNE (LaSalle). Let us be fair. We are dealing with what is.

Mr. KANE (Saline). We should at least.

Mr. BROWNE (LaSalle). Under the laws that are now on the statute books, my position is correct, isn't it.

Mr. KANE (Saline). It is correct as far as they are acting without authority of law.

Mr. BROWNE (LaSalle). And a violation of their oaths of office.

Mr. KANE (Saline). I don't say that.

Mr. BROWNE (LaSalle). Didn't every one of us take the oaths to uphold the laws of the State of Illinois and the Constitution of the United States?

Mr. KANE (Saline). To support the Constitution of the United States and the Constitution of the State of Illinois and to perform the duties of our office to the best of our ability.

Mr. BROWNE (LaSalle). And to uphold the laws of the State and nation.

Mr. KANE (Saline). If that is in there it is violated very often.

Mr. BROWNE (LaSalle). Isn't this being done with our eyes wide open and done because there is a sentiment for it throughout the State.

Mr. KANE (Saline). I don't say so.

Mr. BROWNE (LaSalle). All right, let it go at that.

Mr. KANE (Saline). In regard to the men being paid, that is an obligation that rests upon the owner of the stock and if that bill comes up I will serve notice now that I will fight that with all the ability I have to fight it. This bill is of such extraordinary importance, not only to the men who have lost their stock but down in the southern part of the State we have a few old cows left where the disease might later spread. We have none of these \$230 herds of dairy cattle and you didn't in the northern part of the State either when the law was passed. The law says the value shall be their beef value and their value as dairy cattle and not consider the breed of the animal. The Barton herd is not worth on an average \$230 a head for commercial purposes. That probably included calves and yearlings.

Owing to the extraordinary necessity of doing something to stop this disease before it gets all over the country, and under the extraordinary conditions I am going to do what I have never done in this Assembly in voting for any of these bills for attorney fees in contests that are contrary to law, but in this measure and under the peculiar conditions and circumstances, I vote "aye" upon this one.

(Roll call continued.)

Mr. MADSEN (Cook). I don't think this bill has any connection with anything in my town. The Public Utility bill don't affect me in any way. I paid my fare two years ago as I did this time. As to the constitutionality of the Act, I don't know much about that but it seems to me if the working people can wait for their money, the farmers can wait just as long, and I wish to be recorded as present and not voting.

(Roll call continued.)

Mr. ROTSCHILD (Cook). I will explain my vote by reading one section of the statute called to my attention by Mr. Kane. He is afraid he is violating the law. He thinks only \$75.00 can be paid. I will read section eight of the statute which refers to that and says, "All claims against the State arising from the slaughter of animals herein provided for shall be made to said Board of Live Stock Commissioners under such rules and regulations as they may prescribe and it shall be the duty of said board to pay in each case, unless otherwise provided by law, not to exceed \$75.00 a head."

If we were proceeding under this particular statute, we could provide for some other compensation. But the State Board of Live Stock Commissioners can only pay \$75.00 under this law. The learned layman from Cook (McCormick) is right. The Legislature can pass a new statute if it desires. I vote "aye."

(Roll call continued.)

Mr. SMEJKAL (Cook). In considering this subject there were five or six bills before the committee and the committee was present almost to a man. There are forty-three members of the committee and I think there were forty members present and they determined first on the question of policy, and the policy determined on by the committee was to appoint a subcommittee and deal with the proposition in three different ways. First, we had the live stock records as those records were the most available; the second method was to handle the property interests, the labor and the disinfecting and other property destroyed under the quarantine by Federal and State authorities, and the third was to provide machinery and a lump sum appropriation to handle future cases.

In accordance with that policy a sub-committee of five was appointed of which Mr. Dudgeon was chairman, Mr. Roe of Fayette, Mr. Kessinger of Kane, Mr. Lynch of Peoria, and Mr. Igoe of Cook being the committee. That committee proceeded to collect data for the first bill and they were two weeks at that.

In conversation last night with the gentleman from LaSalle I told him it was not possible to get all the items into the present bill as they were not available. Mr. Dudgeon told me last night that the Federal authorities were preparing the data and as soon as he got it the other bill will come forward.

I regret that some of the members are withholding their votes as by so doing you will defeat the emergency clause and delay the payment to the farmers and the bill will simply go forward without the emergency clause and be passed. All you are accomplishing is keeping the money from the people that you all agreed should be paid as soon as possible. Let us get as far as we can with this bill and let us handle the rest of it as it comes in. I vote "aye."

(Roll call concluded.)

Mr. BROWNE (LaSalle). I would like to have a verification of the roll.

SPEAKER SHANAHAN. The gentleman from LaSalle calls for a verification of the roll and the clerk will verify the roll.

(Roll call verified.)

SPEAKER SHANAHAN. The "ayes" are 104 and the "nays" 1. The bill having received the required two-thirds vote is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. BROWNE (LaSalle). How did you record Mr. Garesche on that vote?

SPEAKER SHANAHAN. Mr. Garesche was here when the roll was called and walked out of the door at the call of the absentees.

Mr. BROWNE (LaSalle). They tell me not.

SPEAKER SHANAHAN. I saw him go out.

Mr. IGOE (Cook). He voted "aye" as I was sitting right next to him.

Mr. BROWNE (LaSalle). All right.

Mr. GARDNER (Cook). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed; and the House adjourned. .

FRIDAY, MARCH 26, 1915.**10:00 o'Clock A. M.**

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. E. S. Combs.

The Journal of the previous day being read. Upon motion of Mr. Desmond (St. Clair), the House dispensed with the further reading of the Journal and ordered it to stand approved.

The House proceeded upon the order of presentation of petitions, reports of standing committees, House bills on first reading and House bills on second reading without debate, until House Bill No. 424 was taken up to be read the second time, whereupon,

Mr. BROWNE (LaSalle). I object to the advancement of House Bill 424 on general principles. It is not a fit bill to be in the House. There is no quorum here, anyway.

SPEAKER SHANAHAN. I think there is a quorum, but if there is any objection to it, we will let it go over.

Mr. SHURTLEFF (McHenry). I move that the House do now adjourn until 5:30 o'clock, Monday evening.

Mr. BROWNE (LaSalle). I offer a substitute motion that we adjourn until 5:00 o'clock Monday evening, with the understanding that there will be nothing done beyond reading bills the first time at that session.

Mr. SHURTLEFF (McHenry). I don't think that could be made a part of the record, or would be a proper motion for the record. I presume that is what the speaker will follow.

SPEAKER SHANAHAN. That is right.

Mr. BROWNE (LaSalle). Do you rule that cannot be incorporated as a part of the motion?

SPEAKER SHANAHAN. Yes. The gentleman from McHenry (Shurtleff) moves that the House do now adjourn until 5:30, Monday evening. If there is a quorum here at that time we will transact business, and if not and there are objections made to bills, they will go over. If any gentleman wants any bill held, and will notify the clerk, it will not be acted upon.

Motion to adjourn prevails, and the House adjourned to 5:30 p. m., Monday, March 29, 1915.

MONDAY, MARCH 29, 1915.

5:30 o'Clock P. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by the Rev. Stevenson.

Journal of previous legislative day being read. Upon motion of Mr. Richardson (Christian), further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon its regular order of business, and the proceedings of this session were without debate.

Mr. THOMAS CURRAN (Cook). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed, and the House adjourned.

TUESDAY, MARCH 30, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The speaker in the chair.

Prayer by the Rev. Stevenson.

Journal of previous day being read. Upon motion of Mr. Atwood (Ogle), further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports of standing committees, and House bills on first reading, all without debate.

Mr. MERRITT (Sangamon). I was absent on official business last week when House Bill No. 415 was voted upon and I ask to be recorded as voting "aye."

THE SPEAKER. The gentleman from Sangamon, Mr. Merritt, states that he was absent on official business on Thursday and asks to be recorded as voting on House Bill No. 415, an Appropriation Committee bill. Are there any objections? There being none, the clerk will so record him.

(Roll called for the introduction of bills.)

Whereupon, the House proceeded upon the order of House bills on second reading, and House Bill No. 204, was taken up and read a second time.

House Bill No. 204, amending an act to establish and maintain a system of free schools by giving boards of education authority to levy, by resolution, a tax not to exceed two (2) per cent in any one year, to be ratified at a special election called for that purpose. This in addition to the one and one-half ($1\frac{1}{2}$) per cent authorized by the existing law; and for building purposes a tax not to exceed three (3) per cent to be authorized and ratified in the manner provided for the additional tax for educational purposes.

Mr. BROWNE (LaSalle). I wish to offer an amendment and move its adoption that this act shall not apply to any school district in the State of Illinois situated in any county having a population of less than five hundred thousand.

This bill may be a necessity in Cook County, I don't know. If it is, I have no disposition to antagonize it or obstruct its passage, but we don't want it down in the State. There is no call for it in any county that I know of, and I know there is no call for it in my county. It gives to the boards an extraordinary power on the apportionment of taxes that is not called for in my county or in any county down the State. Conditions may be different in Cook County, and I, therefore, offer this amendment. I don't think it in any way disturbs the vitality of the bill.

Mr. ROTHSCCHILD (Cook). May I ask whether the introducer of this bill will allow it to lie over until tomorrow? I am not acquainted with the subject matter in this bill, and I would like to have it go over until tomorrow.

Mr. WEBER (Cook). While I introduced the bill at the request of the Board of Education of Chicago, I am not in position to know its details. I would have to refer to the Committee on Education where this bill was discussed. I have no objection to the bill going over until tomorrow, if you desire that.

Mr. ROTHSCCHILD (Cook). Is there any objection, Mr. Browne?

Mr. BROWNE (LaSalle). No, Mr. Speaker, I would like to know if it isn't a fact that there is a recognized rule in this House requiring that all bills constituting an amendment to an act shall have that amendment in italics, so that the members will not have to go and get the statute and

compare the bill with that, spending an hour where five minutes will do the other way?

THE SPEAKER. That is the rule of the House.

Mr. BROWNE (LaSalle). I noticed it is not being observed in these bills at all.

Mr. PIERSON (Cook). This bill was submitted by the Board of Education and there is no new matter in this bill.

Mr. BROWNE (LaSalle). What is the purpose of it then.

Mr. PIERSON (Cook). To harmonize counties outside of Cook on the matter of taxation.

Mr. McCORMICK (Cook). If there is no new matter in the bill, why is the bill introduced?

Mr. BROWNE (LaSalle). I have just asked that question. What is the purpose of it if there is nothing new in it?

Mr. PIERSON (Cook). The introducer of this bill ought to take care of that.

Mr. BROWNE (LaSalle). He just stated that he couldn't do it.

Mr. WEBER (Cook). It doesn't create any additional taxes, but it provides for the transfer of a certain per cent of the money from the educational fund to the building fund. They have two funds in the Board of Education in Chicago and they want to transfer some of the funds from the education fund into the building fund. That is what this bill does.

THE SPEAKER. If there is no objection, the bill will lie over until tomorrow with the amendment offered by the gentleman from LaSalle pending.

Mr. McCORMICK (Cook). I will ask the gentleman who introduced the bill to be prepared to point out to the House the new matter in the bill which the gentleman from LaSalle has pointed out as not being indicated in italics.

THE SPEAKER. The bill will go over until tomorrow.

Mr. CURRAN (Cook). Does this bill take money from the building fund and turn it over to the educational fund?

Mr. WEBER (Cook). No, just the reverse. It takes it from the education fund and puts it in the building fund.

THE SPEAKER. Proceed with the next bill.

Whereupon, House Bill No. 417 was taken up on the order of second reading, which bill authorizes corporate authorities of the several townships of this State to set apart, hold and maintain as public parks, lands not exceeding ten acres to be purchased from the owners thereof or to be obtained by power of eminent domain, as provided by the laws of the State for taking private property for public purposes and for the purpose of providing a fund to maintain said parks, the corporate authorities are authorized to levy annual taxes not exceeding one mill on each dollar valuation of the property in said township, to be kept in a separate fund and applied exclusively to the maintenance of parks when acquired.

Mr. BROWNE (LaSalle). I desire to move to strike out the enacting clause of that bill for this reason. There are two bills which evidently look to the same purpose, or are so nearly analagous that they are practically the same, that is House Bill No. 8 and this bill. They both provide for the initiation and construction of small parks in cities, towns or villages, by the city council or the village board, as the case may be. Number 8 provides for a referendum and does not give the city council or the village board the absolute and unqualified arbitrary right of doing these things without the consent of the people first obtained. I think House Bill No. 8 is all right, but No. 417 does not provide for a referendum at all. It gives the arbitrary, absolute power to the village board or city council to initiate and lay out as many private parks as it sees fit without any let or hindrance or without any referendum to the voters. It gives them the right to purchase at whatever price they please, and if they cannot purchase, then it gives them the right of condemnation under the act of eminent domain.

I don't think anybody wants a bill like that to go on the statute books of Illinois, and for that reason I move to strike out the enacting clause.

Bill number 8 is a good one, as you have the referendum clause. If the

people want it, and say so by their votes, well and good, but they ought to have a chance to say so.

Mr. BROWN (Cook). This bill provides a one mill tax.

Mr. BROWNE (LaSalle). I don't object to your incorporating that into your bill where you have your referendum. The people that are going to pay the shot ought to have some restrictions on the city council or the village board, not only on the tax question but on the laying out of the parks. I have seen several city councils and village boards that were not fit to be trusted.

Mr. BROWN (Cook). This puts the matter in the power of the Lincoln Park Board.

Mr. BROWNE (LaSalle). That may be, but that don't extend down into LaSalle County and you haven't limited this to Cook County at all. It makes it a State bill applicable to the whole State of Illinois and gives arbitrary power to the city councils to lay out any park any place, and if it cannot buy the land, then it can condemn and there is no limit to its power. There is no referendum to the people, and I don't think that is right.

Mr. BROWN (Cook). It applies to any park board that has power now.

Mr. BROWNE (LaSalle). You may have that power in the city of Chicago by special charter or something of that kind, but down the State there is no such power.

Mr. BROWN (Cook). We have.

Mr. BROWNE (LaSalle). If you make it apply for Cook County, well and good. Change your bill so it will not hook up the rest of the State. We don't want anything of that kind put on our people.

Mr. BROWN (Cook). Let it go over until tomorrow.

Mr. BROWNE (LaSalle). All right.

THE SPEAKER. If there is no objection, House Bill 417 will go over until tomorrow.

Mr. BROWN (Cook). I move that House Bill No. 8 go over with the other bill until tomorrow, as they are companion bills.

THE SPEAKER. If there are no objections, it is so ordered.

Whereupon, House Bill No. 480 was taken up on the order of second reading, being an appropriation bill to take care of deficiencies in the State Public Utilities Commission.

Mr. McCORMICK (Cook). Will the chairman of the committee tell the House how much the bill carries as a whole?

Mr. SMEJKAL (Cook). \$35,000.

Mr. McCORMICK (Cook). I would like to ask the chairman of the committee another question. Would it be possible for the committee to give notice to the Executive Department that after a day certain, applications for deficiency appropriations will not be considered. Two years ago over a hundred such appropriation bills were introduced in the House. I recognize that the responsibility is on no one person, but that it is our common responsibility to terminate this slipshod method of appropriating a sum supposedly sufficient, and then facing a deficiency two years thereafter. That would not be so in this instance, as nobody could have guessed the amount necessary to be used in the creation of a new commission.

Mr. GRAHAM (Mercer). I would like to say that I don't think any of these appropriation bills have gotten into the hands of members. As far as I am personally concerned, I have not been able to get them.

Mr. SMEJKAL (Cook). They are all printed.

Mr. BROWNE (LaSalle). I failed to find number 480 myself and could not get it this morning.

THE SPEAKER. Is there any objection to the bill going over until it is printed?

Mr. SMEJKAL (Cook). I would rather have it go over.

Mr. PROVINE (Christian). I have a resolution, Mr. Speaker.

THE SPEAKER. Resolutions are not in order.

Mr. PROVINE (Christian). It pertains to this matter, and I ask to have it read for information.

THE SPEAKER. The clerk informs me that this bill has not only been printed, but has been put in the boxes for the members. Read the resolution for information.

Mr. McCORMICK (Cook). There must be an insufficient number printed then.

THE SPEAKER. The great trouble with the bills is that there are too many agencies that are going to the clerk's office and taking bills by the wholesale and sending them out, and when the members of the House desire the bills, they are all gone.

Mr. BROWNE (LaSalle). In this connection, I would like to say something else. The bills are not being properly taken care of by the pages and the files are not being kept up. Mine is not, and I know there are some others. It would be well enough to instruct the boys who are pages what their duties are. Their duties are something more than standing around with their mouths open and drawing their salary.

THE SPEAKER. If the pages don't want to do their work, the speaker will separate them from the pay roll. He has no page that he is very much interested in. If they don't want to get here at 8:30 in the morning and work until 5:30 and do the work that is required of them, the speaker will separate them from the pay roll very quickly. (Applause.) They will do their work also without receiving extra compensation or tips. Every member is to be served with the eighteen pages that are on the roll.

Mr. CURRAN (Cook). During the week, someone in the House came to my desk and took my bills and separated them and scattered them through the book. I find bill number 1 in the middle of the book and the rest all mixed up.

The Speaker. The clerk will read the resolution.

HOUSE RESOLUTION No. 68.

WHEREAS, A number of State boards of institutions have expended more money than was appropriated to them for their use, and as a result thereof they have no funds to pay their outstanding indebtedness; and,

WHEREAS, Many bills have been introduced which provide for the appropriation of money to meet the deficiencies created by said boards and institutions; and,

WHEREAS, The House of Representatives has already passed four appropriation deficiency bills amounting in the aggregate to the sum of \$71,241.12; and,

WHEREAS, There are yet deficiency appropriation bills in the House aggregating an additional sum of \$171,200.12, and others are yet to come before the House for its determination; and,

WHEREAS, The members desire to be informed as to the number and amount of the deficiency appropriations it will be required to consider and pass upon; therefore, be it

Resolved, That the Committee on Appropriations be and it is hereby instructed to notify the Executive Department that all appropriation bills which provide for the payment of deficiencies must be reported to the Committee on Appropriations not later than April 10, 1915; and, be it further

Resolved, That a day certain be set for the consideration by the House of all deficiency appropriation bills or measures.

Mr. PROVIN (Christian). I wanted the resolution read for the purpose of information, and I don't desire at this time to interfere with the order of procedure of the House. I desire to say that I will oppose the deficiency appropriations until we have had a chance to find out something as to how many there are and also to find just how we stand on deficiency measures. I think it is no more than just to the members of the House than we have that information.

THE SPEAKER. The resolution will be referred to the Committee on Appropriations.

Mr. HUSTON (McDonough). I rise to a question of personal privilege. I protested in the Appropriations Committee in the very beginning on these deficiency appropriations, but the committee has voted out some of these measures, and if they vote out one, it seems that they will be liable to vote all the rest, as they are all about on the same basis.

I think it is unbusinesslike and I think the time will come in the State of Illinois when we ought to stop these deficiency appropriations and let the different departments get a liberal appropriation for the conduct of their

business and let them be bound to only an expenditure of that amount. Otherwise, nobody will have any restriction on them. They can spend any amount of money and then come in with a deficiency.

Mr. SMEJKAL (Cook). Notwithstanding how you feel about it, you voted for every deficiency bill before the committee. Isn't that so?

Mr. HUSTON (McDonough). I think I did. If you vote one of them out, you have to vote for the rest of them.

Mr. SMEJKAL (Cook). You are not opposing this present bill, but opposing the principle.

Mr. HUSTON (McDonough). Yes, and I expect to vote for them as long as they appear.

THE SPEAKER. Proceed to the next bill.

Whereupon, House Bill No. 322 was taken up on the order of second reading, being a bill which provides for the appointment, by the Governor, with the consent of the Senate of a Chief Examiner of Steam and Stationary Engineers, same to be a competent and practical steam and operating stationary engineer; for the purpose of this bill, the State is divided into districts, and a district examiner provided for each; said district examiner to be a steam and operating engineer of not less than five years' experience immediately prior to appointment, to be certified from the eligible list of the civil service. Chief Examiner to be a practical steam and operating stationary engineer of at least ten years' experience preceding his appointment; provides for the examination of all stationary and steam engineers, and licenses for same; provides that no plant shall be operated unless it is in charge of a licensed engineer; specifies the causes for which licenses may be revoked and provides penalties for violation. All fees received by the Chief Examiner shall be turned into the State Treasury.

Mr. BROWNE (LaSalle). I wish to offer an amendment to this bill, and to say that this is an agreed bill between all classes of engineers and all classes of organized labor and I introduced it simply and solely by request. The bill was introduced at the last session of the Legislature in a little different form, and at that time there was a disagreement between the different branches of organized labor relative to it. By mutual consent, it was abandoned and submitted to a large general committee. They have put in a couple of months on it, and this is the result of that conference, and it is satisfactory to them all. It is gotten out in pamphlet form and in transcribing the bill into legislative form for introduction here, the word "stationary" was inserted and the purpose of this amendment is to eliminate and leave it out just as they have passed upon it.

Mr. HUBBARD (Greene). Does this bill apply to engineers operating steam tractor engines used for threshing?

Mr. BROWNE (LaSalle). No, it especially excludes all steam driven apparatus connected either directly or indirectly with agricultural purposes. It also excludes all locomotive engineers, and it also provides that it shall in no way conflict with the local regulations of any city or village that already has regulations covering the subject.

Mr. WILSON (Adams). Do you think that by the addition of that word, it is constitutional, excepting engineers operating traction engines.

Mr. BROWNE (LaSalle). It was submitted to some very good lawyers, of which I don't claim to be one, and they said it was—not that I think there are better constitutional lawyers than we have in this House. (Laughter.)

(Amendment adopted.)

Mr. THOMPSON (Stephenson). I have an amendment which I desire to offer, and move its adoption.

Mr. BROWNE (LaSalle). This is not my bill, but it was submitted in just this form as an agreed bill. You know what that means, and the moment you disturb it, the agreement is broken so far as the forces that organized it are concerned. I suppose they will want to have it re-submitted to them for consideration again. The amendment does not add anything to it. You will see that section 19 already provides for just what you are asking for. That takes care of the farm. I cannot conceive of a farm without a highway. It is a necessary incident to the farm. This would include those engines for the making or perfecting of the highway just the same as it would include a threshing machine engine going from

one farm to another. There would be no difference whatever. The sole purpose of this bill is to cover the small municipalities and larger municipalities that have no municipal regulations, and under the present existing conditions, men that are incompetent, unfit and unsafe can manipulate engines and boilers to the danger of the people that are working them and everybody in the community. This is to put it under the protection of an organization, and insure a better class of employees in that particular field. The intention is to exclude everything connected with agriculture, and I am satisfied that it does.

Mr. THOMPSON (Stephenson). If the bill will not interfere with the farm work so far as the building of roads by the use of a steam traction engine, I will withdraw the amendment.

Mr. HUBBARD (Greene). I don't think it does.

Mr. BROWNE (LaSalle). All right I will withdraw my objections.
(Amendment adopted.)

THE SPEAKER. The clerk informs me that there is no enacting clause.

Mr. BROWNE (LaSalle). There isn't in the pamphlet but in the bill as presented there is.

THE SPEAKER. The clerk says it is not in the original bill.

Mr. BROWNE (LaSalle). I move that the enacting clause be inserted after the title and at the head of this bill as it is in the printed bill.

(Motion prevailed.)

Mr. BROWNE (LaSalle). I ask to have the vote by which Amendment No. 1 was adopted reconsidered.

(Motion prevailed.)

Mr. BROWNE (LaSalle). I move to have added to Amendment No. 1, these words "except the word stationary" in section 19.

(Amendment as amended adopted.)

Whereupon, the House took up House Bill No. 471 on the order of second reading.

Mr. BROWNE (LaSalle). I have been unable to get 471. It hasn't come to my desk, and I can't get it out of the clerk's office.

Mr. McCORMICK (Cook). I likewise.

THE SPEAKER. The clerk informs me that every bill up to Friday night was printed and in the clerk's office.

Mr. BROWNE (LaSalle). I haven't seen the bill and don't know what it means.

THE SPEAKER. Let the bill go over.

Mr. ELLIS (Kane). It is an exact duplicate of another bill. It is a committee bill with the title changed simply. It is an exact duplicate of Bill 263 with the last clause stricken out.

Mr. McCORMICK (Cook). Does the gentleman mean that lines 18, 19 and 20 were stricken out of 263?

Mr. ELLIS (Kane). The last section was stricken out.

Mr. BROWNE (LaSalle). This is a very important bill, and it didn't come from the Judiciary Committee but comes from the Appropriation Committee.

Mr. ELLIS (Kane). It says from the Judiciary Committee.

Mr. BROWNE (LaSalle). It says, "introduced by the Committee on Appropriations." There isn't anything in this bill in italics to indicate what the amendment consists of or anything to appraise any member of what change has been made.

THE SPEAKER. Let the bill go over if there is no objection.

Mr. ELLIS (Kane). I offer the following resolution, and move its adoption.

HOUSE RESOLUTION No. 69.

WHEREAS, The Honorable John Stewart, who served as an able and faithful representative in the Thirty-fourth, Thirty-fifth and Forty-first General Assemblies, departed this life in Kane County, Ill.; and,

WHEREAS, The deceased throughout his life was a distinguished, honored, efficient and upright citizen of Kane County and of this State; and,

WHEREAS, By his death his neighbors have lost a broad, able and influential citizen, and his family one whose memory they, in common with ourselves and all who knew him, feel justly proud; therefore, be it

Resolved, by the House of Representatives of the Forty-ninth General Assembly. That we tender our profound sympathy to his grief stricken family; that this preamble and resolution be entered upon the Journal; that a suitably engrossed copy thereof be forwarded by the Clerk to the family, and as a further mark of respect to his memory that the House do now adjourn.

Resolution adopted and the House adjourned.

WEDNESDAY, MARCH 31, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Stevenson.

The Journal of the previous day being read. Upon motion of Mr. Hennebry (Will), the House dispensed with the further reading of the Journal and ordered it to stand approved.

THE SPEAKER. The Committee on Appropriations asks leave for an hour to go out on some official business.

Whereupon, the House proceeded upon the order of petitions, reports of standing committees, and introduction of bills, to and including House bills on first and second reading, all without debate.

THE SPEAKER. The hour having arrived for the special order, the clerk will read Senate Joint Resolution No. 3.

SENATE JOINT RESOLUTION No. 3.

"Resolved, by the Senate, the House of Representatives concurring herein, That a convention is necessary to revise, alter or amend the Constitution of this State, and that the question of the calling of such convention shall be submitted to the electors of this State at the next general election, as provided for in article 14 of the present Constitution.

THE SPEAKER. Is there any debate on this resolution?

MR. TURNER (Cook). I want to be heard upon this resolution creating a new Constitution through the means of a Constitutional Convention in the State of Illinois. The advocates of the new Constitution are gentlemen who appeared before this House some days ago. In their statements they said that there was not an adequate remedy in the statutes to provide for the revenue system of this State. Again, they made the statement that there were nineteen taxing bodies in the State without offering any remedy to cure the evil, if there were one in existence.

Now, gentlemen, the paramount advocates of a Constitutional Convention in the State of Illinois are in Chicago, and the gentlemen who are the advocates of this and other matters is the trust press of Chicago. They have cowed the law makers and those men have been in duress because they may be destroyed by the designing press which is today the advocates of a new Constitution and the abolition of the minority representation.

I have held private conversation with the gentlemen who were here two years ago and who were supposed to be the keepers of the confidence of the people of this State in the person of George E. Cole, and these men said in my presence on the corner of Madison and Dearborn Streets in the city of Chicago that the weaklings in the Forty-ninth General Assembly would bow to their will as the Senate would do. That was one hot day last August and they said the time was past when laboring men, farmers sons and saloon keepers should be coming down here and making laws and that they should not be given that privilege, and those men object, men of that class and classic refuse to go to the receptions at the Executive Mansion and rub elbows with the common herd.

Those are the men who claim to hold the confidence of the great people of this State. Those men who control those large agencies are the press of the city of Chicago and they are drunk with power that they have had in the last twenty years.

In the editorial columns of the Chicago Daily News they were drunk and joyful with the temper of victory they received in the Senate and they portrayed their object when saying that taxes and death could not be escaped.

There are some sections in this Constitution with twenty-three restrictions that these wealthy men that are controlling Illinois politics today cannot get around and they can hide their wealth during life but they cannot hide it when death comes. There must be an inventory and a probate of the will and the tax assessor can thereby have an opportunity to know the extent of the estate and then comes the income tax.

Gentlemen, I want to say to you if you vote for this amendment and grant a new Constitutional Convention you will be divested of your power and vest that power into the hands of the press of Chicago which has been drunk with power for sixteen years.

There was one man who was a street car conductor and rose from the ranks. He finally by his efforts and study became the United States Senator in this country from the State of Illinois. These gentlemen said in my presence, "we will get after him now," and by money and bribery they got a man who had no principle and had no God to swear that all the law makers were a set of burglars, and hold-up men and they brought shame to the State of Illinois.

I want to say to you gentlemen today that if this Constitutional Convention resolution is adopted it will divest you and I of all the power that we now have and make us less than nothing.

They cry that they want a new convention to help out the common people. Don't listen to that, as there is no truth in it. It is only forty-five years old and they say it cannot meet the requirements. I want some gentleman to enlighten me as to where the inadequacies and inefficiencies are. Another thing they advocate is the short ballot. They want the Governor to appoint the State Treasurer, the Secretary of State and the Superintendent of Public Instruction and the State Auditor and center all of that power in one man. They are advocating by the route of the short ballot in the city of Chicago that the mayor will appoint the city treasurer and the city clerk and the other officers who are now voted for by the people. They desire the county board to appoint the county treasurer with that large sum of money at his command and under his control.

If you allow this thing to pass you will be putting power in the hands of a few men and creating an oligarchy of the classes and the poor man, will not be allowed anything because he hasn't the stamp of Harvard or Yale on him. I want to say that some of the best lawyers we have are men who went to night school and worked during the day and by the sweat of their brows during the day earned enough to put them through night law school, and it is not always the man that graduates from Harvard, Yale or Champaign that is the best lawyer. Many of our night law school lawyers know more law than these so-called university graduates. They are jealous of these people today and they say that this class of men ought not to measure arms with fellows who by birth have had superior opportunity from the nursery to the present moment and that they are any better lawyers than the night law school student.

The men who framed this present Constitution cannot be surpassed. Think of such men as Palmer, Richard Oglesby, Hamilton, Pfeifer and the late Mr. Tanner.

We have had men nominated under this Constitution whose equals are not on the bench today, with few exceptions that I can name. I want to call your attention to one man who was a street car man and has worked up and becomes a great lawyer and judge. I refer to the Honorable Thomas G. Windes. You don't find editorials in the newspapers about this great man. He administers the law as he finds it. It makes no difference with him whether you are a republican, democrat, progressive or socialist, it is the same with him.

During one hundred and twenty-five years there have been but seventeen amendments to the Constitution of the United States, and the two last amendments, the 16th and 17th don't meet the desires and the wishes of the people and they are the election of United States Senators by popular vote and then the income tax law.

If you pass this Constitutional Convention resolution the trust press will control the delegates to the convention and you will wipe away a great portion of the liberties of the common people, among some of them bearing directly upon the making of alcohol and whiskey and other things. These

rich men can import these things from France and Belgium and have them sent to their swell clubs, whereas the poor man will have to go without. You all know that and it is not necessary to dwell on that phase of the matter at all.

There is one thing I want to say and that is we never should have tolerated George Cole coming before this Assembly and voicing his sentiments when he has slandered every member of this House. He claims to be the people's conscience and the conservator of our property rights. No other body in the country would have permitted him to insult and slander us as this man, who has lied about us and who has tried to stick a knife into the hearts and into the backs of every man who has had the courage to stand for his convictions. What do they want? They claim that the rank and file is for this convention. I claim not. I care not what the newspapers say as no man is my judge and I only allow myself to be judged by the Great Judge that sits on the throne in the great white heaven who reviews all of the injustices and injuries that happens to the weak.

I hope every man who has a child and who has a daughter or who has a son who desires to see that child well and properly educated and imitate the footsteps of his father, that you will listen and harken carefully to the voice that is calling you today to vote as you should vote as free men and men unshackled by the chains of the newspapers, the Chicago Newspaper Trust.

Gentlemen, I hope that the resolution will be defeated. (Applause.)

MR. PIERSON (Cook). I had not expected to say anything upon this question, but it happens that I am a neighbor and I am pleased to say a friend of Mr. George E. Cole and I am compelled to call to the attention of the gentleman who has just spoken that about forty years ago this same George E. Cole, then a mere boy, was carrying a musket, exposing his life for three long years for the sake of the colored man. I don't believe that George E. Cole is a liar. I believe him to be a high-class gentleman and a high-minded man. I congratulate that man from Cook (Turner), who has just spoken on his race in the last half century making such strides along the lines of advancement and a race that has come from slavery and come to its present condition of intelligence and lifted itself so high in the scale of life.

MR. TURNER (Cook). I did not inject and would ask others to not inject into this matter any of the colored questions or any question relating to the colored race. (Applause.)

MR. PIERSON (Cook). I want to congratulate this gentleman that in a mere half century his race has arisen in the United States of America from a condition of slavery to not only a condition of liberty but that they can go and represent their people in bodies like this and in Washington. I am glad of it. I want every man to have his chance and of all the men in the world that should have a good chance it is the colored man by reason of the crimes against his race in ages past.

It seems to me that that race is the last race of all to raise objections to a Constitutional Convention. If there is anything that is a bulwark to liberty and the rights of men, it is the Constitution, because it does not change. It is permanent and not the subject of legislative enactment.

This gentleman has found it convenient to attack the press and I am not defending the press. Isn't it a fact that every man knows that the press does not dare attack the foundations of liberty. Who can recall any single occasion when the press attacked the fundamental principles upon which this government rests? The press will be found battling for men of every race, condition and color when this Constitutional Convention time arrives.

The day for argument on this resolution on its merits has passed. It is almost inconceivable to me to find anybody in this House opposing the request of the people to determine whether or not they will have a new Constitution. That might be in the Senate, by a remote possibility, but in this House, so close to the people and representing every man, it is almost inconceivable to me that any man can oppose this simple request of the people.

For nearly fifty years the substantial law of the State has remained unchanged. Now the people are asking for a change and now is the oppor-

tunity. Why? There is more or less feeling between the downstate people and the great city of Chicago. That feeling is to be harmonized if possible. That is one of the great purposes of this proposed Constitutional Convention, that there may be worked out a scheme of harmony between the great growing cosmopolitan city of Chicago and the great wealthy downstate country.

Who owns this State, anyway? Does this House own this State? Does this House and the Senate combined own this State? I think not. I think the people own the State of Illinois and so far as I am concerned if the people want to harm the State and if they want to destroy the State, they have a right to do it. However, in this enlightened age there is no danger of that. The people in the State of Illinois down to the most humble man and woman when the time comes they will be at the ballot box passing upon these questions with intelligence and with justice to all.

For these reasons, which are elementary, based upon the right of the people to do as they please, I am in favor of the constitutional resolution. (Applause.)

Mr. MAUCKER (Rock Island). I want to say a few words, partially as a matter of vindication and partially to show why I am ready to vote as I do. Way back in August while a candidate for the position on the ticket to become a candidate before the people as a Representative in this body, I was flooded with communications from Chicago over the signature of George E. Cole. I stated unqualifiedly that I would not pledge myself to any of these measures to his liking or upon any other measures to secure political support. I ran on that line and was elected. The other day a statement was printed in the Chicago Herald over the signature of George E. Cole in which it was stated that I, among other democrats, not having voted to report out this measure, still would be depended upon as a man of honor when the final vote was taken upon this measure. That is not only an unqualified falsehood that came from George E. Cole, but he knew it. I wrote a letter to the Chicago Herald and asked them to place me right before my constituents, as at that writing I proposed to vote against it. I didn't want my people at home to think I had pledged myself contrary to that view. They failed to vindicate me and I take this opportunity to vindicate myself. (Applause.)

I came down here a new member and they tried to impose upon me and lead me into a trap which would condemn me before my people at home.

Further than that, George E. Cole wrote me a letter calling my attention to the fact that I had made this promise. He didn't know that I had sense enough to keep a copy of that letter. I telephoned to my home and had the letter read to me wherein it stated that I unqualifiedly would not pledge myself to him on that measure or any other measure. I will vote just as my convictions have always been. I don't believe in throwing away the information that has been gleaned in the last seventy years by carrying cases to the higher courts and destroy all of these precedents. We have one judge at home who tried to get a job for \$50 a month and had no ability and could not make a living as an attorney. He is one of the three judges in our circuit. If there were no precedents to manage and guide such men as that, what would become of the life and property of this State. I believe in an amending clause to give the people a chance to keep abreast of the times and add to the Constitution as is necessary.

I propose to vote "no" on the proposition.

Mr. WEBER (Cook). Some of my friends are mis-stating the resolution. We are not to vote to have a Constitutional Convention but we are to vote for a resolution that gives the people of this State the privilege of saying whether or not they want a Constitutional Convention. We had some distinguished gentlemen here sometime ago who told us why we ought to have a Constitutional Convention and why the Constitution ought to be revised. As you go through the State you will find that a great many people desire a Constitutional Convention. It has been agitated for years. The same question was in this House two years ago and it has been agitated and talked about by the best citizens of Illinois and by all political parties. It became an issue with the political parties and the various political parties last

year when they held their respective State conventions declared in favor of a Constitutional Convention.

The democratic party held its convention in Illinois at Springfield in the Armory, September 18, 1914, and declared for a convention in the following terms:

"As the simplest and most effective method of dealing adequately with questions affected by State Constitutional restrictions—woman suffrage, revenue reform, the initiative and referendum, the "short ballot" remedy for expensive and complex primary and general elections, multiplicity of taxing bodies and overlapping of governmental functions in Chicago and Cook County, a larger measure of home rule for municipalities, minority representation in the General Assembly, and many other questions—we favor and recommend provision by the next General Assembly for a Constitutional Convention."

The republican party, likewise, had a convention in the city of Peoria, September 18, 1914, and the republican party in that convention adopted the following resolution:

"The amendment or revision of the State Constitution to the end that much needed reforms which are prevented, hampered or delayed by the restrictive provision of the present State Constitution may be obtained most easily, most quickly and most completely."

Now, our platforms may be made to be broken or they may be made to be kept. The progressive party also had a convention at the same time at Urbana, Ill., September 18, 1914, and it declared:

"*Resolved*, That a Constitutional Convention to revise the archaic State Constitution of 1870 is the greatest need of Illinois today."

The socialist party that is represented here in this House also had a convention at Chicago and it declared for a Constitutional Convention providing for (a) the initiative, referendum and proportional representation; (b) complete woman suffrage; (c) home rule for cities; (d) amendment of the Illinois State Constitution by a majority of the voters voting thereon.

Now, gentlemen of the House, I dare say that the platforms adopted by the various political parties before an election is an expression of the party. When we stop to consider that every political party in this great State sent delegates to its conventions and declared that the present condition was inadequate and a Constitutional Convention was necessary, why shouldn't we live up to the party pledges this morning and support this resolution. I say we should, gentlemen, and so will you if you will only stop to reflect on the matter for a moment or two.

This resolution does not say that we are going to have a Constitutional Convention. You are simply voting whether or not you will let the people say whether or not they want a Constitutional Convention. Don't you believe that the people of this State have a right to say whether they should or not? If you do, then vote for this proposition this morning. (Applause.)

Mr. LIPSHULCH (Cook). On the question of the Constitutional Convention, I ask the House to give me their attention for a few minutes. I am not going to keep this floor very long. I know that there are other men on this floor who will follow after me and I am certain someone ought to follow this thing up and explain the matter satisfactorily to the members so they can vote intelligently.

Some one made a statement that this was an absolutely democratic measure and one that belongs to the democratic party, and if that was all there was to it I would repudiate it if I did not sincerely believe in it, and I ask my fellow friends across the aisle to do the same, if it is only a pledge and nothing more. We have been further told that if we voted against the Constitutional Convention resolution that we would say to the people thereby that they did not know what they were talking about or whereof they spoke. I say just to the contrary, that if we vote for the Constitutional Convention resolution we would say to them they don't know whereof they speak, as we undertake to say without them speaking that they want any change in the Constitution, that they ought to accept a resolution calling for a Constitutional Convention when they never asked for it.

There were certain gentlemen here last week speaking for this proposition. They brought down with them men who are supposed to be experts

and men who have studied this question since they were old enough to study anything. I have their speeches right before me, and I don't find a single line or a single word that would convince the logical mind that a Constitutional Convention ought to be held because of the people demanding it.

One of the speakers, Mr. Dunlap, says a man owns a \$10,000 farm and he puts \$5,000 of his own money into it and mortgages the farm for the other \$5,000 and he has to pay taxes on the \$10,000 while the man that holds the mortgage don't have to pay anything on his investment.

Mr. O'ROURKE (Cook). There seems to be some doubt in the gentleman's mind as to whether the people want a Constitutional Convention. Why not give them a chance to find out and you will find out whether they want it or not.

Mr. BROWNE (LaSalle). I would like to answer that question. You know, if you will be fair and will voice the sentiment down in your soul and not on your lips, that the people never on the little ballot have been able to voice what they want. They have been relying on the press. They are educated by the press to do what the press wants them to do. You know the rank and file of the people don't know what they want on the spur of the moment and it is a shame for you to introduce that kind of sophistry and bunk on the floor of this House.

Mr. O'ROURKE (Cook). I know to the contrary and my avenue of information is just as large as the gentleman from LaSalle has open to him, and I want to say that the people of the State of Illinois ought to have the chance to say whether they want the Constitutional Convention or not, and I say that it is presumption upon the part of any member representing any constituency in the State of Illinois to say that the people of any district shall not have an opportunity to say whether they want a Constitutional Convention or not.

Mr. LIPSHULCH (Cook). I deny that the men who brought this question before the House hold a certificate of election given them by the people as their chosen representative and that they are prophets and know all the time what the people want. If there is any man in this House that knows that the men who brought this question into this House can speak for the people, tell me one and I will withdraw my argument. Why didn't the speakers last week come out and tell us what they meant to do to take care of these shortcomings. I don't claim that the tax laws are all they should be, but I do claim when they ask for a brand new Constitution that they ought to tell us what they expect to give us in place of the old one. It is a magic form they present to you. Nobody has told you what they intend to do and what they will change. There is no such thing necessary. Another question that presents itself to my mind is, that since 1870 the business world of this State has invested billions and billions of dollars in some manner or other. All of this investment based upon securities are guaranteed by the basic principles of our present Constitution and should we allow a Constitutional Convention to come before the people it will take over eight years to get anywhere and accomplish anything and what will they do with their securities? What will money do? It will hide itself and the result will be that we will have very, very hard times continue all during that unsettled condition. Is it a greater question than minority representation? Those are humbug propositions.

(VOICES. Roll call.)

Mr. McCORMICK (Cook). The gentleman ought to be heard and should not be disturbed in the course of his remarks. (Applause.)

Mr. LIPSHULCH (Cook). There are many other things that I could have spoken of in this connection. I see the House is in an unruly condition and are anxious to put this question to a vote. I hope to see men repudiate the method by which pledges were obtained from men who have come to this House. I wish to repudiate the stand taken by the gentlemen who argued for the Constitutional Convention.

Why can't we take one question at a time and amend it. I don't claim that our Constitution is infallible. Some things might be changed and other things ought to be changed, but let us do it in the right way, and in a conservative way. Let it be done one question at a time. We have a

ballot to be voted on the 6th of April, and there is not a man that can tell me that sixty per cent of the people in Chicago will know what they are voting for when the ballot is four feet long. How many of them understand the importance of the basic law? Give them one question at a time so the people can study the things and look into the matter. Let their representatives argue it on the floor of this House and let us analyze it and then if it is in shape for amendment, then pass it. (Applause.)

Mr. BUTLER (Sangamon). I have this advantage in talking to you by observing the action of the House during the last few speeches and that is that whoever is talking doesn't seem to annoy the House at all, and therefore, if I am a little long it will be because I know I am not disturbing anybody and not instructing anybody.

I would like to get this issue in the right light. There is a consistent palaver to let the people rule. We must bow to the majority, is what they say. That is not the question here at all. The question is whether a minority will be allowed to put things over. It is a mistatement to say that the Legislature is considering something this morning that the majority wants. If you would put into this resolution something that the supporters will not put into it, then this would be giving the majority to say whether they want a Constitutional Convention or not.

Mr. RICHARDSON (Christian). Will the gentleman yield to a question?

Mr. BUTLER (Sangamon). You bet I will.

Mr. RICHARDSON (Christian). How do you know the majority will not vote for this when you will not give them a chance?

Mr. BUTLER (Sangamon). I will tell you how. This State is in a constant turmoil and transitory state amongst the thousands of "isms." There have been proposed amendments to the Constitution of the United States something like 1,800 amendments, every one of which was supported by a fanatic minority, supposing they were demanding what the people wanted. This body is elected for the purpose of basing its judgment on whether there is a sufficient number of people demanding this, to put it up and stand the expense of the election. That is what this body is for. Any time a proposition is brought up here this body sits in what we call a political judiciary body. It settles political questions. The judge on the bench settles questions that come up in law suits but here is a judicial body that tries political questions, and whenever this body says in its judgment that there is a demand of a majority of the people for this proposition, I dare say that it will pass by almost a unanimous vote. Are we going to listen to every proposition brought forth by a small minority and put it up to the people of the State of Illinois? I challenge you to put in your resolution the clause that unless a majority of the voters of the State of Illinois vote for this it shall fail. You claim you are representing the majority, and if you are, then do that. What is the use of talking about a majority being for this. You propose to slip it over by making every one think the majority is for it. The only way you are going to do this is by a log-roll. Each proposition will stand on its own bottom. One fellow will say to you, "be for my proposition and I will be for yours." That is the way it will be done, and not before.

During the few years that preceded the War of Independence, the thirteen states were in a turmoil and they didn't know what they wanted themselves. They lived through that transitory stage. They had a war and they gained their independence. At various times they had articles of confederation. They could not land what they wanted as they were at too much variance with the number of "isms" that were presented. For several years after the war they were in turmoil and the political waters had not settled so they could get such a Constitution as we have today. That same condition prevailed for a number of years before the Civil War and I am quoting from Lincoln when I say in the forties and fifties he made some speeches in which he included this idea, that the gentleman who had formed the government, who had set ideas and brought about the Constitution of the United States were passing from the seas, and with them are passing their ideas. We are now passing into a transitory state and nobody can tell which way the needle points. That is our condition today. The old ideas that held us together and made the War of the Rebellion are being disbursed. We are

right now in another one of those transitory stages and I am quite sure that if you were to cut loose and try to adopt a Constitution today that it would be the most monumental patchwork of "isms" ever placed on the statute books of any state in this Union. We have got to wait until the "isms" that are floating through the air, the short ballot, the long ballot, the initiative and referendum, cut away here, boost a little up here and you will have a Constitution that nobody would want to call his child. It would not have a father. Everybody would say, "I did the best I could, but they wanted something I couldn't stand for. It is awful." Those are the things you would have if you want to hold a Constitutional Convention at the present time.

I want to say just a few words myself about the newspaper situation. We are told that we are not honest enough to get together in convention but we must have a primary law and we have a primary law and have done away with the caucus and done away with the convention and turned the government over to the newspapers. I challenge anybody to get up here and say the contrary is the fact. Everything that comes out of the newspaper is colored with party prejudice and party pride. Over and above this every newspaper is tainted with sensationalism in order to sell.

I want to read you something that an editor of one of the great Chicago newspapers said on a certain matter recently. "It is a strange commentary, yes, an astonishing commentary on the ethics of one of the greatest industries in the world—that its business integrity is at so low an ebb, that newspapers, before they can market their merchandise, have to submit to the third degree to have established which, if any of them are telling the truth about what they have to sell."

Who do you think made that little talk on newspapers, not my friend from LaSalle (Browne) but James Keeley of the Chicago Tribune at the time he said it.

Where do you get your political information today? Can you go to a convention today and get the sentiment of the various counties from their delegates? No you can't, you get your views on these public questions from the newspapers which as I told you before are highly tainted with sensationalism.

I challenge anybody here to say that he could pick out any one or two of the candidates on the last ticket that he personally knew. You don't know whether the real fellows were the ones that were not voted for and we look over a ticket and we cannot by the exercise of intelligent comparison say which is the best man. Under the present system we have to cast an unintelligent ballot. We have to cast our ballot in ignorance or go to the newspapers for our information and the newspapers are tainted with sensationalism in order to sell their wares.

Don't you know that the minute there is a majority in this State for an amendment to this Constitution it will go over like the chutes that go down the slide at the public parks.

It has taken forty years of court decisions to get a fairly good interpretation of the Constitution we have now. While we are in this turmoil within and beset with a larger turmoil without, you are going to throw away your charts and your rudder and pitch over-board your compass and jump into the future without chart, compass or anything to be guided by. I will vote for anything that will help bring about the wishes of the majority. I will help bring about an amendment on any proposition that is good, but I am against going out and cutting lose from all our moorings and voting for a new Constitution which will take thirty or forty years to have the legal interpretations brought before the bar of Illinois. Amend the Constitution, step by step and I will be for you.

I would like to read something to you but it will take too long. Stick to your amendment. It is nothing less than political suicide to say that because we cannot amend it let us destroy it. That is the most peculiar argument I ever heard an intelligent man make. Nobody dare challenge the proposition that the minute there is a majority of the people for any particular amendment, that amendment will pass, and I don't propose to sit here and allow a self-appointed and self-constituted minority to tell me that they are the majority and bias my vote.

I hope, gentlemen, that today we will cast our votes in such a way that we will not be misled by the statement that a majority of the people are for this. We can amend our Constitution on any proposition but let us not be deceived in thinking that when we hear these men talk that they are representing the majority until the majority shall say they want it by their ballot.

I thank you. (Applause.)

Mr. KESSINGER (Kane). I am only going to take a minute. This is not the first Constitution that the State of Illinois has had. This is not the first time the people have been in favor of submitting the resolution for a Constitutional Convention to the people of this State.

We talk about a transitory age. The ages and times have changed. You remember one of the gentlemen spoke the other day of the year 1848, the time of one Constitutional Convention, when we got a very good Constitution, when the credit of the State was impaired, when the executive authorities didn't have the power to levy taxes, and yet, with all this confusion and chaos the delegates elected, drew up a very good Constitution, and it was ratified by the voters of the State and became the Constitution of 1848. Then in 22 years, from 1848 to 1870, the people of Illinois got another Constitution—the present Constitution of the State of Illinois, Chicago has grown from a small town to a great city. I am not here in behalf of Chicago. I do not come from the county of Cook, and I am not so small as to try to stir up in any way sectional feeling of any kind.

I introduced a bill to do away with double taxation. If you own property, you ought not to have to pay taxes on the full amount of the valuation; the man that holds the mortgage ought to pay the taxes on the mortgage. I am told that cannot be passed because under the present State Constitution it would be unconstitutional.

Any fair-minded man in the State knows that the basic law of the State will have to be changed and will have to be rewritten, so that we can get justice, especially for the common people, for the small property owners in the State of Illinois.

One time they submitted a resolution in the Constitutional Convention to the people of this State, and the people didn't hurry, hell bent, as Mr. Butler would have us believe, to pass that. They turned it down. At another time they elected delegates to a State Convention; they adopted a State Constitution, but the work of those delegates was so poor, that the people of the State, in their judgment and wisdom, on election day turned it down.

There is nothing hasty, nothing revolutionary and nothing new about this proposition. If the people of the State of Illinois want a Constitution, they vote for it; they elect delegates to a State Convention. Those delegates keep all that is good in the old Constitution, rewrite it into a new Constitution, and then, at a general election, the work of those delegates is accepted or rejected. It will take three or four or five years before it all can be done, and the basic changes cannot be gotten by one amendment.

When a political party puts a plank in its platform, it does so because there is some part of the people of that commonwealth or nation in favor of those ideas, and during the last campaign in this State, we saw the democratic party, the republican party, the progressive party and the socialist party—every one of them, incorporate a plank for a new State Constitution.

Certainly there must have been some widespread demand for a change in the Constitution of our State, when the framers of four State platforms of four great parties of this commonwealth incorporated in those platforms planks offering the submission of this resolution to the people of our State.

Now, whether I was opposed or against this convention, whether I thought it was a good or a bad thing, whether I intended to vote for this resolution this morning, I would not withhold from the people of this State the power and the privilege of saying what they want.

We know that the republican form of government is a cross between a pure democracy and an absolute monarchy. We have to have committees here. Sometimes when a proposition is too big for a small committee, we have a committee of the whole, and sometimes in our representative form of government when some question is too large and too important for the

House of Representatives to decide then we go and appeal to that larger committee of the whole—the whole people of the State of Illinois and ask them whether or not they want this thing.

Now this newspaper talk—I notice the Chicago newspapers have been for a great many men. I notice in the last campaign for mayor they did not get their slate through. I have confidence in the wisdom and judgment of the people of this State, and because I believe in them saying what they want regardless of what I feel personally, I am going to vote “aye.”

If the resolution is adopted every bit of it has to be submitted to the people again to be either accepted or rejected by them, and there is nothing revolutionary or nothing hasty or nothing wrong, or not even anything new. We have gone through it before in Illinois. We are a half a century away from our present State document and we have new conditions and things that demand that we at least give the people a right to say what they want on this important question. (Applause.)

Mr. FLAGG (Madison). Mr. Speaker, I wish to ask the gentleman from Sangamon (Butler), one question. It will take only a moment's time. If I understood your remarks correctly, you implied that in case this question were submitted to the people in 1916 a majority vote of those voting on the proposition decide the question. Was that the correct interpretation?

Mr. BUTLER (Sangamon). No, sir; what I said was this: That anything demanded in the name of the people, because the majority of the people want it ought to stand, and unless a majority of the people signify they do want it, it ought to fail.

Mr. FLAGG (Madison). May I ask another question? (Leave.) Have you read the Constitution of 1870?

Mr. BUTLER (Sangamon). I have read a good deal of it; yes, sir.

Mr. FLAGG (Madison). I want to re-read one clause. “If a majority voting at the election vote for a Constitution, the General Assembly shall at that session provide for a convention.” I certainly understood the gentleman from Sangamon (Butler), to remark that a majority of those voting on a proposition were necessary and the blank ballots would not count one way or the other.

(VOICES. Roll call.)

Mr. BUTLER (Sangamon). The gentleman asked a question and I certainly ought to be allowed to answer. When this body believes that a question to get anywhere near a majority of all the votes, then they ought to submit it, but they should not submit every question that is brought up by minority, just because the minority claims to be representing a majority.

Mr. PERKINS (Logan). Mr. Speaker and Gentlemen of the House: I just wish to say a few words in regard to this matter. (Leave.) I have always been in favor of questions of public policy where they could be left to the people, but it is our duty, representing the people in this body, to do at least that much.

I am surprised at the gentleman from Sangamon (Butler), who seems to think that so much chaos is now going on in this State that it will lead the people astray and lead them wrongfully in deciding the questions brought before them. I think that we, as members of the General Assembly in passing upon this question should divest ourselves of personal interests, of political affiliation, if you please, and get to the point whether in this representative body of the people of the State of Illinois we are willing to submit, not a Constitutional Convention to the people, but whether we are willing that the people should have a right to say whether they want that Constitutional Convention or not. It does seem to me that the gentleman from Sangamon (Butler), in speaking about his majority—we are required in this body not by a majority, but we are required in this body to present 102 votes in order to submit this question and if the gentleman from Sangamon (Butler), will think that is more than a majority, I am saying now, without any fear or favor that if this question was presented to this Assembly with seventy-seven votes there isn't any question but what it would pass. Therefore, I say when we are required to receive 102 votes upon this question that it is more than a majority.

Just one word in regard to the interests of this State, as I see it, and the great city of Chicago. I believe the time has come when the great interests of that city are demanding that they have help; that they have measures

passed that will enable that great city to expand, as it should expand, and keep the tax dodgers and that class of people from getting control of that city. Likewise I say the great State of Illinois outside of Cook County should aid and should help to build up the mighty city of the West and all this great country, and I believe that every member when he enters upon these questions whether he be from Cook County, or whether he be from the State at large should look to the interests of the State. He should lay aside, whether he be a republican or a democrat he should lay aside, whether he believes as a wet or a dry, he should come to that question as a man willing and ready to divest himself of personal interests and to stand for the interests of these two great interests in this State. Here is a great agricultural part of the middle West; there is the great city, and I say the Constitution as it now stands, and you will all bear me out in that, should be revised and should be fixed so that these two great interests might get together and work hand in hand, and in doing that advance to the mighty Empire State of the Union.

I want to say, Gentlemen of the House, right now that we ought to divest ourselves and we ought to come to the point, and just one word to these gentlemen who come from minority districts. There are many of you here that do not represent majorities at all. You are here by a minority vote. I say you ought to rise like men, you ought to have courage enough to say if this is a bad thing for Illinois, "I am willing to stand up here and cast a vote for a principle that I believe will elevate the State; that will make it better, both city and country, although I might never be sent to the Legislature again."

I believe, Mr. Speaker and Gentlemen of the House, that we ought to get to this question, and divested of all these interests, we ought to vote on this question as our conscience dictates. We are sent here as representatives of the people and we should be willing to represent the people in this State and help to pass a measure that will give the proper lights to the great city of Chicago, backed by the best country on earth. Hand in hand with this statement I want to say, that, in my judgment, a state divided against itself becomes so antagonistic that the differences should be rectified so that both city and country could go hand in hand and develop, as I have said before, into the most magnificent state of this Union.

(VOICES. Roll call.)

SPEAKER SHANAHAN. The House will be in order.

Mr. BASEL (Fulton). I wish to say, gentlemen, that if the people of the State of Illinois feel like abolishing the minority representation, that I am in favor at all times of bowing to the will of the people of the great State of Illinois. That is one proposition brought up by those that are opposed to the Constitutional Convention. I don't remember of signing a promise or a pledge before the election to submit the question of a Constitutional Convention to the people. But I will say, that if I had made a pledge at that time to submit the Constitutional Convention and I had found out at this time that it was detrimental to them I would suffer the consequence and I would vote for the benefit of my people, and I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). There was a time, Gentlemen of the House and Mr. Speaker, when this was a Legislature composed of men who came down here to represent a constituency, and who represented those constituencies, to vote their honest convictions as free moral agents. That was the day before the birth of the primary bill. That day has come and gone, and to those that sat here in the House or Senate in the old days and who sit here today, with all due respect to the members now present, and without any intent to say that the caliber of these men is not as large as it was then, I say the conditions are so vastly different today that they are pitiful and pitiable. Today there is no party. Such a thing as party has gone down and out. The republican party has ceased to exist as such; the democratic party has ceased to exist as such. You have got no organization; you have got nothing that spells for control or anything that organization means. You have gone back, gentlemen, you have reverted from organization, from system, from regulated political movements and parties, you have gone backwards step by step and several steps to a condition of chaos. The primary law is responsible for that mainly. Some other causes have intervened, but

mainly the primary law. I want to say now to the gentlemen upon the floor of this House as proof of the accuracy of what I am saying with regard to the old days and now, that if the men upon the floor of this House were to vote today their honest convictions on the primary bill, or rather upon a bill to repeal it, it would not get 20 votes on the floor of this House. It would not get 20 votes if you voted your honest conviction, but there is not a man upon the floor of this House who would dare to introduce a bill of that kind, and very few of you would dare to vote your honest convictions on such a bill. Why? You are afraid of the press, you are afraid of the Legislative Voters League. You are afraid of these voluntary organizations and you come here not as free moral agents.

Respect has been succeeded by contempt. They know that they own the Legislature. This House today is a newspaper House, owned from top to bottom by the metropolitan press of Chicago and the Legislative Voters' League.

Mr. RICHARDSON (Christian). Haven't various interests of this State—

Mr. BROWNE (LaSalle). If you mean any intimation relative to myself, let me state to you that I never in my life was employed by a brewery, by a distillery or by any of those interests. I never represented them in all of my practice.

Mr. RICHARDSON (Christian). Were you not in the Forty-fifth General Assembly an attorney for liquor interests from the district you represent?

Mr. BROWNE (LaSalle). I never represented a liquor interest, a society of that kind, or a liquor dealers association as a salaried attorney in my life. In my district there is a society known as the Liquor Dealer's Protective Association. Not always, but occasionally, in the last ten or fifteen years when they wanted any work done they have come to me for the work and have paid me for the particular work. Also in the last ten or fifteen years I want to say to you that I am the only man that ever started and prosecuted through to a successful termination suits under the ninth section of the Dram Shop Act.

Mr. RICHARDSON (Christian). Didn't you say you were an attorney for liquor interests for the district you represented in the Forty-fifth General Assembly?

Mr. BROWNE (LaSalle). I said at that time just what I say now, and furthermore you know it, for I explained it to you privately and you said, "I know that Browne, you would not tell me so if it was not true." (Applause.)

I want to say that the liquor interests do not have any more influence with me than have the newspapers or you, or anybody else. I come down here to vote my honest opinions just as I feel. I know it is unpopular, I know it is not customary, I know probably that they will "get me" for doing it, but I am going to keep on doing it. I am able to look myself in the face every morning, in the glass, and say, "Browne, how do you do?" and then feel pretty good over it. (Applause.)

Gentlemen, I have said so much about the press from the floor of this House, that I am going to leave that almost entirely alone. It is a good deal as Tom Merritt said in the old days. He was running for office and some of his friends said, "Tom, they are going to use something against you." They told him that. Tom said, "Yes. 'Well,' the friends said, 'Now what do you think we had better do?'" "Don't you think we had better get something out to head that off?" Tom said, "No, no, they don't need any affidavits, I will admit it." Now, there isn't much use of discussing the influence of the press upon this body. You all admit it. Privately to me, and to yourselves; you don't do it here on the floor, but it is a fact and we will just leave that for the moment.

The Legislative Voter's League. Now, I want to say to you that when a man comes here to this Legislature, a lobbyist, or meets you before the session is on and says to you, "Mr. Smith, Mr. Jones, Mr. Brown, if you will vote for Bill No. 5, or vote to kill Bill No. 5, I will give you \$100 or \$1,000 as soon as that bill is out of the way, or as soon as it is passed." Now, if you acceded to that proposition that amounts to bribery. You are a crook

and he is a crook, and it is a crooked transaction and you both ought to be attended to.

Before you come to the Legislature as members, and before you are fairly launched in your campaign, George Cole writes to you, the Legislative Voter's League, writes to you and tells you "cold turkey"—pardon the expression, but that is the only one that fits—tells you "cold turkey" that unless you will subscribe to the program of the Legislative Voter's League, specifying some few things, that you will not be regarded as a desirable citizen and won't be regarded as a fit subject to sit in the Legislature. If you do, then immediately a crown is placed upon your forehead, not a crown of thorns at that time—it will become so—but at that time it is a crown of roses, the thorns are concealed. A crown of roses is placed upon your brow and a halo is cast 'round and about you. The press says something nice about you and you come down here and you do as you said you would do. You vote for those measures and you vote against them as you promised. You go farther than that. You write your name, you pledge yourself, Good God! think of it, to do so and so. Is that any different, except that it is a question of support and influence, from the fellow that comes down and offers you \$100? No, it is worse. Many is the fellow that takes a hundred or a thousand because his babies are crying for bread at home. Maybe he needs it. You don't need to come to the Legislature, but you sign away your individuality, you sign away your own moral individuality and your own free moral agency; you sign it away for a promise to help election. Isn't that it? And if that form of bribery doesn't smell of the high heavens just as bad as any other, then I don't know anything about it. There are other agencies that are operating along those lines, so that when you come here, and before the session opens, your hands are tied.

Now gentlemen, that was not possible in the old days. That would not be possible today if it was not for the primary law. Why? Because under the primary law, no man has an organization behind him; no man has a political party behind him. He has only got himself, and that was the idea and the intention, and if you are in a large district where men don't know each other, where people are strangers to each other a block away, if you live in a district like that, the only means that you have really of becoming acquainted in your district or of advising your people of what you are, is through the columns of the press, and if you don't do it, you are one of the "also rans." In other words, they have you right by the neck before you start. That is what the primary law means. That is the reason you are afraid of it; that is the reason that you dread the press. What is the Legislative Voter's League and what are a number of those other organizations? They are the instruments that were fathered and mothered by the press. They are the hatchets and knives and stilettos that were furnished by the press to the executioners with which to do the work, and sent out and kept alive by breath blown into their bodies by the press. They do not say so, but you know it, and we all know it.

They are a part of the machinery working together hand in hand to destroy your individuality, to destroy your free moral agency, and to send you here simply without any power to do else than what you are told to do.

Now, there isn't any particular reason that I know of why I should be for or against a Constitutional Convention. It has been my desire to so act that in the days to come, if I live to a fairly old age, I may not have to look back upon my conduct in the matter with anything of regret; it is my desire that the people who know me and who are responsible for me being here, shall not in the future have any cause to look back and regret that I was here representing them, instead of somebody else. I know of no other reason. I represent no corporation. I never have represented any corporation. I have been on the other side; occasionally I have tried suits for them, but it was only occasionally. I have never been a corporation lawyer, and I have tried in the best way that I could, with the little light that I had at hand and my own simple ability to ascertain what I thought ought to be done.

I was against this matter two years ago. I fought it two years ago on the floor of this House. I thought that I was right. I gave it what study I could at that time and before it came up, and I was conscientious and believed that I was doing right. I have put a good deal more study on it

since that time. I have looked beyond the matter itself, and I have investigated in my own feeble way the fountain from which it springs, the sources that give it birth, the people behind it, and I have tried to ascertain for my own satisfaction what the ulterior motive and purposes were. And, gentlemen, if I was strong in this State two years ago, I am anchored in it now.

I would like to ask any thinking man in this House that is in favor of this proposition what there is outside of the taxing proposition in the present situation that he would like to change. I would like to ask him what he thinks there is in the present Constitution that he thinks he could improve upon? I would like to ask him what there is even in the taxing business. The gentleman from Kane (Kessinger) said that it could not be changed under the present Constitution, but he didn't go far enough, and he didn't say that it could not be changed by an amendment to the Constitution. He did not say that, and it can be, but I would like to know what there is about the taxing portion of the Constitution that can be remedied in that way?

Take your bill of rights found in that Constitution, protection of human liberty as found in the *habeas corpus* act, and the right of trial by jury—in all things connected with the bill of rights, you take it and look it over, and the more you look at it, the more you study it, the more you ponder over it and its provisions, the more inclined you will be to look up to the memory of the men that drew it, the more you will be inclined to take your hat off and say, "You were big men with big brains, and you loved the human race and you were trying to do right."

You go on down farther and you take the divisions of government, you take the arrangement of government as provided in it. You could not beat it in a million years if you tried. Big men did that after big thought, and in a big way. You could not improve on it. No man living can improve on it, and you can go on down the line, and aside from the taxing proposition, which was all right in their day, but which necessarily today in the changed conditions may be faulty, outside of that you can find no honest criticism of that Constitution. It isn't in the cards anywhere.

Now then, I believe that I have as great a love, as great an affection for what is known as the common people as any of you gentlemen who have indulged in oratorical flights along that line this morning. I have been representing them all my life. I expect I have represented some of them that ought not to be represented. I expect I kept some poor devils from the penitentiary that ought probably to have been in. My regret, if I had any, was wiped out by the tears and the smiles both that came at the end, so that those regrets, to me, have ceased to exist.

The common people means me, means you, means all of us that have within our souls and hearts all that there is and the only thing there is in this world that makes life worth living and that is friendship and love for our fellowmen, that is all there is. Eliminate it and you have got the desert of Sahara. And the farther up you go and the farther you get away from the common herd the more you lose sight of them and their conditions, the lesser of that you have in your soul, the darker you are inside and the less sunshine you have got in your own lives, and the less you shed to the people around you. Now, I want to preserve to the common people, I want to preserve not to the few, but to the many, what we have got. I want to preserve for the protection of the common people that we laid down in the day when there was a whole lot more of the milk of human kindness common honesty, and love of fellowman than there is today. I want to preserve those things that were laid down in a day when men loved each other and when it was possible to make a Constitution that you could not make today to save your lives. I want to say to the gentlemen from Cook County who have been appealed to, and to the gentleman from Logan (Perkins), along the theory of the creation of an empire city in Illinois, the empire of the West—the union of the hand that guides the plow with the hand that holds in its palm the mighty department stores; I want to say a word to you gentlemen on the floor of this House, and first I want to ask you—and it is strange that with the numbers of inquiries of this kind that have been made that no answer has come. I hold in my hand three editorials from one paper of the Chicago press in which the question

has been asked repeatedly. I have heard it asked on the floor here. I have heard it asked off the floor, and I have heard no answer. What is it that these people who are behind this want? What do they want to do? What do they want to put into the Constitution that is not there now? What is it? And if it is laudable, if it is right, if it is something that you think ought to be there, if it is something that would appeal to you gentlemen, appeal to your sense of right, why don't they tell you? And there is no answer. There must be something that they are looking for, and if there is, what is it? I want to say to you gentlemen that there are two things they do want, and there are two things they will put into this Constitution if they have a Constitutional Convention, just as sure as the day comes. First, they will limit the representation of Cook County to not to exceed one-third and probably 25 per cent, that is what they will do, and you say to me, "Mr. Browne, what do you care, you don't live in Cook County." That is true, and there was a time, and years, too, when I believed that it ought to be done, and I helped to make a fight on the floor of this House, I think the first or second session I was here, in order to bring that limitation about, but times and thinking have changed my views. I have come to feel that no matter whether a man or a woman is from Chicago, Ottawa, Cairo, Centralia, Bloomington or some other place, as long as he or she is in Illinois he or she is equal to any other man or woman in the State of Illinois, and I have come to believe, and I have come to feel that if I were to vote to restrict the representation from Cook County, I would be denying the people in Chicago the rights they are entitled to. Why not? Because a big city is a menace? Well, yes, a big city is a menace, so is a barren country, and I don't know which is the biggest menace. It simply amounts to this, that a man no matter where he comes from in the State of Illinois is one of her sons and he is entitled to the same protection, and when I assume to say that he is not, I am an egotist and worse than an egotist, I am wrong, knowingly wrong; and that is what they will do to the representatives, or to the people of Cook County. That is the first thing they will do.

The next thing they will do will be to take away minority representation. You say, "Well, I suppose that is what is worrying Browne." No, that is not worrying me, I am not very much of a minority representative where I come from. If you will look over the evidence, I will take my chances on that proposition. But this minority representation has always appealed to me and I say to you now, that the circuit bench of the State of Illinois would be purer, would be better, would be bigger, would be stronger, would be freer of criticism if the minority representation applied there as well. There is nothing that purifies, there is nothing that regulates, there is nothing that puts the white light upon anything so effectively, so satisfactorily as competition, and where you have a minority representation upon the bench, you have one party trying to outdo the other in its excellence, one man lined up here endeavoring to make a record that is as good as the others and by emulating him you will have better results in every way and that is true of the legislator. That proposition appealed to Joseph Medill when he put it through the Legislature. He was a big man, he was one of the old time big men, he was not one of the modern Tribunites. He was one of the old real ones before the counterfeits came into work.

That was his pet idea and he fathered it and mothered it, and he placed it upon the statute book, and today we find his noble descendants, the scions of his great body and brain, seeking to destroy it from behind. (Applause.)

That is not all they will do. Some of you gentlemen, if the time comes, will have to walk up to the rack with a smile on your faces, and vote for the initiative and referendum, and then you will have to go outside somewhere and express your disgust in an eruption from the stomach, to think that you have done it but you could not help it and had to do it again.

If this matter passes, the initiative and referendum will be written into the Constitution as one of its plans. I don't say that it is good; I don't say that it is bad. Personally, I do not believe in it. I might vote for it in answer to a popular clamor. I voted for the primary once. I would not do it again if I was the only man on the floor who would vote against it. What I would do on that I don't know. Sometimes I am willing to have a body

of men or a body of people try out a thing in order that they may get saturated with the disgust that I feel before they have started. Sometimes the best way to do is to reform to death.

Three or four years ago in Ohio they had a Constitutional Convention and they did not wait for the Assembly to handle the initiative and referendum; they wrote it into the Constitution. They would not do it today. The condition of the State was in about the condition that Illinois is in today.

Will they put in the *Habeas Corpus* Act?

Mr. IGOE (Cook). It is rather important that I leave for Chicago on the 1:30 train, and I want to ask permission to cast my vote now in its regular order.

SPEAKER SHANAHAN. Are there any objections to Mr. Igoe casting his vote at this time?

Mr. IGOE (Cook). I vote "aye."

SPEAKER SHANAHAN. The gentleman from Cook (Igoe), votes "aye."

Mr. BROWNE (LaSalle). I believe, Mr. Speaker and gentlemen, with all due deference to everybody, that that is not entirely due to the fact that I am opposed to it. I believe the gentleman (Igoe) has conscientious views in the matter, and is personally in favor of the measure. (Laughter.)

Now, that is not all they will write in. As I say, what guarantee have you that the Bill of Rights will be even approximately duplicated? What guarantee have you that a provision giving to a man accused of crime a right to trial by jury, will be retained.

Some of you new members, I want to call your attention to another thing, and if there is any doubt of this, go back in the records, and if Browne has not told you the truth, tell him so here on the floor of the House.

A number of years ago Governor Tanner appointed a commission to prepare a new Practice Act, and they spent two or three years on it, and among other things they practically eliminated the right of trial by jury.

When the Municipal Court Act first came into this House, and before it was passed, it did away with the right of trial by jury except in certain cases by the grace of God and the court.

I can name you another instance of legislation sent in by what my friend from Cook here refers to as "distinguished gentlemen." I am always afraid of that, and when a man commences to talk to me about distinguished gentlemen, I begin to look around behind the curtains to see who is holding him up.

In one session of the Legislature here I had the pleasure, I had the distinguished honor of helping to lay to rest three direct bills aimed to put the *Habeas Corpus* Act off of the statute book—three in one session.

Now, this Constitution is the one sheet anchor to the windward that any man or woman in the State of Illinois has got today. It is the only moor in these troublous times; it is the only safeguard; it is the only thing that court, that jury, that legislators cannot ride over.

You have got it, gentlemen; you have got it here before you; you have got it where they cannot touch it unless you let them, and that is the reason that they want to do away with it, because they cannot ride it, because they cannot do certain things while it exists. You wipe it out, and you give them the open door, you say to them, "Walk in and write us a new one," and God help you and the people of the State of Illinois.

I have been somewhat of a prophet at times on this floor, and I want to prophesy now that the man who votes for this, if it goes through, and if the Constitution is not what it should be, so that the people should suffer, I want to prophesy that that man's activities, politically, are at an end, and that the curtain of oblivion will fall between him and any such end or ends in the futures.

You say to me, what danger, can there be, Mr. Browne? My esteemed friend from Cook County has suggested this morning, and probably I was guilty of a little unnecessary irritation which I should not have voiced or expressed as I did, for I certainly have only the highest esteem for him and his ideals, and the fact that he differed with me was no cause for any outburst on my part. There are moments, however, for us all when we give way to those things and regret them afterwards. How much better it would

be if we could regret them beforehand. We are just plain, ordinary human beings; that is all.

Now, the gentleman suggested that the people could take care of themselves. The people are responsible for the primary law. The people voted for a primary law in the State of Illinois when the proposition was put up to them by over three to one, and since that time they have been paying for their folly in a thousand different ways, and today if that proposition were put up to the people of the State of Illinois it would be defeated ten to one, for every little district, every voting precinct has felt the onerous burden. Every man that has run for office has been decimated in his purse, until today it has almost become prohibitive if you have to make any hard campaign, and the people know that now. They have experienced it; they have tested it, and the "proof of the pudding is in the eating."

So I say to you gentlemen that what you know by your immediate study, what you know by your immediate attention upon the particular subject, what you know by the learning and the ability to be here which you possess, and because of which you are sent here, and which enables you to understand something in a few minutes or in a day or two, it takes the people who have not the time to study it, who have not occasion to study it, and who have other things to occupy their minds, it takes them two or three years or longer to get it into their system.

As an example, a number of years ago, during the incumbancy of the Honorable Charles S. Deneen, Governor of this State, there was proposed a deep waterway, and it was proposed to vote twenty millions of dollars for the waterway, and it went through. You would have thought a wild fire was sweeping through this House. You could see the ships start at that window and come sailing right through and out the other window and down over the church tops. We went mad and we went wild and we voted for it and the people were with us. They all wanted it. And then they got to thinking it over. The next day they woke up. The nightmare had passed and they began to think about it. The proposition was not completed, and it became necessary to vote a bond issue of twenty million dollars in order to perfect the scheme. They didn't even try to do that. It has been there in its coffin ever since. It took them all that time to wake up. It took them all that time to study it over and to determine that it was not what they thought it was, and then it did not take them but a little while to convince the men that had voted for it that they had better not do anything of that kind.

You can go down the line and you can find proposition after proposition of that kind. You cannot expect the average layman up here in one of these counties, one of these cities, you cannot expect him to be studying these matters and to be posted on them the same as you are. The only avenue they have of knowing about these things is the newspaper. It is their only means of education. That is their only means of knowing what you are doing, or whether these measures are right or wrong, and if you live in a district where they rely upon those things instead of upon you, then God pity you, that is all. I can see the finish, and it is a finish that you would not desire, but nevertheless you would get it. If the question comes up, "Shall the people vote for a Constitutional Convention?" you will find the metropolitan press telling what a grand thing it is, and so it is for them and the people that buy them and pay for them. You don't know them. You can't even step into the door of the *sanctum sanctorum*. That is what they think of you. You are not welcome.

They want this plan and this competition. They told you so; they have poured it out in volumes in this State; their agencies are abroad. The Legislative Voters' League is abroad; it is here on the floor of this House and in the galleries, threatening you and threatening me with destruction.

You ask what the newspapers aim to gain by a Constitutional Convention, and what advantage it would be to the Legislative Voters' League.

The Legislative Voters' League is a bunch of hirelings of the press, that is all. Who do they represent? Not one of them can be elected even town constable, not one of them. They are simply agencies of the press. What did they have to gain on the passage of the primary law? Just the condition that is present today—control of this body, and the power to threaten and to drive into fear and subjugation the average member on the floor of this

House or the Senate. With the power to write a new Constitution, they will send a bunch of delegates to that convention that will make them absolute masters of the State of Illinois. That is what they want. That is what they are after, and it looks to me as if it would be an almighty big stake, judging from what the primary laws got. This reference to the people is all nonsense. The people may take their cue from the press, and they will only wake up when it is too late, and when the thing has been done and written upon the statute books of the State of Illinois. You cannot find a thing in the present Constitution that can be changed for the better, with the one exception of the taxing proposition.

The only mistake that the framers of this Constitution made, their work was so good, it was so noble, it was so true, it was so grand and momentous—the only mistake that they made was that they realized all that, and after that had been done, they put a wall of steel around the Constitution, so that you could not touch it.

I am willing today to concede to any gentleman upon the floor of this House the righteousness of a bill to amend the amending clause of the Constitution, and give three amendments instead of one. I will concede that, and I will do it, not as a matter of fairness, but as a matter of what I believe to be right and honest and true; and that is the answer to this. Everything honest and everything right that is needed to be done can be done in that way, and you will save to yourselves and save to your State and save to your people, and above all, save to the working classes of the State of Illinois what they will never get in God's world if this thing goes through.

I was going to read an editorial here from the Chicago Journal. It is very brief, and if you will permit me I want to read it, because I think it is very apropos. I think it contains so much good sense—and you know praise of any newspaper from me is rare—that it ought to count for a little something. (Reading.)

“The common-sense program of Gov. Dunne is gaining ground over the visionary schemes of Constitutional Convention advocates. Gov. Dunne wishes to change the amending clause, so that several amendments can be submitted at one election, and in that way secure desired reforms, a few at a time. The visionaries want to throw away the old Constitution and trust to pulling a perfect one, brand new, out of the grab-bag of a convention.

“It should not be hard for sensible people to choose between these two plans. That of the Governor is certain, safe and neither too slow nor too costly. That of the conventionists is uncertain, expensive, a nuisance to the State at large, and a very real danger to Chicago.

“The Journal called attention to this danger before, but it is worth noting again. It is absolutely certain that the downstate members of a Constitutional Convention would try to lessen the weight which Chicago now carries in State affairs. Cook County now elects a little more than one-third of the Legislature. This representation is fair; it is based on population; but it never would come through a Constitution-making convention without the hardest kind of a fight.

Suppose, for example, that the convention decided to adapt the United States Government to state affairs. All states have equal representation in the Federal Senate—New York with nearly 10,000,000 inhabitants has two senators, and so has Nevada with 81,000. Four states, Nevada, Wyoming, Delaware and Arizona, have each less population than is required in a single congressional district. Each is represented in the lower house by one lone congressman—but each has two senators.

“Apply this to Illinois, putting counties in the place of states. Suppose the Constitutional Convention decided—by majority vote—that each county should have one State Senator, and that no county should have more than one. How could the rights of this great city be safeguarded under such a plan? Would it not be necessary for Chicago to vote solidly against the whole new Constitution, no matter how good its other clauses might be, to ward off such disfranchisement.

“To amend the Constitution we have now is easy. To create a satisfactory new Constitution is almost impossible. The quicker the Legislature faces facts, clears up its other work, and passes a resolution for an amend-

ment repealing the restrictions now imposed in the amending clause the better. Let us have no grab-bag business in the making of our basic law."

Now, there is an idea that ought to appeal to any man, irrespective of politics and irrespective of where he lives.

Mr. HUBBARD (Greene). Isn't that a metropolitan newspaper?

Mr. BROWNE (LaSalle). Oh, I have seen many a beautiful rose spring out of a dung heap. (Laughter.)

Mr. HUBBARD (Greene). It depends upon who is the judge of the rose.

Mr. BROWNE (LaSalle). I wouldn't select you to pick my roses for me.

Gentlemen, I am not going to take any more of the time of this House discussing the whys and wherefores. I believe that those men who are foot-loose, who have studied this matter to a logical conclusion and fully realize what it means, I believe that they, to a man, will vote against this proposition.

Supposing that you had a Constitutional Convention and supposing that you produced a Constitution which was good in all but two respects, and in those respects was rottenly bad, and you put it out to the people, and suppose that the people, all of them, understood the situation so that they could vote on it intelligently. They would have no chance to amend; they would have no chance to change; it would either be yes or no, and they would have to accept the Constitution with those two provisions in or they would have to meet the whole thing.

Now, in closing, gentlemen, I want to suggest to you that the sponser, the people that are the main sponsors behind this proposition, are not such as will appeal to you as being disinterested. The distinguished gentlemen who were here the other day in the advocacy of this plan are not those who would appeal to you as being disinterested, and they are not. But I say to you now that there is an ulterior motive behind this proposition, and that ulterior motive is in the interest of the press to do away with the only stumbling block that there is.

You have a Constitutional Convention, and there is another plank that you will have, and that will be one that will go so far towards license of the press and so far towards doing away with anything like a holding for libel that the bars will be down for all time and forever. There isn't much protection now, but that will be taken away and that will be gone.

I say this to you from my humble standpoint, and I expect to be criticised for it. You know it has become very popular, not alone in this House, but even outside, among distinguished men, when a man hasn't any individual means of climbing up into the limelight, when he hasn't got any individual merit to put him there, and when he wants to get into the reform saddle, or the saddle that leads through the limelight, and he don't know what else to do—as a matter of fact, there isn't anything else he can do within his small horizon—he takes a fall out of Browne, and then he commences to talk about Lorimer and he waxes eloquent and he goes into the clouds and he paints pictures, but those things, you know, don't count in this matter.

If what I have said has not appealed to you from a common sense standpoint, if what I have said has not had the ring of honesty and sincerity in it, if at least you don't find the reason to give to Browne the credit of conscientious motives and honest intention, why there is no harm done. Let us pass it up.

If I have said that which convinces you to the contrary, and that at least I am sincere, possibly I have caused you to do some thinking that you have not done before, and if I have done even that little, my time has not been wasted and my mission has not been for naught.

So far as these assaults are concerned, they cut very little ice with me, so to speak. I am used to helping men get into newspapers; I am used to helping these little fellows make political capital for their home sheets, and I am not at all sorry that I have been the means of helping them.

Gentlemen, in the name of the State of Illinois, in the name of the common people of the State of Illinois, in the name of the working man of the State of Illinois, in the name of better days in the State of Illinois, and here in the presence of the likenesses of Lincoln in this chamber, where

greater men than you and I have ever been or will be, have stood and defended the Constitution and constitutional rights, have defended the rights of men, the rights of women and the honor and fame of Illinois—I ask you now in the name of your manhood, I ask you now to have the courage of your convictions, the courage to vote as you know you ought, and vote against this infamous proposition.

I vote “no.”

Mr. BRUCE (Cook). I ask unanimous consent to explain my vote. (Leave.)

I have not encroached upon the time of the members of this House by insisting upon a right to be heard upon trivial questions, and so I hope that you will bear with me for just a minute or two in reference to this proposition.

I realize only too well the handicap under which I am laboring in following my eloquent friend from LaSalle (Browne). I appreciate my inability to as eloquently state my position as he has stated his, but notwithstanding my full understanding along that line, I am going to brave the storm and rise against that handicap.

He spoke of the old days before the primary law, and of the fact that the primary law was adopted by a vote of more than three to one of the people voting on that proposition. It has been my experience that when such a number of people are in favor of a proposition, as against such a minority in opposition to it, that generally that majority is right.

I am not like a dear friend I had one time whom the judge of the County Court of Cook County committed to Dunning. When I went out to see him there, I said, “Tom, I am sorry for you.” He said, “You needn’t be sorry for me, George, the world is crazy, but the people out-voted me.”

I don’t believe that a majority such as three to one is crazy. I believe that there was some reason for the adoption of the direct primary law, and the reason that I have ascribed to it I believe is the reason that the people generally ascribed to it, and that reason was that prior to its enactment into law, before a man would even be considered in the back room caucus that was to nominate him to come down to this Legislature, he would have to be owned, body and soul.

I have experienced that proposition myself and were it not for the direct primary law, my name would not be upon the roll call of this House. Although in the primary at which I was a candidate, I received more votes than the next three candidates put together, still, without this direct primary law, it would have been impossible for me to have been a candidate even for the nomination that I sought.

I am not afraid of the press. I believe that if there is one man on the democratic side of this House that has demonstrated that fact, I have the right to claim to be that man. In open defiance to the press, I voted roll call after roll call—67 straight votes, for the man that I considered the most able, the most capable of occupying that honored chair, the speaker’s chair.

In casting my vote, I believe that I defied the press, and I will never forget the opening day of this session, when my pardner in life was occupying one of the seats in the gallery, reading as she had of my friend from LaSalle, and the only knowledge she has of his worth being gleaned from the metropolitan press that he speaks so much of, and when my name was reached upon the first ballot, and I arose in my seat and answered “Lee O’Neill Browne,” she afterwards told me, she nearly fainted in the chair.

The old days. Oh, begone to the old days! May we never go back to the old days! (Applause.)

I do not know, and I am not ready at this time to say whether the people of the State of Illinois desire a Constitutional Convention or not, and it ill becomes me to judge for them. I believe that we may still place our trust in them.

The greater portion of the remarks of my friend from LaSalle (Browne), would be apropos during a campaign that would wage itself through the length and breadth of this State later if we were to adopt this resolution. Then it would be fitting for him to offer to the people needing them to judge as to how they should vote on the proposition, the reasons that he advanced

here this afternoon. In other words, I believe that he was somewhat premature with his remarks.

I am now a member of the democratic party, and when I choose to leave that party, when I find a time has come that I cannot subscribe to the principles of that party, I will then leave that party (applause), but I still can subscribe to the platform adopted by the convention of 1914 and that portion of it read by the gentleman from Cook, Mr. Webber, and as I understand, my friend from LaSalle (Browne) was upon the Committee of Resolutions of that convention.

Mr. BROWNE (LaSalle). I wish to correct you now and say that I was a member of that committee until that proposition was presented, and I then announced that if they intended to put that through, I would be no longer a member of the committee, and I left the committee and so announced on the floor to the convention.

Mr. BRUCE (Cook). I accept the gentleman's apology. (Laughter.)

Mr. BROWNE (LaSalle). They are not apologies; they are simply corrections to the boy; that is all. (Laughter.)

Mr. BRUCE (Cook). (Reading.) "As the simplest"—I might add here that I am not trying to climb to fame upon the ladder of the Browne ability.

"As the simplest and most effective method of dealing adequately with questions affected by State constitutional restrictions, namely, woman suffrage, revenue reform, the initiative and referendum, the 'short ballot, remedy for expensive and complex primary and general elections, multiplicity of taxing bodies and overlapping of governmental functions in Chicago and Cook County, a larger measure of home rule for municipalities, minority representation in the General Assembly, and many other questions—we favor and recommend provision by the next General Assembly for a Constitutional Convention."

Mr. DEVINE (Lee). I would like to ask the gentleman (Bruce) to read the next paragraph on that question.

Mr. BRUCE (Cook). I will ask the gentleman to read the next paragraph from that platform when his turn comes.

Following down, I find that the democratic party, in convention assembled re-affirms "our belief that the Constitution of this State should provide for the initiation of legislation by the people themselves, and for a popular vote by referendum upon legislation passed by the Legislature, upon a demand therefore by a reasonable percentage of the people." That is the initiative and referendum, and as long as I claim to be a member of the democratic party, I am going to stand by the pledges it makes to the people of the State of Illinois.

I believe that in voting for the submission of this question and leaving that question rest with the people, we are not taking a step backward, but that we are following the plan and the idea of the framers of our present Constitution.

"If a majority voting at the election"—what election? At the presidential election, at the general election, at which election the people of Illinois will elect a Governor, the people of Illinois will elect electors to the electoral college. A majority voting at the election, not a majority voting on the proposition, but a majority voting at the election. I believe that ought to answer the complaint of my friend from Sangamon (Butler). If I understand plain English, I believe that that means just what it says, and that it will be necessary for a majority of the citizenship of this State, at that presidential election, to declare and decree that there shall be a Constitutional Convention, and I am willing to place my trust in the people that have seen fit to trust me, and I am going to vote to give them a right to say whether it is their desire that there shall be a Constitutional Convention in this State or not.

I vote "aye."

THE SPEAKER. The clerk will proceed with the roll call. The members will understand that it is getting very late, and the House is getting very much disturbed, the members wanting to get to their meals, and members ought not to take up the time explaining their votes when they might have spoken on the resolution before the roll call.

Mr. FARRELL (Cook). Notwithstanding this suggestion, an hour and ten minutes has been occupied by my friend on the other side of the aisle,

and as I have been sitting here for the last two or three days not feeling very well, I would like to vote, if the House will permit.

I vote "aye."

THE SPEAKER. The gentleman from Cook, Capt. Farrell votes "aye."
(Roll call continued.)

Mr. BURREN (Champaign). Mr. Speaker and gentlemen of the Assembly: I want to say at this time that I am speaking not from a personal viewpoint. I too have felt the sting of the press within the last thirty days. Notwithstanding that, I believe it is the duty of the press, and I want to say at this time, in the hearing of my colleagues, that I shall always admire and respect the press as the moulder of public opinion in the State of Illinois.

A few weeks ago I was censured severely for certain language in explaining my vote in this House, but on this proposition I wish to reply to one or two things that have been stated in opposition to the question.

I presume I am one of the shining lights in that galaxy of misfits who entered this House as a result of the primary law. I am guilty of being one who would never have been seen here had it not been for the primary, and much has been said about the inefficient personnel of this House owing to the primary system.

Two years ago I voted for this resolution on the floor of this House. I want to say further that I never signed a pledge to the Legislative Voters' League, or to any other league, as to how I should vote on this proposition. I voted for this proposition, and afterwards, the 8th day of January, in the Record Herald, I voiced my reason for it as against the Amendatory Act.

The argument has been made here that the amending clause is the proper way to do this. I think it is only necessary to say that the fallacy of that has been well shown.

Something has been said in regard to the platforms of the various parties. There is only one thing that I wish to say to my progressive friends that are here, and that is this: That I believe the majority that the republicans received last year was largely due to the fact that the progressive platform was largely stolen by the republican party. We are guilty of that, and I want to say to you that had we not done that, there would not have been as many republicans in the House today.

I don't want to get "chesty" about this matter, because there may be another avalanche in 1916 in case we are unmindful of the requests of the people of the State of Illinois.

I cheerfully at this time take the opportunity to thank the press for the attitude they have expressed in this matter, and as for myself, I vote "aye."

(Roll call continued.)

Mr. LYNCH (Peoria). I would like to explain my vote for a moment. I received a letter from Mr. Cole, stating that I had signed the pledge to support this amendment. If I did sign it, I regret it at this time. All other matters of that nature I threw in the waste basket when I received them last fall before the election. Since this question has been argued in the House, and since I have read up on the question, I have made up my mind how I wanted to vote, and therefore I vote "no."

(Roll call continued.)

Mr. MADSEN (Cook). The platform of the socialist party was read by the gentleman from Cook (Weber) a few minutes ago, stating the reasons why our party wanted a Constitutional Convention.

Because it is problematical what a convention will do and judging from what some of the gentlemen who are in favor of a convention have said on the floor of this House, I am of the opinion that we will not get the things we want. I think they will take away from us the minority representation which we have today and they will not give us proportional representation which we ought to have. My partly polled fifty thousand votes throughout the State of Illinois on the socialist ticket in opposition to all the tickets put up by the different capitalistic parties and I think we ought to be entitled to some representation upon the floor of this House. I don't know whether we are going to get that. I believe that a number of people who are for a Constitutional Convention at this time are for it because they believe that at the present time they will be able to control that convention

and see to it that nothing very radical goes through. They realize we are going to have a convention some time and they say let us have it now when things seem to be coming our way and not delay it until another radical wave comes and we will get those "isms" that my friend from Sangamon is afraid of. That is my personal opinion.

But I cannot see how any man can go before the people with a platform and be elected on that platform and then come down to this General Assembly and cast his ballot in violation of that platform.

There has been a great deal said about people pledging themselves before they came down to the General Assembly. I believe there is another side to this question. I believe the people of the State of Illinois are entitled to know before a man is elected where he stands on certain questions. (Applause.) If they are not entitled to that information they don't know what they are voting for. It has been said that the people of Illinois don't want this. Perhaps they don't, but give them a chance to say so. Two years ago the people wanted the initiative and referendum. They demanded it two years ago and you told them they couldn't have it. I think you better at this time do what I am going to do and submit this question to the people.

We need a revision of the Constitution. I don't know what it is going to bring about, but I know that the people of this State will elect the delegates to that convention. We are violating our oaths to support the Constitution of the State of Illinois. We should have reorganized all of the different districts in this State years ago. You know and I know we will not do it. Let us have a Constitutional Convention and have a Constitution that will meet the needs of the day and will enable us to sit here in this General Assembly without violating our oath of office every day we sit here, let us uphold the Constitution of this State and give the people what they want. I vote "aye."

(Roll call continued.)

Mr. PURDUNN (Clark). I don't want to make Mr. Cole an issue in this case because Mr. Cole as far as I know is an excellent gentleman and signs himself as president of the Constitutional Convention League. There is a mistake in reference to my letter. He writes me that he has a letter dated August 31, in which he says that I promised to vote for this Constitutional amendment. I did write Mr. Cole on August 31, saying that if elected to the General Assembly I would probably vote to submit this question, but I was very strenuously opposed to this question of taking pledges from every candidate for the Legislature and I regarded it as being against public policy to exact pledges on unwritten bills or on questions of which the members knew nothing about. That is the only pledge that could be considered in the matter. If I should vote for this proposition, I am not carrying out any pledges, and if I vote against it, I am not breaking any pledges. I want to say that it has gotten to be a public scandal in this State with reference to securing pledges from candidates.

Some time ago the University of Illinois came along with a pledge on a certain proposition which was to vote for an appropriation of thirty-five or forty thousand and availed threat accompanying it saying that they wanted an answer by a certain day—two or three days before the election. This proposition could not have been sent out except with the O. K. of the faculty. These threats coming from the University are not idle ones. The University has gotten so strong of late years that last election they succeeded in electing two trustees of the University because they were their own selections and they are engaged, like in the state of Wisconsin, in suggesting reforms and drawing for the conduct of the state government and, therefore, their threat is not an idle one when they say they want an answer by a certain time or otherwise they are liable to go out and defeat you.

The reason I make this explanation in reference to my vote is because I want to be set right. I don't want to make George E. Cole an issue in the case at all. When I said I would probably vote for it, if that can be construed as a pledge, I am pledged, otherwise I am not. I will vote "aye."

(Roll call concluded.)

THE SPEAKER. Let the record show that Mr. Scholes (Peoria) asked to be excused on account of illness.

Mr. McCORMICK (Cook). I would ask, Mr. Speaker, to have the roll verified.

(Roll verified by clerk.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" are 32 and the resolution having failed to receive the necessary two-thirds vote is declared lost.

Mr. BROWNE (LaSalle). I move that vote by which that resolution was lost be reconsidered.

Mr. CURRAN (Cook). I move to lay that motion on the table.

(Motion to table prevailed.)

Mr. TICE (Menard). Mr. Speaker and Gentlemen of the House, I desire to announce at this time that we have in the city of Springfield today something between two hundred and two hundred and fifty representatives on both sides of the road proposition in the State of Illinois and it was agreed on last Wednesday by the Road and Bridge Committee that we should have a public hearing in this hall this afternoon and the committee will meet at 3:00 o'clock this afternoon for that hearing.

THE SPEAKER. Mr. Browne having voted on the wrong side of a proposition withdraws to reconsider the resolution and Mr. Hoffman (Adams) makes the motion to reconsider and Mr. Curran (Cook) moves to lay that motion on the table. The record will show that Mr. Hoffman instead of Mr. Browne made the motion.

Mr. SMEJKAL (Cook). He was with the majority as it took 102 to pass it and it failed.

The SPEAKER. He wasn't with the majority. If it went to a roll call the 92 votes would defeat Mr. Curran's motion so the motion made would be of no avail.

Mr. BROWNE (LaSalle). I voted to defeat the resolution and could not, under the rules, make that motion.

THE SPEAKER. That is right and the record will show that Mr. Hoffman made the motion to reconsider, Mr. Curran made the motion to table and the motion prevailed.

Mr. GARDNER. I move that the House do now adjourn.

Motion prevailed and the House adjourned.

THURSDAY, APRIL 1, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Stevenson.

The Journal of the previous day being read. Upon motion of Mr. F. J. Ryan (Cook), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of the presentation of petitions, reports of standing committees, consideration of measures in the Committee of the Whole House, introduction of bills and House bills on first reading, all without debate.

Mr. RINEHART (Effingham). I desire to move that House Resolution No. 6 be made a matter for consideration in the Committee of the Whole House a week from today. This is the resolution relating to the amending clause of the Constitution.

(Motion prevailed.)

Whereupon the House proceeded upon the order of House bills on second reading, and House Bill No. 284 was called up.

Amending an Act to establish and maintain a system of free schools by giving boards of education authority to levy, by resolution, a tax not to exceed two per cent in any one year, to be ratified at a special election called for that purpose. This in addition to the one and one-half per cent authorized by the existing law; and for building purposes a tax not to exceed three per cent to be authorized and ratified in the manner provided for the additional tax for educational purposes.

THE SPEAKER. There is an amendment pending offered by Mr. Browne (LaSalle).

Mr. BROWNE (LaSalle). I am inclined to think that I labored under a misunderstanding as to the effect of the bill. The evident purpose is to correct a misconception that occurred here two years ago. It is the same bill that was passed two years ago except this is the correct one and the other was incorrect. Feeling that way about it, I withdrew my objection.

Mr. McCORMICK (Cook). Will the gentleman who introduced the bill explain the correction to the House? Some of us don't understand it.

Mr. WEBER (Cook). The bill two years ago amending section 189 of the school law had a provision which inserted the words "in municipalities of less than 100,000." This bill is simply a re-enactment of the same bill with the elimination of the words "in municipalities of less than 100,000," so that it will take in the city of Chicago. They would have the right there to charge the expense of repairs to the building fund, which the school districts throughout the State have now under the Act of two years ago. In framing the amendment two years ago the law of 1907 was followed instead of the one of 1909, which included the words "in municipalities of over 100,000."

Mr. McCORMICK (Cook). If this bill does not become law, the repairs will be charged to the current fund and not to the building fund.

Mr. WEBER (Cook). Yes, to the educational fund.

Mr. ROTHSCCHILD (Cook). Will you permit this bill to stand on the order of second reading until Mr. Burns' bill comes up as it also has to do with school taxes? I have no objection to this bill, but I think they all ought to come up together.

Mr. WEBER (Cook). I don't see why this should wait until the other bill comes up which has no effect upon it.

Mr. ROTHSCCHILD (Cook). Previous to 1907 the repairs on buildings

were charged to the educational fund and not to the building fund. In 1907, by a change in the law the School Board of Chicago was permitted to charge these repairs to the building fund, in which amount there was available for educational purposes over \$560,000.

Bill 225, which is on the order of second reading, asks for an increase of the minimum from 1.05 to 1.20, which adds \$1,500,000 to the tax burden of the people of Chicago, and these bills ought to be considered together because the effect upon the school finances in 1907 where \$560,000 was made available, is a potent argument when we argue whether the schools are now entitled to another million and a half.

Mr. BROWNE (LaSalle). I only want to say something in the way of explanation that has not been offered by the gentleman from Cook. Mr. Larsen of the school board and myself the night before last sat down and took the several session laws and this bill and went over them carefully. I did that for the purpose of ascertaining whether my former view when I offered that amendment was correct. This law as it is sought to be enacted by this present bill has been the law of this State for years.

Mr. ROTHSCCHILD (Cook). It has been the law since 1907.

Mr. BROWNE (LaSalle). It has been the law for years. There was an attempt to make the law apply to Cook County, that is to have it effective there as was evidently the original intention. They used a wrong Act in drawing their bill so that it was not effective and this is merely to cure that matter.

Mr. ROTHSCCHILD (Cook). I would like to say to the gentleman from LaSalle that Mr. Larsen explained the bill to me also, and I asked him the direct question when the transfer was made from one fund to the other and understood from him that it was in 1907. I will confess that I can not follow the intricacies of these tax laws.

Mr. McCORMICK (Cook). Isn't it a fact that at one time in Cook County the repairs were charged to the building fund and through an inadvertence and through a mistake at the last session they were made a charge upon the educational fund and that this bill merely proposes to restore the original charge upon the building fund?

Mr. WEBER (Cook). Precisely, that is correct.

Mr. McCORMICK (Cook). I am in favor of the bill, although I share Mr. Rothschild's apprehension about the increase in taxation. I don't say there is any relation between the two bills but there is legitimate ground for apprehension as to the effect in the increase of taxes. There is no legitimate reason to object to this bill which relates to a condition changed two years ago purely by accident. Mr. Rothschild should not object to the advancing of this bill at this time.

Mr. ROTHSCCHILD (Cook). I made a simple request. If Mr. Weber wants to have it go ahead in an orderly procedure, let them all come up at once.

Mr. McCORMICK (Cook). The orderly procedure would be that this bill advance in its regular order.

THE SPEAKER. Do I understand the gentleman from LaSalle has withdrawn his amendment?

Mr. BROWNE (LaSalle). Yes.

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon House Bill 175 on the order of second reading, was taken up for consideration, being a bill amending the law concerning free public libraries and reading rooms so that the city council may levy a tax for this purpose not to exceed two mills on the dollar annually, and in cities of over one hundred thousand inhabitants it shall not exceed one mill on the dollar annually.

The directors of any public library organized under the provisions of this act shall annually at least three weeks prior to the passage of the annual tax levy ordinance, make written recommendations to the officers of the city, village or incorporated town, as to the financial requirements of the library, and the rate of tax, which in the judgment of said directors, it will be necessary to levy for library purposes.

Mr. DAVIS (Knox). I desire to offer an amendment to this bill reducing the 2 mills to 1.5 mills.

Mr. HOLADAY (Vermilion). I move to lay that amendment on the table.

Mr. DAVIS (Knox). I would like to be heard for a moment on this amendment. The present law provides for 1.2 mills and this bill with the amendment offered would allow an increase or make available 20 per cent more money for library purposes in the smaller cities than is now available. The bill as offered here originally would allow an increase of 75 to 80 per cent of the present amount. In the smaller cities of the State this would come out of the general fund levied for corporate purposes. Most of the smaller cities of the State today are running behind in their ordinary expenses and they are unable to meet the absolutely necessary expenses of their municipalities and if you go ahead and take out another part of that fund and deplete it in this way, you simply cripple them further.

In the city in which I live they now raise \$8,000 for library purposes and with the 1.5 mills would permit them to raise about \$11,000. The 1.5 mills leaves ample room for any necessities or needs that any of them might have. It simply creates a place whereby these people or the library board can make a few more jobs for some of their political friends and that is all I can see in the bill. For that reason I oppose it as it stands and offer the amendment for the purpose of limiting that in the protection of the ordinary expenditures of the smaller municipalities of the State.

Mr. ROTHSCCHILD (Cook). I would like to ask the gentleman who introduced this bill whether this bill affects Chicago.

Mr. HOLADAY (Vermilion). This does not, this particular section.

Mr. O'ROURKE (Cook). This bill just about doubles the present rate.

Mr. HOLADAY (Vermilion). It raises it from 1.2 mills to 2 mills.

Mr. O'ROURKE (Cook). Isn't that pretty strong?

Mr. HOLADAY (Vermilion). I will say, Mr. Speaker, that I introduced this bill at the request of the State Library Association and some gentlemen in the Twenty-second District that are interested in the library. It appears that in the smaller places that the rate of 1.2 mills is not sufficient, is not sufficient to provide funds for the operation of the library, and this provides that the city council may in its discretion, levy as much as 2 mills.

I am not as well informed on this subject myself but these people who are interested in the libraries over the State feel that 1.2 mills is not sufficient and that they require 2 mills to successfully operate the libraries.

Mr. PURDUNN (Clark). If this bill could be limited to towns of five thousand, it would be all right. If you increase the library levy many of them will have to be abandoned as we can't raise to exceed 1.2 mills.

Mr. HOLADAY (Vermilion). It is discretionary with the city council.

Mr. PURDUNN (Clark). They go out and put it over and the first thing you know you have the tax levied.

Mr. O'ROURKE (Cook). The fixed charges in libraries are very small. They include a librarian and a janitor. With 1.2 mills it possibly may be a little shy, but I believe 1.5 mills would be sufficient.

Mr. HOLADAY (Vermilion). I am relying on the information that comes to me from people interested.

Mr. GORMAN (Peoria). This bill was before the Committee on Municipalities and before the committee there appeared a representative of the Chicago Library, a representative of the Evanston Library and a representative of the Peoria Library in the personage of myself.

You lose sight of one fact, gentlemen, that this bill making it possible to levy what the bill proposes, don't necessarily follow that you must levy it. In our city, and I dare say the same condition exists in all cities, the library board is made up of some of your best citizens and the library board hasn't got all the say about it, but it is the city council that makes the assessment. I think that this right to make this levy is proected by the men in whose hands this matter is.

I tried to agree with my friend from Knox County in regard to this amendment, but we could not agree, and I want to say to you that if there is anything that appeals to the people, it is their libraries, and if you don't give them sufficient money to keep them up, you might as well close them up.

I move at this time that the amendment be laid on the table.

Mr. O'ROURKE (Cook). Of all the tax levying bodies that ought to be

regulated, it is that element of society that is called the distinguished citizens that work for nothing and are trustees of the library board.

Mr. GORMAN (Peoria). I don't know of anybody that trains with that element more than yourself.

Mr. MAUCKER (Rock Island). Being a member of the Revenue Committee and interested in this bill, I desire to be heard as to the position I took at that time relative to this matter. When the bill was presented there was a division of sentiment. It gives an increase of 66 2-3 per cent of the revenue, provided the authorities would take advantage of that law. A great many of the cities of medium size throughout the State don't require any additional funds. The two large cities in my district are doing very nicely on a tax of about \$7,000 which they raise annually and we at the same time in the last few years have built a \$105,000 library with none of Carnegie's money but by the issuance of bonds the tax on which is now being paid.

As a matter of compromise I offered the amendment substituting 1.5 mills for 2 mills for the purpose of raising money in cities of the State other than those containing a hundred thousand population. During my absence attending an Appropriation Committee meeting that amendment was reconsidered and was stricken out. That amendment would have given the cities in the State, outside of the larger ones, a 25 per cent increase in the opportunity of raising funds and 25 per cent in our locality would be an additional two thousand dollars.

Upon my return to Rock Island I consulted with our library board and the secretary of the board who has held that position for the past 24 years and he told me they had working capital on the present amount of money and commended me in the action I had taken. The small towns are cramped for money and I don't think you should put the bars down for the middle class of cities and encourage them in the expenditure of more money. They would only be buying more books and, like the housekeeper, if they have the right to buy they will buy them. If you give them a chance to issue the maximum, they will take advantage of it. I feel it is my duty to explain my purpose in offering that amendment.

Mr. DAVIS (Knox). We had a meeting, as Mr. Gorman stated. Usually when legislation is proposed there is supposed to be a demand for it from the people who are going to get it. In that public hearing, who appeared? There was one lady who said she didn't live in Illinois and that she represented 200 people. There was another gentleman who said he was the secretary of some library association.

Mr. GORMAN (Peoria). The lady said she didn't live in Chicago, but she didn't say that she didn't live in Illinois.

Mr. DAVIS (Knox). I misunderstood her.

Mr. GORMAN (Peoria). Yes, you misunderstood her.

Mr. DAVIS (Knox). Where does she live?

Mr. GORMAN (Peoria). She lives in Alton and is president of the Library Association of Alton.

Mr. DAVIS (Knox). The other gentleman who appeared before this committee said he was secretary of the American Library Association that had about 4,000 people in it and he admitted before this committee that he knew nothing about the conditions in Illinois. The other gentleman who appeared and made the only other talk that was made in this public hearing was Mr. Gorman, the chairman of the committee, himself. That is the demand that has come from those outside of Chicago. There was a gentleman from Evanston and I think he was the only legitimate fellow that appeared before the committee.

The committee adopted the amendment that we have proposed here today, but during the absence of Mr. Maucker, the matter was changed back to the form that it was and I am informed of the condition of things by Dame Rumor and that is the only way I got it. This amendment offered furnishes an ample amount of money for any library purposes in any of the smaller cities and it does not affect Chicago.

Mr. ROTHSCILD (Cook). I am not opposed to this bill, but I am trying to get information. There are a number of tax bills here which increase the taxes of the city of Chicago and I am trying to get information

as to what bills do increase the taxes and what is the reason for them. This bill either increases the taxes of the city of Chicago by \$400,000 or it takes \$400,000 from the various tax levying bodies in Chicago and gives it to the library. They may be entitled to it but I would like to ask some one of that committee what representation was made to you as to the needs of Chicago for making this change?

Mr. GORMAN (Peoria). I want to say that the gentleman from Knox (Davis) has his mind clouded with regard to some of the people that appeared before this committee. The secretary of the Chicago Public Library Board in the person of Mr. Henius appeared before this committee and he spoke in favor of it along the lines of the interest of the Chicago Public Library. This bill proposes a change from 0.6 of a mill to 1 mill as far as it changes the condition in Chicago.

Mr. WILSON (Cook). The gentleman stated that \$300,000 was what they received now and with 0.6 of a mill, and that the 0.4 mills would not make \$400,000.

Mr. ROTHSCCHILD (Cook). I am only giving my figures by what was told me by the Board of Education with reference to their raise. Leaving out that question, who are the people who suffer, the tax payers in Chicago or the other tax levying bodies? That is the question I would like answered.

Mr. DAVIS (Knox). This comes within the Juul law.

Mr. ROTHSCCHILD (Cook). Then the other tax levying bodies in Chicago are going to suffer by whatever goes to the library?

Mr. GORMAN (Peoria). The library levy is paid by the tax payers and it is on the request of the library directors passed on by the city councils relative to the amount they will allow the library board.

Mr. ROTHSCCHILD (Cook). This bill may have merit in it but before it goes on third reading we should get all the facts.

Mr. GORMAN (Peoria). It has merit or it would not be reported favorably by the committee.

I ask for the question to lay the amendment on the table.

(Rising vote; amendment is tabled.)

Mr. PURDUNN (Clark). I offer an amendment and move its adoption to confine it to cities of 10,000 or over.

I don't care what they do in the city of Chicago. They can levy all the taxes they want to; my reason in offering this amendment is to confine it to cities of 10,000 or over. The burden of taxation of a town of 3,000 now is about \$1,200 to maintain a library and many of them now cannot raise the money. If you gentlemen want this tax for the large cities I will vote for it, but omit the small towns.

Mr. HOLLADAY (Vermilion). I think under that amendment the cities under 10,000 would be absolutely cut out.

Mr. PURDUNN (Clark). No, I don't think so.

Mr. GORMAN (Peoria). I move that the amendment lie on the table.

Mr. BROWNE (LaSalle). I have no particular interest in this bill other than that I think with my friends on this side of the House that there are a good many of the smaller towns that can hardly stand for this kind of a tax. I am afraid that if so, and there seems to be such a diversity of opinion and such an unsettled condition about this bill and I would offer a substitute amendment that it be re-referred to the committee for further consideration.

(Motion prevailed and the bill was re-referred to the Committee on Municipalities.)

Whereupon, House Bill 471 on the order of second reading was taken up for consideration.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of the bill. I don't know how other members in this body who have considered this bill may feel about it, but it seems to me that this bill in accomplishing a very slight benefit or accomplishing a thing of comparatively slight consequence, steps clear over the boundary line in inviting a great deal that is wrong and the possibility of a great deal that is evil.

Now the purpose of this bill is to do away with the necessity of filing bills in courts, filing bills in chancery to clear clouds on titles or to do away with the necessity of looking up heirs and others holding title and getting relinquishments or quit claims to make the record clear. That is

a good deal of trouble some times, occasionally it is necessary to file a bill to clear title.

Now this bill provides that, we will say Smith gives a note for \$1,000 to Brown and secures it by a mortgage on real estate. Smith and Brown go along under those relations and the mortgage is due in a year. At the end of the year Brown says that he can't pay that right now, but Smith says that he don't want it right now, but would rather have it stay and draw the interest. It runs along just exactly in that way from year to year. Smith moves away but the mortgage still stands and the note is good and the interest is paid either by Smith or his attorneys or his relatives. Twenty years goes by over the time that suit could have been brought. Under this act that mortgage becomes a nullity unless Smith and Brown enter into a certain agreement and sign a certain paper which they take in and file and which does away with the dying of the mortgage. Most all of those things are transacted not by lawyers who keep abreast of the times with regard to these matters, but are done by justices of the peace and notaries public. It is true in the country as they can get it done cheaper there and these men are not posted. They only learn things when it is borne in upon them by some disaster or told them by some one who has been up against the disaster. This is going to be a menace upon all of those people who don't keep posted in the law and who don't know what to do under the circumstances.

It is true that a little expense is incurred occasionally in clearing a title, but better so than to make an act which is going to jeopardize the rights not only of the man who owns the land and the man that owns the money, but the heirs as well in case of death or in case of moving away and the address being lost. It ought not to pass and now is the time to kill it. The enacting clause ought to be stricken out.

Mr. ELLIS (Kane). The gentleman from LaSalle has evidently overlooked the real purpose of the bill. The bill does not affect mortgages or trust deeds but does help to save expense in the clearing of titles today. We lawyers all know that in an early day men who wanted money in this country went to their neighbors and borrowed \$500 or \$1,000 and put a mortgage on their farm and when the mortgage became due went over and paid the note and the note was marked paid, but there are hundreds of instances in this State where the mortgage was not released of record. Today abstracts are coming in to us and we examine them and we are telling people that these old mortgages, thirty, forty, fifty and sixty years old, are a cloud upon the title and they are asking us how they can wipe them out and get rid of them. We say to them that they must get a quit claim deed from the mortgage and they tell us in some cases that he is dead and has been dead for twenty or thirty years as the case may be. They can't get a quit claim deed from the heirs as they have gone to California or Australia. The only thing left for us lawyers is to file a bill to quiet title and that costs from \$150 to \$200. There is not a legitimate lawyer in the State of Illinois today that wants that kind of business.

It is practically the same bill that was before this House in the Forty-sixth and Forty-seventh General Assemblies.

Mr. BROWNE (LaSalle). It is very evident from the gentleman's explanation that the gentleman from LaSalle did understand the legal purpose of this bill. It is also very evident from a casual reading of this bill that the gentleman from Kane doesn't know what the bill is that he is fostering. Take the last line of the printed bill on the first page, line 12 "shall and be declared to have ceased by limitation unless the owner and holder of the indebtedness secured thereby and the manner of such indebtedness shall within one year from and after the time that this Act goes into effect file in the office," etc. Suppose that indebtedness has been assigned and it is not in his hands at all. Suppose he is dead.

Mr. ELLIS (Kane). Are you waiting for an answer?

Mr. BROWNE (LaSalle). No, I am not waiting for an answer, I am making a statement. There is no answer to it.

Mr. ELLIS (Kane). The answer is that there would be no mortgage filed if that condition should exist.

Mr. BROWNE (LaSalle). There can be anything. The purpose of this bill is not carried out by its wording.

Mr. WILSON (Adams). There may be some things in this bill that can be improved on and I understand that there is an amendment or two that one of the members wishes to offer to the bill. The main purpose of this bill I think is good and every lawyer knows that the average suit to quiet title is a joke and it is very unsatisfactory from the lawyers point of view. You may tell your client that you expect to quiet title and give him this sort of talk but the difficulty is of getting jurisdiction of the person of the defendant or the plaintiff by publication and it is a very unsafe proposition. Now, I want to say that it is a bad idea that this should be so. I ordinarily find in looking up an old mortgage that the chances are that the statute of limitations has run against the indebtedness secured by the mortgage. I had, not very long ago, a number of years ago I foreclosed by sale an old trust deed. It was made in 1879, before the first day of July, 1879, when we had in Illinois trust deeds as they have in the state of Missouri.

I want to say that this practice of striking out the enacting clause of bills is a mighty bad practice. Every bill should be given its line on the floor of this House. It should be accepted and put in first-class shape. You must object to it or kill it on third reading, and I want to say that in the last three or four sessions of the House we quit the practice and very few bills have been killed in this House on second reading. For that reason I think that this amendment should be laid on the table.

Mr. GRAHAM (Lake). I move as a substitute for all pending motions that this bill be re-referred to the committee.

Mr. BROWNE (LaSalle). In deference to the advice and suggestion of the fountain of moral advice of the other side from whom I have the utmost respect, and feeling that I have been grievously in error I will withdraw my motion to strike out the enacting clause. I heartily concur in the motion just made to recommit this bill to the committee. I do that with my apologies to the gentleman who has just administered to me the rebuke.

(Motion prevailed and the bill re-committed to the Committee on Judiciaries.)

Whereupon House Bill No. 72 was taken up on the order of second reading.

Mr. BROWNE (LaSalle). There are a series of bills, Nos. 71, 72 and 73, which I would like to discuss with the introducer. They are so-called amendments to the bulk sales law, but I think they all are bad and I want to urge my objections to them but would rather wait until the introducer is here and for that reason I ask that they go over.

THE SPEAKER. If there is no objection they will go over. Those members of the Appropriation Committee who have to make official visits and catch trains will be excused and the record will so show.

Mr. HOLADAY (Vermilion). I ask unanimous consent of the House to call up House Bill 376. This is a bill validating a school election in Vermilion County in a high school district. The district was organized last year and is conducting the school this year. Under a decision of the Supreme Court a few weeks ago, in another case, the organization was declared invalid, and that leaves the high school in a precarious condition at the present time, and for that reason I ask the indulgence of the House.

THE SPEAKER. Third reading of the bill. The question is, Shall this bill pass?

Mr. HOLADAY (Vermilion). It carries an emergency clause.

Roll called by clerk: Yeas, 105; nays, none; and the bill having received the necessary two-thirds vote, was declared passed with the emergency clause.

Mr. PIERSON (Cook). I desire to request, on behalf of the Committee on Education, the use of the House on the afternoon of April 7th and April 14th; on the afternoon of April 7th for a public hearing on a Teachers' Pension Bill, and on the 14th on the Vocational Training School Bill, and on the evening of the 14th the privilege to Professor Hatch of giving his illustrated lecture on truancy.

THE SPEAKER. The chairman of the Committee on Education desires the use of the House Chamber on the afternoon of April 7th and April 14th for meetings of the Committee on Education. Members will take notice.

Mr. PIERSON (Cook). Professor Hatch has an illustrated lecture on truancy which is pertinent to the school question, and will give it here without expense to the State on that evening, if the gentlemen of the House are willing.

THE SPEAKER. The gentleman (Pierson) desires the use of the House for the evening of April 14th to give an illustrated lecture on truancy. Those in favor make it manifest by saying "aye," contrary "no." It is so ordered.

Mr. MERRITT (Sangamon). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 71.

Resolved, That the chairman of each committee of this House require the clerk of his committee to procure and keep in his committee room for the use of the members of said committee, a printed copy of each and every bill referred to said committee.

THE SPEAKER. It is absolutely the duty of the clerk. Those in favor of the resolution make it manifest by saying "aye," contrary "no." It is so ordered.

Mr. TICE (Menard). I desire the use of the House tonight for a public hearing of the Road and Bridge Committee. Various speakers will be heard.

Mr. PIERSON (Cook). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 73.

WHEREAS, The Hon. William Thiemann, who died on the 30th day of August, 1914, was a member of the House of Representatives of the State of Illinois, during the Thirty-seventh, Thirty-eighth, Thirty-ninth and Fortieth sessions of the General Assembly; and,

WHEREAS, The said William Thiemann by a long life proved himself a successful business man, a public spirited citizen, a useful member of society and an energetic and able legislator, whose private record and public acts are a part of the life and history of the State of Illinois; therefore, be it

Resolved, by the House of Representatives of the Forty-ninth General Assembly, That we express our appreciation of the said William Thiemann as a citizen, a man, and a public official; and, be it further

Resolved, That a copy of this preamble and resolution be spread upon the Journal, that a suitably engrossed copy thereof be forwarded by the Clerk to the family, and as a further respect to his memory, that the House do now adjourn.

Resolution adopted and the House adjourned.

FRIDAY, APRIL 2, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Stevenson.

Journal of previous day being read. Upon motion of Mr. Carl Green (Crawford) further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions; reports from standing and select committees; House bills on first reading, all without debate.

THE SPEAKER. The clerk will call bills on second reading. If there is any objection, we will pass them over.

Mr. BROWNE (LaSalle). I regard the second reading of a bill as the most important stage in its life. It is when it is made and unmade; when it is dissected and analyzed. It is the most important stage in the life of any bill. It is not fair to consider bills on second reading before a House that is practically denuded of members. There is not a baker's dozen here this morning.

THE SPEAKER. There are thirty-two members here.

Mr. BROWNE (LaSalle). There is not enough here to consider it. I will object to any bills on second reading except appropriation bills. I will raise the question of a quorum if I have to.

THE SPEAKER. The gentleman from LaSalle (Browne) raises the question of a quorum on second reading bills.

Mr. GRAHAM (Mercer). I desire to call House Bill No. 40 back to second reading for the purpose of amendment.

THE SPEAKER. Under the objection of the gentleman who raised the question of a quorum, it could not be done at this time.

Mr. BROWNE (LaSalle). I will not object to his calling it back.

THE SPEAKER. He has no objection to calling it back, but has objected to it being amended.

Mr. BROWNE (LaSalle). I know about that bill and it is an agreed bill and I will not raise any objection to it.

THE SPEAKER. The gentleman from Mercer (Graham) asks to have House Bill No. 40 recalled to second reading for the purpose of amendment. The question of a quorum has been withdrawn.

Mr. BROWNE (LaSalle). Only as to that bill.

Whereupon, House Bill No. 40 was recalled to second reading, amended, and ordered engrossed and to a third reading.

Mr. SHURTLEFF (McHenry). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 12.

Resolved, by the House of Representatives, the Senate concurring herein, That when the two Houses adjourn on Friday, April 2, 1915, they stand adjourned until Wednesday, April 7, 1915, at 10:00 o'clock a. m.

(Resolution adopted.)

Mr. KESSINGER (Kane). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 74.

WHEREAS, The Hon. George M. Hollenback, who served the people of his district and State as an able and conscientious representative in the

Twenty-eighth General Assembly, departed this life in Kane County, Illinois; and,

WHEREAS, The deceased throughout the years of his life was a public spirited citizen, a progressive business man, and a faithful and efficient public servant of his district and State; and,

WHEREAS, He was the first white child born in Kendall County and belonged to that fine type of German-American pioneers who contributed their patriotic services to this State and nation in times of war, and gave their untiring efforts in times of peace to the agricultural, industrial and commercial development of our great commonwealth; and,

WHEREAS, By his death his neighbors and loved ones have lost a man whose private and public life was above reproach, and the State of Illinois a public servant who was high-minded and honest; therefore, be it

Resolved, by the House of Representatives of the Forty-ninth General Assembly, That we tender our profound sympathy to his grief stricken family; that this preamble and resolution be entered upon the Journal; that a suitably engrossed copy thereof be forwarded by the clerk to the family, and as a further mark of respect to his memory that the House do now adjourn.

Resolution adopted, and the House adjourned.

WEDNESDAY, APRIL 7, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Stevenson.

Journal of previous legislative day being read. Upon motion of Mr. Vickers, further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports of standing committees, and House bills on first reading, all without debate.

Whereupon, the House took up House Bill No. 72 on the order of second reading.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause in this bill. This bill is professedly a bill to increase the force and effect of the so-called bulk sales law. I think it does a great deal that it ought not to do. I think that the present bulk sales law is drastic and severe enough in itself without adding anything further to it.

The bulk sales law was not passed in the interest of any small dealers. It was not passed in the interest of the general rank and file of mercantile men, but was passed in the interests of a few wholesalers in the city of Chicago. Here is a bill that is akin to a loan shark bill. It is one of three bills, 71, 72 and 73. They are all what might be termed loan shark bills.

Mr. LYON (Sangamon). As the introducer of these three bills, I wish to say just one word. They are three bills recommended by the Chicago Association of Credit Men and the Retail Merchants' Association of the State. After passing the bulk sales law, various methods were devised to defeat the purpose of the law, to enable a man to make a sale of all his goods, to sell all the goods he had on his hands and defeat the creditors. It now seems that in order to make that law effective, it is quite necessary to pass all three laws mentioned, this being one of them. The necessity for it is to protect the creditors, and prevent a man from going to some other man and taking a mortgage and not putting it on record and beating the creditors, so that if he intends to sell out the mortgage must be recorded within five days before the sale is made.

I know of no other objection to these bills, I think all three bills are necessary.

Mr. BROWNE (LaSalle). Supposing an honest man wants to make a sale; supposing the mortgage is a fair and legitimate mortgage, it operates against the just man to be branded as a crook, don't it?

Mr. LYON (Sangamon). Why, I don't think it does, Mr. Browne.

Mr. BROWNE (LaSalle). What difference does it make, what difference what he is going to do, when he is honest and fair about it? The retail merchants do not tell me that they have not particularly asked for it.

Mr. LYON (Sangamon). I want to say in regard to this amendment that this is merely to make effective the bulk sales law that passed at the last session.

Mr. BROWNE (LaSalle). What do you mean by making it effective; by doing up a man?

Mr. LYON (Sangamon). No; by making it impossible to make a fraudulent sale.

Mr. BROWNE (LaSalle). Supposing he did not want to avoid it?

Mr. ROTHCHILD (Cook). I will say in reference to these three bills that we have agreed that a bulk sales law was proper. The gentleman says that this was a measure of the Credit Men's Association and the Retail Dealers of the State, and the retailers are in favor of it because it makes

effective the bulk sales measure. Now, one of the means of evading this bulk sales law is to give a chattel mortgage and then going to someone else and selling the goods. This bill provides that any sale made within five days of recording the mortgage shall be fraudulent and void as against the creditors of the mortgagor. This bill will prevent a man from evading this bulk sales law.

We have agreed that the bulk sales law is good, then we must make it effective. I really think the gentleman must withdraw the amendment and let it go to the third reading.

Mr. BROWNE (LaSalle). No.

Mr. ROTHSCCHILD (Cook). Well, I am satisfied.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen: The reason that I do not withdraw the motion to strike out the enacting clause is that it is a bill to be used as a club by people that want their pound of flesh at the particular moment, no matter when or how, and the bulk sales law does not happen to be drastic and strong enough for them.

Mr. ROTHSCCHILD (Cook). I now move that the motion of the gentleman from LaSalle (Mr. Browne), lie on the table.

Whereupon, a division of the House was had: "Yeas," 43; "nays," 36.

(The motion to table is carried and the bill ordered engrossed and to a third reading.)

Whereupon, House Bill No. 73 was taken up on the order of second reading.

Mr. BROWNE (LaSalle). I would like to ask either the gentleman that stands sponsor for this bill or the assistant counsel for these three bills, what this bill means.

Mr. LYON (Sangamon). Mr. Speaker—The information given to me of the work of this bill is that there has been a great deal of trouble during the past year of a person buying a stock of goods and immediately mixing it with another larger stock and then saying to the creditors: "You may now take anything that you know to be your own, but don't take anything at all that is not of your own stock." There is no way to reach that sort of condition, so this amendment was put in for that purpose—

Mr. BROWNE (LaSalle). What has that got to do with garnishments. This bill don't touch that at all. I move that this bill go over on second reading and stay on second reading until tomorrow, until we have more information on it.

Mr. ROTHSCCHILD (Cook). I would be glad to give the information. The only reason that I have not is that I am not in favor of the bill, but for another reason. It is not upon this question.

Under the Garnishment Act, there is some question as to whether the evasion of the bulk sales law is ground for bringing a measure to meet that defect in the law. Now this bill has to do with garnishment. The rule is that where a person has property in his possession that belongs to a judgment debtor it can be reached.

Mr. BROWNE (LaSalle). You are not for this bill?

Mr. ROTHSCCHILD (Cook). But for a different reason.

Mr. BROWNE (LaSalle). This amendment simply makes of the bulk sales law a garnishment law.

Mr. ROTHSCCHILD (Cook). No; it is to make it certain; but my objection does not got to that point of the bill.

Mr. BROWNE (LaSalle). I move that this go over on second reading until tomorrow.

Whereupon, House Bill No. 199 was taken up on the order of second reading.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause, and I would like to ask the gentleman that is sponsor for this bill how much of it is new matter; it is all in italics.

Mr. SCHOLLES (Peoria). The new matter is in italics.

Mr. BROWNE (LaSalle). Oh, it is all new matter?

Mr. SCHOLLES (Peoria). Yes.

Mr. BROWNE (LaSalle). A revision had to be made?

Mr. SCHOLLES (Peoria). Yes.

Mr. BROWNE (LaSalle). I understand. Now, Mr. Speaker and Gentle-

men, this provides that any man who has made a misrepresentation in writing as to the credit of any person in whom he is interested or whom he is representing, for the purpose of obtaining any property or thing of value, or any person who knows that such a false statement has been made, and thereafter obtains any property or thing of value, either for the person in whom he is interested or whom he is representing, is a criminal, and that the failure, suspension or involuntary liquidation of any person, firm or corporation for whom the representation was made, or to whom he knew it had been made, within four months thereafter, shall be proof of the falsity of the statement.

Now, I believe that we should have laws upon the statute books that prevent fraud in all its forms. I believe that we should have laws upon the statute books that prevent a man by reason of a false statement, voluntarily and knowingly made, from profiting thereby, but I believe that this law as it is drawn now will contain an authority that will make it possible to put the hand of our law upon the men who are not criminals and not intentionally wrong doers, as well as those that are. I believe that this clause will make it possible to persecute innocent men. It is too drastic.

I would suggest to the framer of the bill that section 97a doubtless inadvertently inserted, when you read it as it is printed does not really mean anything. It should be reformed; that is the way it seems to me. I have read it several times and know what the evident intention was, but it is not there.

I suggest, Mr. Speaker, that this bill lie over until tomorrow, on second reading, until the framer can reform it.

Mr. SCHOLES (Peoria). I see no reason why it should, Mr. Speaker.

Mr. BROWNE (LaSalle). Very well, I withdraw the motion and move to strike out the enacting clause. Now, just read this last section, 97a: "The failure, suspension or involuntary liquidation of any person, firm or corporation by or in behalf of whom any statement in writing shall have been made showing that the aggregate of the assets exceeds the total of the liabilities of such person, firm, or corporation, shall, if such failure, suspension or involuntary liquidation shall have occurred within four months of the making of such statement, was false, and at the time of the making thereof was known to be false by the person making the same." It does not make any sense at all.

Mr. MOORE (Henry). That was put in the Judiciary Committee. That is an amendment.

Mr. BROWNE (LaSalle). Well, it has been amended.

Mr. SCHOLES (Peoria). A line has been omitted from the original bill, but the original bill contains it.

Mr. BROWNE (LaSalle). Well, then, Mr. Speaker, it does not convey the information in itself.

If this bill as placed upon the desks of the members in printed form is not the original bill, then I have the right to ask that it go over until tomorrow. This is the only bill that I have seen.

THE SPEAKER. Let the clerk read the original bill.

Mr. SCHOLES (Peoria). I will not now object to the bill going over until tomorrow.

Whereupon, the clerk read section 97a of the original of House Bill No. 199.

Mr. LYLE (Cook). It seems to me that this bill ought to go over until tomorrow.

Mr. SCHOLES (Peoria). It might be better to have it reprinted.

By unanimous consent, House Bill No. 199 was put over for consideration until tomorrow.

Whereupon, House Bill No. 559 was taken up on the order of second reading.

Mr. BROWNE (LaSalle). I object to the consideration of this bill. I didn't find it on my desk, and I know that other members have not found it.

I would like to have that bill go over until tomorrow, on second reading.

Mr. LYLE (Cook). I would like to suggest also that it go over; a number of other members here would like to have a copy of the bill.

Mr. HICKS (Winnebago). I have no objection to the bill going over;

but I might say for the information of the gentleman from LaSalle (Mr. Browne), and the gentleman from Cook (Mr. Lyle), that this bill is a committee bill from the Committee on Judiciary, taking the place of a bill which was introduced from Peoria as an eminent domain act, and taking the place of a bill which was introduced by the Committee on Education, by myself. This bill is approved by the attorney for the school board of Peoria and the attorney for the school board of Rockford, and has to do with the condemnation of property for school districts under special charter. It in substance is the same bill.

Mr. BROWNE (LaSalle). Is this the same bill that you and I discussed?

Mr. HICKS (Winnebago). Yes, it is.

Mr. BROWNE (LaSalle). This is amending it.

Mr. HICKS (Winnebago). Why it is amending it in this way.

Mr. BROWNE (LaSalle). Does this apply to any other board?

Mr. HICKS (Winnebago). I read the bill introduced by the gentleman from Peoria giving the power to the school board, which is operating under a special charter, the right of eminent domain. The school board in Rockford, also operating under special charter, had the same question up. The Peoria people and the Rockford people got together and combined their proposed measures and that is the committee bill, giving to the schools operating under special charter the same right of eminent domain that schools operating under other laws have.

Mr. BROWNE (LaSalle). Well, there is a part of this committee bill, that the gentleman in discussing the original bill, House Bill No. 166, agreed should be eliminated. Now it is put in that any school district existing by virtue of any special charter and governed by any or all such special charters or special or general school laws of the State shall have the power to acquire property. That was to be eliminated.

Mr. HICKS (Winnebago). I don't recall any such an agreement on this bill.

Mr. BROWNE (LaSalle). This has practically the same purpose in view as House Bill No. 45?

Mr. HICKS (Winnebago). No, bill No. 45 is the bill that contains the provision——

Mr. BROWNE (LaSalle). For what?

Mr. HICKS (Winnebago). Giving the district under special charter the right to issue bonds.

Mr. BROWNE (LaSalle). Yes; and providing that the proposition or question to borrow money and issue such bonds shall be submitted to a vote of the people.

Mr. HICKS (Winnebago). Yes, sir.

Mr. BROWNE (LaSalle). I want to prepare an amendment, Mr. Speaker, which I will present.

Mr. HOLADAY (Vermilion). What is the purpose of that amendment?

Mr. BROWNE (LaSalle). The purpose of that amendment is this, to just make it apply to the people that want it and to make it apply to the entire State. This applies to the exigency of the case, that is the reason that you want it for Peoria and Rockford, but when you strike out the term, then you have eliminated this possible application.

That was agreed by the gentleman from Winnebago (Mr. Hicks).

Mr. HICKS (Winnebago). I am of the opinion that we have it now.

Mr. HOLADAY (Vermilion). I have no objection to the amendment.

Whereupon, the amendment was adopted; and the bill was ordered engrossed and to a third reading.

Whereupon House Bill 562, on the order of second reading, was taken up.

Mr. KANE (Saline). Mr. Speaker, I desire to offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 562, as printed, by striking out the word "two" in line 17, and inserting in lieu thereof, the word "one," and by striking out the figure "2" in line 18, and inserting in lieu thereof the figure "1."

Mr. KANE (Saline). Mr. Speaker, the amendment changes the value of the bovine species from \$250 to \$150. The present law is \$75, and the

amendment would double the present value as fixed by the statute. The bill was originally four times the limit as now placed, and it seems to me the State and the people generally are entitled to have this amendment. The \$150 would cover the value of the animals that are slaughtered except in special cases, and in this kind and character of cases I think the people of the State are allowed the \$250 for a cow or animal of that species. The amendment I propose simply limits it to \$150 instead of \$250, and that is double the present limitation.

Mr. BROWNE (LaSalle). May I ask if this provides for the cattle that have already been slaughtered, on some of which \$300 has been allowed?

Mr. KANE (Saline). On the average it is \$230.

Mr. BROWNE (LaSalle). I know, but some have been allowed at a figure much in excess of that.

Mr. KANE (Saline). Well, I don't know——

Mr. BROWNE (LaSalle). On the average you say it was \$230?

Mr. KANE (Saline). One herd.

Mr. BROWNE (LaSalle). You voted for that bill?

Mr. KANE (Saline). Yes, sir, I voted for that bill. I did.

Mr. BROWNE (LaSalle). Yes, sir.

Mr. BROWNE (LaSalle). If the law has already fixed the price, why not leave the law just as it is? What good is it?

Mr. KANE (Saline). I think we should have the law followed up by amendments for the purpose of meeting these conditions that occur here, but I think that \$150 is a reasonable limit.

Mr. BROWNE (LaSalle). Is there any certainty that if we pass such a law that you will follow it?

Mr. KANE (Saline). You will have to ask the next Legislature about that. I won't be one of them.

Mr. BROWNE (LaSalle). I am asking you.

Mr. KANE (Saline). There will be other bills introduced at this session.

Mr. McCORMICK (Cook). Do you believe in fixing it for all counties at \$150?

Mr. KANE (Saline). I do, yes, sir.

Mr. McCORMICK (Cook). There are half a dozen counties where there are such special herds; for example, LaSalle and Lake.

Mr. KANE (Saline). On the theory that this might prevent the man who has the common herd from losing more than the man who has the blooded herd, this amendment is offered.

Mr. McCORMICK (Cook). So far as that goes, there are a number of counties where there are cattle that pass the \$150 value.

Mr. KANE (Saline). Well, I know there are thousands beyond that limit of \$150.

Mr. KESSINGER (Kane). This bill doesn't mean that this is the customary value of every herd that is slaughtered. There are other herds in this State. They are not all owned by rich people and blooded herds. There are many herds in this State worth more money than the amendment offered by the gentleman from Saline allows, but this amendment will make them come in the limit of the rule in order to protect the rest of the cattle owners of the State, and we probably do not realize how much this means to the breeders of fine cattle who are trying to raise the standard and who are spending money in order to raise these herds, and they are surely worth more than \$150 a head, but he can stand it to have this limit put on them if he is rich enough to have a herd of those cattle worth more than \$150 a head, and I move that the amendment be tabled.

Mr. ROTHSCCHILD (Cook). I would like to ask a question: does this bill mean that no value except \$250 shall be allowed to any one man?

Mr. BROWNE (LaSalle). Yes, that is the proposition.

Mr. ROTHSCCHILD (Cook). I would like to ask where the bill uses the words "market utility" value, does that mean that the value for breeding purposes may be allowed if they are certified and registered? What do the words "market utility" value mean? I don't understand those words. Does that mean for breeding purposes in the market?

Mr. HUSTON (McDonough). Mr. Speaker, may I answer the gentle-

man's question? Market utility value refers to the value of unpedigreed animals for beef purposes.

Mr. ROTHSCCHILD (Cook). It doesn't mean the value for breeding purposes?

Mr. HUSTON (McDonough). No. The value for breeding purposes must be established; the bill provides it must be accompanied by a certificate of register in some of the recognized associations of registry for blooded animals, and \$250 is made the limit there.

Mr. ROTHSCCHILD (Cook). I will state that I think it means something else.

Mr. HUSTON (McDonough). I have friends who lost some highbred Scotch stock, short-horns, and anybody versed in pedigrees will understand what that means, and I know that they paid at auction for one of those, \$750, and when they were slaughtered he was allowed the munificent sum of \$100.

Mr. ROTHSCCHILD (Cook). I would like to ask a further question. Section 2 there has an emergency clause for this bill. Does that mean that those who have suffered from the foot and mouth disease are brought under this bill?

Mr. HUSTON (McDonough). No, but if the foot and mouth disease should break out on us again, then it would apply.

Mr. BROWNE (LaSalle). I would like to suggest to the gentleman from Cook that the purpose of this is to appease his conscience, is a conscience appeasement, if it passes here why some people that voted against these sums on the statute books will have a little come-back.

Mr. ROTHSCCHILD (Cook). I didn't think I voted against the statute, and suggest that the bill go over until tomorrow.

Mr. GRAHAM (Mercer). I can't see the reason why the State of Illinois should destroy one kind of property after paying one price, and take another kind of property for public use and pay another price. If the State of Illinois were wanting land for some purpose, the law is this fixed rule, well established, that the State should pay a fair cash market value for the property taken for public purposes. Here the State of Illinois, in order to protect its live stock, when it destroys them for a public purpose, fixes an arbitrary limited amount that the owner should receive—not a fair cash market value, but an arbitrary amount to be fixed by law, and I don't agree with that principle. Now, Mr. Speaker, it occurs to me that on account of the importance of the principle here involved, that these matters ought to be deferred until they can be further looked into. I therefore move you that further consideration of this matter be postponed until tomorrow.

THE SPEAKER. The question is upon the adoption of the amendment.

Mr. WOOD (Wayne). As a member of that committee, I want to state that we gave the bill a thorough consideration and treated the farmers of the State with the consideration that was due them, and I believe that the \$250 for pedigreed stock accompanied with a certificate of their breed is cheap enough. I move that the amendment be laid on the table.

Mr. KESSINGER (Kane). I move to lay the amendment of the gentleman from Saline on the table.

Upon a division of the House, the motion to lay the amendment on the table prevailed.

Mr. GRAHAM (Mercer). I move that the further consideration of this matter be postponed until tomorrow.

(Motion prevailed. Further consideration postponed until tomorrow.)

Whereupon, House Bill No. 47 on second reading was taken up.

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 47, by striking out the enacting clause.

Mr. BROWNE (LaSalle). I have only one regret, Mr. Speaker and gentlemen of the House, in presenting this amendment, and that is antagonizing the honorable gentleman who has presented this bill. I am satisfied in all good faith he was sincere in his belief that this was a bill tending to the betterment of the conditions. I know the gentleman well enough to realize

that that is so, but I cannot agree with him in his position relative to the bill.

I am opposed to placing upon the body of those people who seek to enter into the bonds of matrimony in this State a suspect notice; I am opposed to putting those people under the ban of being a suspect on probation until such time as they have eliminated the atmosphere of suspicion that surrounds them because they want to get married. The Legislature of the State of Illinois has already written upon the statute books of this State sufficient laws so that marriage is becoming almost prohibitive. I say that advisedly. I say that as an echo of the sentiments of a great many gentlemen whom I have heard express them. Every Legislature in this State passes some measure against a man who enters into the bonds of matrimony or who dares to embark upon that sea. So I say the tendency has been to keep men and women away from what should be the sweetest, the most beautiful prospect that comes to a human being in this world.

Now, if it is wrong to get married, then this bill is right; if it is right to get married, this bill is wrong. What right have you—what right have I, or anybody else to say that when a man and woman go into the office of the county clerk and ask for a license to join their fortunes in this life, and to enter into the bonds of matrimony—what right have you—what right have I to say, "You can't do it until the world has been notified for ten days"; and who has the right to say whether you are fit to be married or whether you are not; whether you are a criminal or whether you are not; whether you are fit to be in that state or whether you are not? You are simply putting up the bars still further; you are simply making of this state and this condition, which as I say, ought to be the most sweet and beautiful in contemplation and in reality—you are making something of it that will even be more prohibitive than it is now. It is wrong; there is no call for this.

I grant you there are many marriages made which ought not to be made; but this will not stop that. Jones and a little girl will come into the office of the county clerk to get a license to get married. As far as the clerk knows or as far as anybody knows, they are both reputable; both entitled to the protection of society and to enter into the marriage state. The clerk posts up a notice of this marriage impending; what good does it do? What is that for? Is anybody going to step in and stop the marriage? Is anybody going to prevent it? You haven't got a thing in that act that will prevent it or give the clerk the right to prevent it, or anybody else. You have simply said to the world that they must wait ten days, giving them notoriety and publicity, to see whether they are right or wrong; that is all you have done.

I don't believe, gentlemen, it is a good bill. I believe it is a bad bill, and I think that this motion ought to obtain to strike out the enacting clause.

Mr. LYLE (Cook). I would like to ask the gentleman who introduced this bill whether he stopped to consider the cost of publication. There is another point that might be pretty well worth while to consider, and that is this: That at the present time in Chicago a great many people who wish to get married and they go to Milwaukee or to St. Joe or Benton Harbor and get married, and I can see that a great many of the ministers and a great many of the justices of the peace and a great many of those people who want to marry folks are going to be cut out of a great many marriage fees. (Laughter.) I don't belong to either class, but at the same time, if I wanted to get married and didn't want anybody to know about it, I wouldn't have to get married in Chicago. I can see where a great many of these marriages are going to take place outside of the State.

Mr. TURNBAUGH (Carroll). I would just like to ask the gentleman what the object of this is?

Mr. HOLADAY (Vermilion). Mr. Speaker, and gentlemen of the House, this bill is presented here on its merits, and I wish to assure the gentleman from LaSalle that he is not antagonizing me when he is objecting to this bill. I grant him the same privilege he has accorded me, if he believes that it is a bill without merit. I believe it is a bill with merit, and that if this

measure is passed, it will do more to remedy the so-called divorce evil in the State of Illinois than any other one measure that we could pass.

I also agree with the gentleman from LaSalle as to what the marriage state should be, and it is the purpose of this bill to help the marriage state to be what he has pictured it should be. In other words, it is to prohibit the marriage of those parties that are entering on that relation without realizing what they are doing.

There is an instance here in the city of Springfield which happened a few days ago, and it is only a sample of like incidents that are occurring in every county of this State. The newspapers here were full of it. It occupied two columns on the front page of one of them. Two young men came into Springfield and met two girls. One of the young men was acquainted with the two girls, but the other was a total stranger. They went out and in the newspaper report the girls said they had a few drinks and then they had a few more drinks and then they were married, and the next morning when they sobered up they realized what they had done, and there are now pending in the Circuit Court of Sangamon County two suits to annul those marriages.

This bill will strike at two classes of these marriages. One class such as I have mentioned, where the people marry as a joke, or while they are intoxicated, go out and get married, and the other class it strikes at is the case where children under age are married, and I expect to have, if this bill is considered on third reading, some statistics that will throw light on these questions.

Mr. O'ROURKE (Cook). Do you believe that everybody that gets it into their heads to go into this business of marrying, is intoxicated? (Laughter.) Don't you think for a moment they couldn't sober up in ten days?

Mr. HOLADAY (Vermilion). I think ten days would help them to.

I can say, gentlemen, from information that has come to me from semi-official sources, that in one city in the State of Illinois, where there are thirty houses of public prostitution and approximately one hundred inmates therein, that 90 per cent of the inmates were married, and that approximately 50 per cent were married and became mothers before eighteen years of age; and I apprehend that conditions that we find in one city will probably obtain in the other cities of the State.

Now if this measure is passed, it is likely that a great per cent of those cases would not have occurred.

There is no reason why anyone that is at liberty and with honorable motives in entering into the marriage relation, should object to ten days' notice and ten days' consideration of that fact of intending to be married.

There is an amendment to this bill which has been added, that provides that in certain cases that are mentioned, and in all cases where the judge of a court of record may feel that on grounds of public policy, this ten days' notice may be waived, that he can enter an order to that effect, and that his order will give the right to the clerk to issue this marriage license without the ten days' notice.

The divorce records of the State of Illinois show that a great majority of the cases arise from marriages that were contracted before the parties thereto were of legal age. Now this bill will not abolish all such marriages, but it will give the parents of the children an opportunity to know of the proposed marriage; it will give an opportunity to those persons who are hastily entering on this ceremony time to consider the matter, and, as I said before, gentlemen, this bill is presented on its merits, and I am of the firm opinion that we can do the one thing that will be more important and will go farther toward remedying the divorce evil of this State by a measure of this kind. I move to lay the amendment on the table.

Mr. WILSON (Adams). I want to say a word in regard to this bill and in this connection I want to call attention to House Bill 526 which covers a similar ground and some additional grounds, and is the bill which was presented by the Committee on Uniform State Laws and was endorsed by the National Committee of the United States, and it may be when this bill goes on third reading that the interests of the two measures will be united; and I want to say it is a mistake to kill this bill on second reading. It is

an excellent bill, and I don't think anybody need fear for the city of Chicago, and if you object to the little additional expense of cost of publication of that marriage and think it is going to disturb that industry which seems so active in the city of Chicago—it seems to me if a man has money enough to pay the preacher, whether he lives in Chicago or Milwaukee, and hasn't enough to pay for a publication of this sort, why he hasn't enough funds anyway to embark upon the stormy sea of matrimony.

Mr. HOLADAY (Vermilion). May I suggest that the provision with reference to publication has been cut out.

Mr. WILSON (Adams). Very well; I don't think there would be any objection to it if it was there.

I want to say that this is a sort of a civil publication of bans. Now in some churches there is a provision wherein the communicants of that church are intending marriage that there be a publication of bans in the church so all the members of the church may be advised of the marriage that is about to be consummated between these parties, and I want to say with reference to that one provision of this one particular church that it throws an air of sanctity about the marriage relation. It is a very admirable provision in that church and it seems to me that no harm and a great deal of good will come if the civil law throws this protection about those that are about entering into matrimony.

Mr. LIPSHULCH (Cook). Can you tell me the percentage of the people who will get married and the percentage again who apply for divorce, that would come under that category just for comparison as to possible results?

Mr. HOLADAY (Vermilion). No, sir, I cannot state to you that percentage, because I have not those figures. The only reports I have on that is what I have noticed from personal observation in my home county and reports that have come to me from the clerks of various courts, that a great per cent of marriages of that kind wind up in the divorce courts.

Mr. TAYLOR (Hardin). I am opposed to this measure in every way and in every form. It has been the history of mankind from Adam down that people would get married; they have a right to get married. In all that length of time the sexes have been equal in numbers—male and female—indicating to my mind that there is a man for every woman and a woman for every man. What is the purpose of that law for ten days delay? Is it so somebody can interfere with the marriage? If there is any good ground for being against it? Is it for the purpose of giving ten days' notice so somebody can interfere with the marriage? That is not a good reason. What other purpose could it serve? It might be argued that the purpose is to keep boys and girls under age from marrying. I have always believed that boys and girls will marry about their own equals. Boys who keep good company and are well raised will find some girl who is well raised, and a girl who is well raised and of good family will find some boy who is well raised and of good family. So to my mind there is absolutely no reason for the bill. If it is right to get married, marriage ought to be made easy. What would become of society do you think, if there was no marriage? What kind of society would we have?

Mr. ARTHUR ROE (Fayette). Mr. Speaker, the bonds of matrimony are only in the form of a simple contract. Prior to the enactment of the statute in this State there was the old common law marriage. After the laws began to be enacted with regard to the marriage contracts, the system was somewhat changed. We have now covered the books with the enactment of all forms of marriage contracts; they are laws of regulation, like a lot of other laws that are being enacted as to original statutory provisions with reference to contracts of marriage. We are placing upon the statute books in this instance and in many other instances laws of operation. What business have I to say, or you to say to the boy or girl down home or up State, that before you can get married that you have to go through a certain formality prior to obtaining the marriage license? It is like any other contract. While this contract is a sacred one, so would any other contract be sacred.

Mr. WILSON (Adams). You speak of this being a contract?

Mr. ARTHUR ROE (Fayette). Yes.

Mr. WILSON (Adams). Is there any other contract that you know of that will bind a minor?

Mr. IGOE (Cook). Any other contract that will bind a minor? Yes, for the necessities of life, any other contract can be made binding after he becomes of age when ratified.

Mr. HOLADAY (Vermilion). Is marriage a necessity?

Mr. IGOE (Cook). Would hate to think that any one would take the position that marriage was not a necessity.

Mr. ARTHUR ROE (Fayette). What right have we to go out and say to the sane man or the sane woman that before you can enter into this contract of marriage that you must put this up before the public, or go through any form of publication of the marriage operation? I will grant you this, that the only object as to this bill is that it might have a tendency in the State of Illinois to prevent the marriage of people who are under age—under the age prescribed by this statute, whereby in certain cases in the State of Illinois that is done. That is the only thing in this bill that it would absolutely prevent. But on the other proposition it would not prevent people from getting married if they wanted to—because the average man or woman that wants to get married in this State, even on the spur of the moment, it isn't a very great many miles from the center of this State to the border of another state, and it will have this effect if this bill is enacted as a law, that the reduction of the marriage licenses issued in the State of Illinois would be bound to go to the other states. You wouldn't do it; you wouldn't go to the county clerk and make application—I say there is nobody in this body would—you wouldn't go to the county clerk and make application for a license and have it come out and be published that so and so was going to be married to so and so after ten days. You wouldn't do it. Why? Because you know that every person whether he be your friend or your foe would be posted on that fact. It would be wrong.

Mr. O'ROURKE (Cook). Why this bill simply only appeals to the disappointed suitor. It ought to be referred to the Committee on Civil Service. (Laughter.)

SPEAKER SHANAHAN. Anything further, gentlemen, before the motion is put?

Whereupon, a rising vote was taken on the motion to table the amendment striking out the enacting clause, and the motion was lost.

Whereupon, House Bill No. 88 was taken up on the order of second reading.

Mr. PIERSON (Cook). This is the Burnt Record Act amendment, and I desire to move to table the first amendment and offer a substitute for it, which is the same in substance. I move that Amendment No. 1 be laid on the table.

(Amendment No. 1 tabled.)

AMENDMENT No. 1.

Amend House Bill No. 88 by inserting in line 6 of the printed bill after the word "applicable" the following words: "where the public records have been destroyed for a period of thirty years or more, and,"

Mr. PIERSON. I think that amendment was made by misunderstanding of the gentleman who recommended it in the Judiciary Committee. That ought to remain one year, and I want to make the amendment one year instead of three years. I do not believe that three years was mentioned in the committee.

(Amendment No. 2 ordered to lie on the table.)

(Amendment No. 3 adopted.)

Mr. PIERSON (Cook). I offer the following amendments and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 88 by striking out of the sixth line of the printed bill the words "in all counties where this Act is applicable" and insert in lieu thereof the following words: "In case of such destruction of records as

aforesaid, where such records have been destroyed for at least thirty years and."

(And the amendment was adopted.)

AMENDMENT No. 5.

Amend House Bill No. 88 by striking out in line eleven of the printed bill the words "or in lieu," also all of lines twelve, thirteen and fourteen.

(And the amendment was adopted.)

AMENDMENT No. 6.

Amend House Bill No. 88 by inserting in line eighteen of the printed bill after the word "claimed" the following: "can show a connected chain of title to said premises from some person, persons or corporation claiming to be the owner thereof at the date of the destruction of said records and."

(And the amendment was adopted.)

AMENDMENT No. 7.

Amend House Bill No. 88 by striking out of line nineteen the word "the" before the word "seven" and all of said line after the word "seven" and insert after the word "seven" the following: "successive years by himself or those under whom he claims title."

(And the amendment was adopted.)

Mr. PIERSON (Cook). That is a change of language to correct the language of the bill.

(Amendment No. 4 adopted.)

(Amendment No. 5 adopted.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 8.

Amend House Bill No. 88 by striking out the enacting clause.

Mr. BROWNE (LaSalle). While I believe that the intent of the party preparing this bill was all right, it possesses, unfortunately, the same element of objection that is possessed by many of the bills offered here in this House. That is to apply to certain specific conditions existing in some certain specific place without any idea as to the general effect and operation of the law throughout the State. That is the trouble with it. That is the trouble with many bills that are presented here to cure some isolated case of evil or to remedy some isolated case of error or wrong.

Now, in addition to the remarks which I was about to make upon this proposition, and I opposed this bill in the committee to some extent, in addition to what I had to say regarding it, I have been handed a carefully prepared statement of objections to this bill, and I find upon examining it that it contains practically all of the objections that I had to it, so, in the first place, I will refer to it.

"The Act of April 9, 1872, of which this is an amendment, applies to all cases whenever it shall appear that the records, or any material part thereof, in any county in this State have been destroyed by fire or otherwise."

The Act of April 9, 1872, of which this is an amendment, applies to all cases whenever it shall appear that the records, or any material part thereof, in any county in this State have been destroyed by fire or otherwise. So, when in section 29a, the proposed amendment reads, "In all counties where this Act is applicable," it means in all counties of the State where the records, or any material part thereof, have been, or may hereafter be, destroyed by fire or otherwise.

You will find what that means by reading the language of this amendment. It means that in all counties of the State where the records, or any material part thereof, have been, or may hereafter be, destroyed by fire or otherwise.

Bear in mind, gentlemen, that this does not refer to a total destruction of the records, but to a partial destruction as well.

The amendment then proceeds to establish title to land where the record of title, or any material part thereof, has been destroyed, as of the date of the passage of this Act.

This amendment assumes there will be in the future no destruction of records. It assumes there will be none. If there should be such destruction, however, either it must be contended that this Act does not apply, or else it makes a limitation of but one year against outstanding liens or titles, one or the other. This amendment assumes there will be in the future no destruction of records, as I have stated. Bear that in mind.

Even less than this is allowed, because if no suit to enforce a lien upon, or claim to, land be commenced within one year from the passage of this Act, then no such suit may be brought, although the record may not be destroyed for many years after this Act is passed, in which case, immediately on the destruction of the record, all prior mortgages, liens and claims of title are wiped out.

I want to present that to you again in connection with what I read before.

Even less than this is allowed, because if no suit to enforce a lien upon, or claim to, land be commenced within one year from the passage of this Act, then no such suit may be brought, although the record may not be destroyed for many years after this Act is passed, in which case, immediately on the destruction of the records, all prior mortgages, liens and claims of title are wiped out. If it is contended that the proposed amendment is not prospective, and only applies to titles where the record has heretofore been destroyed and has no application to cases where the records may hereafter be destroyed, the proposed Act is plainly unconstitutional as special legislation. Let me read that again.

"If it is contended that the proposed amendment is not prospective (and that contention is not good) "and only applies to titles where the records have heretofore been destroyed and has no application to cases where the records may hereafter be destroyed, then the proposed Act is plainly unconstitutional as special legislation." So that by the amendment, you are between the devil and the deep sea. Either it is unconstitutional, or it does something which is absolutely wrong; one or the other.

The terms of the first lines of the amendment, reading as follows, "In all counties where this Act is applicable," means, as has been explained, in all counties of the State, because such Act is general and prospective. No provision is made in the Act for those numerous cases where a portion only of the records have been, or may hereafter be, destroyed. In other words, it classes them all together. No distinction has been made.

"In providing that in suits, title need only be shown back to the time of destruction of the record, the amendment ignores the fact that records have been recently destroyed in some counties of the State, and may hereafter be destroyed in any county, leaving only a year or two of title to be shown to support an action for the recovery of land or defense of the same."

In other words, as I stated, this Act is made to apply to a certain distinctive fire in a certain county, and ignores the fact that there have been various fires over this State which have destroyed, at various times and quite recently, records in other counties. Let me read that again.

"In providing that in suits, title need only be shown back to the time of destruction of the record, the amendment ignores the fact that records have been recently destroyed in some counties of the State, and may hereafter be destroyed in any county, leaving only a year or two of title to be shown to support an action for the recovery of land or the defense of the same.

"The interpretation given to the words in the act that where a contract for sale of land provides for a complete abstract of title, an abstract of title from the time of destruction of the records shall be deemed such complete abstract of title, overlooks the fact that such destruction may have been so recent that an abstract would be unintelligible and also that records may hereafter be destroyed. In other words, under that amendment, in certain cases, a complete abstract of title would only contain, a few months or a year or two years of title, and that would be good.

"Such statutory construction of language could not affect contracts made before the passage of the act. The provision will be easily evaded after the passage of the act by a slight change in the wording of the contract. The persons submitting the act evidently did not know that records had been destroyed outside of Cook County."

I do not think that is correct, but I do think that the person submitting the amendment did not take into consideration the destruction of any other record than those of Cook County, and made this act so as to apply to that and that alone.

"The proviso of the act destroys any theoretical advantage which the act may be thought to possess, because everyone must still examine the title to see whether the rights of any person under disability are outstanding.

"If the proposed amendment is retrospective and applies to those counties where at this date the records, or some portion thereof, have been actually destroyed by fire or otherwise, then the effect of this amendment would be"—Now, gentlemen, just get this.

"If the proposed amendment is retrospective and applies to those counties where at this date the records, or some portion thereof, have been actually destroyed by fire or otherwise, then the effect of this amendment would be that in those counties the words 'complete abstract of title' will mean one thing, that is, an abstract commencing with the time of destruction of the records, or some portion thereof, both being in a class, and in all other counties will mean another thing, that is, an abstract from the government to date, which, of course, is objectionable to those clauses of the Constitution requiring uniformity in the laws in respect to courts forbidding legislation." In other words, in a county where they had a fire two years ago, a complete abstract of title would only date back to that time, irrespective of whether there was a total or partial destruction of the record. In a county in which there has been no fire, a complete abstract of title must go back to the government and complete the change down through.

"A phrase cannot constitutionally be decreed by the Legislature to have one meaning in one county and a totally different one in the adjoining county."

Now, gentlemen, I would like very much, especially in view of the standing of the member who has introduced this bill, to find some way in which I could be with it, for I have the utmost respect for him and for his services in this House during the years I have known him here, but I believe that this bill unintentionally—not intentionally, but unintentionally—in its operations beyond the confines of Cook County will be productive of evil, will be productive of the opening of doors that were not intended, and will disturb titles and make it possible to have titles where no real titles existed.

I think it is a dangerous bill for the State of Illinois. I think it is an objectionable bill in its present condition, and I do not think that it ought to be passed and put upon the statute books of the State of Illinois by this House and by this Legislature. It involves the entire State of Illinois; it involves all the titles to all the lands in Illinois. It has a far reaching and vital effect, and I think, gentlemen, that before anything is done with this bill farther, at least it ought to receive a lot more of careful consideration.

If there is any disposition on the part of anybody that wants this bill to recall it to the Judiciary Committee for further consideration, I will withdraw my motion to strike out the enacting clause. If not, I want to insist upon it.

Mr. PURDUNN (Clark). I would like to have a letter read.

Mr. PIERSON (Cook). I would like to be heard for a moment. I am not connected with any abstract company or trust company. I represent in this bill the people who have lost their abstracts prior to the great fire in Chicago who have never had any abstracts of that character, and who, when they want to get an abstract, have to pay to one institution in the city of Chicago, a large sum for a wholly unnecessary piece of writing or printing.

If I should lose the abstract of my title to the lot on which I have lived for twenty-four years in the village of Wilmette, I would have to pay probably \$150 to get a piece of abstract work that would be entirely useless and unnecessary in any abstract office or court of justice.

This same gentleman who wrote the letter which has been read into the record, in which he says Mr. Pierson, the introducer of this bill, informed me that the bill was drawn by Mr. Simeon Strauss of Chicago and was only intended to benefit a few of the cheapest lots in Cook County.

It is true that Mr. Strauss wrote that bill. There isn't a better real estate lawyer in Chicago, and with all due respect to my friend from LaSalle County, I believe Mr. Strauss is a better real estate lawyer than the gentleman from LaSalle County.

As to the proposition that this would benefit only a few of the cheapest lots, I never made such a statement. On the contrary, the fact is that this very proposition that is involved here, costs property owners of the county of Cook from five hundred thousand to a million dollars a year. This is wholly unnecessary and so recognized in the eastern states.

The abstracters of the State have been heard before the committee, and their lawyer, Mr. Walsh, one of the ablest lawyers of Illinois, and when the amendment limiting this proposition to thirty years was offered, he withdrew his opposition to it. The fact of the case is that this bill is entirely limited to those counties in which the records have been destroyed for thirty years or more. I offered the amendment making it forty years, but the gentleman from Elizabethtown, Mr. Watson, stated that he preferred to have it thirty years to fit his county. The gentleman from Logan County believes his constituents are interested in this bill, so it is not a bill relating to Cook County alone. It relates to various counties in the State, and relates wholly to those counties in which the records have been destroyed for thirty years or more.

I do not believe it is unconstitutional, and Mr. Strauss is not of the opinion it is unconstitutional. I think it is uniform in its application to all counties in which the records have been destroyed for at least thirty years.

Gentlemen, I hope you will let this bill go to third reading. If it is unconstitutional, it will be ample time to determine that when the Supreme Court shall pass upon it. I see no reason why any lawyer or any business man should be required to go back more than 44 years or more than 30 years to dig up points upon an abstract of title.

I hope this bill will at least be allowed to go to the order of third reading.

Mr. PIERSON. I move to lay the motion on the table.

THE SPEAKER. The gentleman from LaSalle (Browne) moves to strike out the enacting clause, and the gentleman from Cook (Pierson) moves to lay that motion upon the table.

(Motion prevailed.)

Mr. KASSERMAN (Jasper). I understand the main purpose of this bill is to cure the defects, or the lengthy title prior to the destruction of the record. As drawn, this bill seeks one further purpose. That is to make a title on seven years payment of taxes, changing the limitation laws in that regard. Now, they have stricken out lines 12, 13, 14 and 15, but lines 15, 16, 17 and 18 still include the essential part of this bill in my opinion, that is, that any title in a county where the records have been destroyed shall be based upon a claim of title where taxes have been paid for seven years.

I think this amendment should prevail.

Mr. PIERSON (Cook). I move to lay the amendment on the table.

Whereupon, a rising vote was taken, and the motion was lost.

Mr. PIERSON (Cook). May I change my vote to "aye" and move to reconsider.

THE SPEAKER. The amendment is before the House; you can move to postpone.

The question now is upon the adoption of the amendment offered by the gentleman from Jasper (Kasserman).

Mr. DE YOUNG (Cook). The striking out of the lines of the amendment submitted will destroy this bill altogether.

The gentleman from Jasper (Kasserman) is in error when he states that title can be simply in a claim of title. Under the amendments as adopted, claim of title must exist at the time of the destruction of the records, which must have existed at least 30 years, and there must be a connected chain of title down to the time that the title is claimed. There

must be, in addition to it, seven years of payment of taxes, just as we now have in the other statutes of limitations in the State.

This measure, as now amended, is symmetrical. I have no fear of its constitutionality at all. It cannot possibly be injected into this measure that title for a year or two years is all that is required. It is absolutely necessary for the claim of title or the establishment of title under this bill, that there must be a record behind it for more than 30 years.

I have personally signed in my practice over 3,000 written opinions upon titles to real estate. Up to two years ago the major portion of my practice was the examination of abstracts. I do not have the fear that the gentlemen have expressed as far as this bill is concerned.

I submit that the amendment offered by the gentleman from Jasper (Kasserman), should be defeated.

(Motion lost.)

Mr. SMEJKAL (Cook). I move this House to now adjourn.

Motion prevailed and the House adjourned.

THURSDAY, APRIL 8, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Stevenson.

The Journal of the previous day being read. Upon motion of Mr. Lyon (Sangamon), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of petitions and reports of standing committees, all without debate.

Mr. BUTLER (Sangamon). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 13.

"Resolved, by the House of Representatives, the Senate concurring herein, That when the two houses adjourn on Thursday, April 8, they stand adjourned until Tuesday, April 13, 1915, at 10:00 o'clock a. m."

THE SPEAKER. The Waterway Committee leaves at 3:15 this afternoon with other members of the House on a trip of inspection, and the Committee on Public Utilities meets in Chicago tomorrow, and two subcommittees of the Industrial Affairs Committee meet in Chicago tomorrow, so that would leave but very few members of the House, and on account of no session tomorrow, the clerk said it would not be advisable or necessary to have a short session on Monday evening, so if this resolution is adopted, it will go over until 10:00 o'clock Tuesday morning.

I would like to make this statement now, so that the members will be prepared hereafter, that beginning next week, we will have the regular daily session, and we will attempt to have a full session on Friday, and read the regular order, both bills on first and second reading. If the members are not here, we will proceed. If the question of a quorum is raised, the clerk will be ordered to call the roll of the House, so that the record will show who is here, and let the blame lie where it belongs. The time has come now when we ought to have full sessions on Friday and do business.

The Chair has tried to accommodate the members, and will be glad to do so, but hereafter when these bills are called under regular order, and the question of quorum is raised, we will have a call of the House and show who is here. That will be the order on a week from tomorrow. We hope to have as many members as possible, and I hope the members will now make their arrangements so as to be here on Friday.

When we don't have these Friday sessions, we lose the benefit of committee meetings on Thursday afternoon. I am sorry that we had to adjourn over tomorrow, because it may interfere with a lot of meetings of committees that are scheduled for this afternoon, and delegations are here to be heard.

I hope the members will remain until as near train time at 3:15 as possible, so that the meetings that are scheduled of the various committees for the afternoon can be held.

(Resolution adopted.)

THE SPEAKER. House Joint Resolution No. 7 is the special order for today.

The House will resolve itself into a Committee of the Whole for consideration of House Joint Resolution No. 7. I will ask the gentleman from Effingham, Mr. Rinehart, the introducer of the resolution to take the chair.

Mr. Rinehart (Effingham) presiding.

Mr. RINEHART (Effingham). The clerk will read the resolution for the information of the House.

HOUSE JOINT RESOLUTION No. 7.

Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein, That the following amendment to section 2 of article XV, of the Constitution be proposed and be submitted to a vote of the electors at the regular election to be held on Tuesday after the first Monday in November, 1916:

"SEC. 2. Amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two Houses, such proposed amendments, together with the "yeas" and "nays" of each House thereon, shall be entered in full on their respective Journals; and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become part of this Constitution. The General Assembly shall have power at any session thereof, to propose as many amendments to this Constitution as shall seem proper and necessary, and may propose the same or similar amendments at any or as many succeeding regular sessions as shall seem expedient."

Mr. RINEHART (Effingham). What is the pleasure of the committee?

Mr. ROE (Fayette). I offer the following amendment and move its adoption:

HOUSE RESOLUTION No. 14.

Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein, That the following amendment to Section 2 of Article XIV of the Constitution be proposed and be submitted to a vote of the electors at the regular election to be held on Tuesday after the first Monday in November, 1916:

SEC. 2. Amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two Houses, such proposed amendments, together with the "yeas" and "nays" of each House thereon, shall be entered in full on their respective Journals; and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this Constitution. But the General Assembly shall have no power to propose amendments to more than *three (3)* Articles of this Constitution at the same session, nor to the same Article oftener than once in four years.

Mr. ROE (Fayette). In explaining the substitute to the original resolution introduced here some days ago, I wish to say that the original resolution, as introduced, provides that as many amendments may be submitted as the Legislature may see fit, upon receiving a two-thirds vote.

In the amendment that I propose, the only change that is made in this resolution is this: That no more than three can be submitted at any one time, and farther than that, following the same line of the present Constitution, that the amendments cannot be voted upon any oftener than once in four years.

Now, that is the only change—limiting the amendments to three and that they cannot be voted upon oftener than once in four years. The original resolution had no limit as to the number of proposed amendments or as to how often the same could be voted upon. The amendment proposed now has that limit, and that is the only difference.

My individual position is that there should be a limit, also that there should be a limit as to how often it could be voted upon. That is all I care to say about it.

Mr. BUTLER (Sangamon). I would like to ask the gentleman a question. What is the advantage of having more than one amendment submitted at a time?

Mr. ROE (Fayette). There are certain things that probably could be disposed of with a great deal more expediency, such as the revenue, minority representation, and a matter or two of that kind.

Mr. BUTLER (Sangamon). How many amendments have we had submitted in the last ten years? It looks like we didn't need three if we haven't used one. There ought to be some reason for it if we have more than one amendment.

Mr. ROE (Fayette). A proposition might come up where a number of people—

Mr. McCORMICK (Cook). I have no doubt but what that is an engaging colloquy on that side of the House, but there are some gentlemen who are very much interested in that proposition who might wish to hear the debate.

Mr. BUTLER (Sangamon). If the gentlemen on that side will be a little more quiet, they will hear.

Mr. HOLADAY (Vermilion). May we have the amendment read again?

Mr. BUTLER (Sangamon). I heartily endorse the amendment. I think that is better than the original resolution, and I can say that I am for the proposition.

Mr. HOLADAY (Vermilion). Do I understand that this amendment limits the number of amendments that can be proposed at any one election to three?

Mr. RINEHART (Effingham). Yes, sir; the amendment follows the present Constitution, with the exception that it provides that three articles of the Constitution may be amended at any one session, instead of one as at the present time.

Mr. RODERICK (Cook). As I understand this resolution, it is a resolution for an amendment to the amending clause?

Mr. RINEHART (Effingham). Yes, sir.

Mr. RODERICK (Cook). If we adopt this resolution, does it preclude us from having an amendment to remedy the tax revenue evil that exists in the State now?

Mr. RINEHART (Effingham). At the present session, yes, sir.

Mr. RODERICK (Cook). Can we introduce them both?

Mr. RINEHART (Effingham). Not at the present session.

Mr. RODERICK (Cook). One at a time?

Mr. RINEHART (Effingham). One at a time, under the present Constitution.

(Amendment adopted.)

Mr. DONAHUE (McLean). I move that the resolution be reported out with the recommendation that it be adopted.

(Motion prevailed.)

Whereupon, the Committee of the Whole House rose.

The speaker in the chair.

Mr. RINEHART (Effingham). I move that this be made a special order for next Wednesday at 11:00 o'clock.

(Motion prevailed.)

Mr. SMEJKAL (Cook). I ask unanimous consent to call up House Bill No. 256 on third reading, providing for a deficiency appropriation in the Secretary of State's office.

(Roll called by the clerk.)

THE SPEAKER. On this question the "yeas" are 111 and the "nays" are none. The bill having received the required two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to ask unanimous consent to call up House Bill No. 284 on third reading.

This bill provides for the validating of defective annexations which have taken place in the past, and it provides that property which has been taken into a city and where the original annexation was defective, this validates the annexation where those annexations were assessed for State taxes and special assessments for improvements, etc.

(Roll called by the clerk.)

THE SPEAKER. On this question the "yeas" are 114 and the "nays" are none. The bill having received the required two-thirds majority it is declared passed with the emergency clause and the clerk will report the title of the bill.

Whereupon Senate Joint Resolution No. 17 was taken up by the House.

Mr. ROTHSCCHILD (Cook). I ask unanimous consent to suspend the rules and consider this bill immediately.

Mr. IGOE (Cook). I object.

Mr. BUTLER (Sangamon). If this resolution has any virtue I would like to hear somebody tell about it.

Mr. ROTHSCCHILD (Cook). If there is any very considerable objection to it, I will withdraw my motion.

Mr. IGOE (Cook). I objected to it.

Mr. ROTHSCCHILD (Cook). I heard the objection of the gentleman from Cook, but I say if there is any considerable opposition. It is for the pensioning of public employees and to report at the next General Assembly. If there is any objection I will withdraw my motion.

Whereupon the said resolution was referred to the Committee on Rules.

Mr. SMEJKAL (Cook). I ask unanimous consent to call up House Bill No. 528, an appropriation bill for the payment of deficiency in the State Board of Contracts. It is for the printing of the Journal, etc.

Probably the members of the House are not familiar with this bill. This is one of the most important bills that comes before the General Assembly. It is for matter contracted for by the State board. The contracts have been made and the money must be paid for printing, paper, the publishing of the House Journal and all the literature that comes in here—House calendars, etc., and it is one of the bills that must be passed and it requires 102 votes to pass it.

Mr. MITCHELL (Cook). How much does it call for?

Mr. SMEJKAL (Cook). It was \$140,000 two years ago, and it has been cut down to \$100,000. The contract has been let by the Board of Contracts which is comprised of the Attorney General, the Secretary of State and the Treasurer, and it ought to be passed.

(Roll called by the clerk.)

THE SPEAKER. On this question the "yeas" are 106 and the "nays" are none. The bill having received the required two-thirds majority it is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent to call up House Bill No. 480 on the order of third reading. It is a bill making an appropriation for deficiencies of the Public Utility Commission.

Whereupon the bill was read by the clerk.

Mr. SMEJKAL (Cook). This bill as I said before, is for deficiency in the Public Utilities Commission. Two years ago when that Act was passed there was an item of \$60,000 put in the omnibus bill. That doesn't provide for the salaries of commissioners which is in the State Officers Bill. This commission is a revenue producing agency for the State. I am informed by the secretary they have collected in fees almost \$400,000.

Mr. McCORMICK (Cook). Mr. Speaker, I don't want to let the statement that this is a revenue producing body go into the record unchallenged. It is a tax collecting body.

Mr. SMEJKAL (Cook). Well, when I say that I mean that much has been collected by the body. The law provides for the collection of fees and other amounts by the Public Utility Commission; whether or not it is all revenue I don't know.

Mr. BUTLER (Sangamon). What is all this for, may I ask?

Mr. SMEJKAL (Cook). The salaries from now until July 1st on the monthly pay roll are \$9,575.69 a month, which makes the amount nearly \$29,000 to July 1, which will be required to run the commission until that time.

(Roll called by the clerk.)

Mr. BROWNE (LaSalle). (On roll call). I desire to explain my vote. I don't think anybody on the floor of this House will accuse me of being

an economist when it comes to legitimate appropriations. Perhaps I am not enough of an economist. I am in favor—or rather I am inclined to vote for any legitimate appropriation that spells for good or is to be used along legitimate lines in so far as the Treasury of the State is able to care for those matters. I don't know but what this is a legitimate appropriation. Possibly it is. I think probably it is. But I also recognize the fact that the reason that I am having to pay out in the neighborhood of five or six hundred dollars during the continuance of this session to the poverty stricken railroad companies, is due not to the railroad companies themselves, but to this commission that is now asking for a deficiency to help them out, in some way I can't find it in my soul and my heart any single atom of charity that prompts me to do this. I have tried to and I found myself stuttering. I vote "no."

(Roll call continued.)

Mr. SMEJKAL (Cook). I move that further consideration of this bill be postponed.

(Motion prevailed.)

Mr. SMEJKAL (Cook). I desire unanimous consent to call up House Bill No. 340 on the order of third reading. This bill provides for a deficiency in the Auditor's office for the expense of returning fugitives. The sheriffs of the different counties of the State have paid out this money and are waiting for it. I have here the amount that each county gets.

(Roll called by clerk.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" are 1. The bill having received the required two-thirds vote, it is declared passed with the emergency clause. The clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House do now adjourn.

Motion prevailed, and the House adjourned until Tuesday, April 13, 1915, at 10:00 o'clock a. m.

TUESDAY, APRIL 13, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Dr. Houghton.

The Journal of the last legislative day being read. Upon motion of Mr. Jacobson (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, introduction of bills, House bills on first reading, all without debate.

Whereupon, House Bill No. 73 was taken up on the order of second reading.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of this bill and ask to be heard briefly on that question.

This is one of a series of bills of numbers 71, 72, 73 and 199, that are introduced for the purpose of making more vicious the present bulk sales law. If there is anything further needed to make crooks out of honest men, I don't know what it would be along the line of legislation than these four bills added to the present bulk sales law. It doesn't cover the cases of dishonest debtors seeking to avoid their liabilities or to cheat creditors. It strikes at honest transfers, men who have no disposition to defraud or do wrong. One of these bills is a change of the attachment law. I don't care very much about that. Another one is the garnishment law. Number 199 practically makes it a crime for any man to make a representation as to the financial status of another, whether he does it knowingly or maliciously or not, if that statement happens to be wrong. It removes from a man doing business in a small way any individuality and any possibility of real individual action and makes him solely and wholly a creature of the wholesalers in Chicago, merely a commission man selling their stuff. He is owned by them body and soul and doing business as a commission agent for these wholesalers. He is a slave. I think the enacting clause ought to be stricken out of this bill.

Mr. LYON (Sangamon). I move to lay that on the table. I will delay that motion long enough so that Mr. Pierson (Cook) may make a statement in regard to the bill.

Mr. PIERSON (Cook). I think the purpose of this bill is good. I think it is to harmonize the law. I don't agree with the gentleman from LaSalle in the position he takes that the wholesalers are natural enemies of the retailers. My experience has been that the wholesalers are the men that want the retailers to succeed. The life of the wholesaler depends upon the success of the retailer and the small merchant. I have observed them so many times that I have no doubt about it. There are dishonest and dishonorable retailers and it is the duty of the honest wholesale house to compel them to live according to law. That is the purpose of this bill. It gives the right to reach a man who has violated an express statute and that is all that this bill is for. It doesn't harm anybody but the crook.

Mr. BROWNE (LaSalle). That same argument was made in this House at the time the garnishment law was changed so as to give the man that labored an exemption of \$15 a week instead of the \$8 he had formerly guaranteed under that act. It was urged then that the amendment would only hurt the crook and would not hurt the honest man. It is the same argument I have heard on the floor of this House repeatedly. This proposition is along the same line.

A great deal of trouble comes from these wholesalers unloading a lot

of stuff when they know they ought not do it and encouraging and seducing credit to men who ought not to have it. You want to protect everybody that has money or something to lose. Why not protect the poor fellow who has only a little? Why not help him? If that is the light of sympathy that comes out of your soul, let it shed itself on the poor fellow.

(Motion to table, motion to strike out the enacting clause is lost.)

(Motion to strike out the enacting clause prevailed.)

Mr. PERKINS (Logan). I want a roll call.

Mr. BROWNE (LaSalle). There has been no objection raised to this method and it has been followed.

Mr. PERKINS (Logan). If this business of striking out the enacting clauses of bills is to be followed, we ought to go on record.

THE SPEAKER. If the gentleman refuses to rise and vote in his seat, any of you gentlemen, the Chair is not responsible for it and the Chair will give a roll call at any time when it is at all close. He has no interest in any special bill before this House. The enacting clause is stricken out. (Applause).

Whereupon, House Bill No. 562 was taken up on the order of second reading, it being read the second time on April 7 and consideration postponed; being a bill providing for the manner of making claims for the slaughter of animals having infectious diseases, and reimbursement to the owners for their loss.

Mr. KANE (Saline). I desire to offer an amendment which reduces the sum of \$250 to \$125 to cover animals of ordinary or no special breeding.

In regard to this amendment, the members of the Live Stock Commission and also members of the House spoke to me in regard to this bill and insisted that the limitation for non-registered and ordinary stock of \$250 was an error and that it was not the intention of fixing \$250 as the limitation for non-registered and ordinary stock, but that was the price to be fixed for registered stock. Upon calling their attention to the bill they agreed with me that the limitation, which in fact is not a limitation, is \$250.

The gentleman from Menard who is very much interested in this bill, the gentleman of good-road fame (Tice), stated to me that he understood it only applied to registered stock and he was against the proposition. He thought the limit would be too high. The Live Stock Commission men spoke to me this morning about it and said that they understood that this limitation of \$250 was only to apply to registered stock, but the bill as it is printed applies not only to registered stock, but it applies to any and all stock. If \$250 is high enough for the registered and pure bred stock, then it is certainly not consistent to fix the ordinary stock as high, if you intend to make any difference between the two whatever. This is my objection. We might say that the ordinary stock will not be appraised for as high as \$250 and it doesn't make any difference. Whenever you place the limit so high that will create a tendency on the part of the appraisers who don't have to pay the expenses, and on the part of the parties who bring about the appointment of the appraisers to fix a value at an inflated figure.

Under this bill the owner appoints one appraiser. We know that he represents the man that owns the stock, and with a limitation of \$250, there will be a tendency to bring the appraisement up to that amount and in many cases the State will have to pay that amount. The circuit judge in the district appoints another man. You know that he will appoint a man who is favorable to the owners as he lives in his district. There you have two appraisers who are willing to listen to an argument to give the owner all that he can get. I don't think the law is properly safe-guarded and that is the purpose of offering this amendment.

Mr. BROWNE (LaSalle). I desire to offer the following amendment as a substitute for all pending amendments.

This amendment follows the suggestion that was offered the other day from the other side of the House by Mr. Graham and which at once appealed to me and met with my ideas not only as to constitutionality but as to fairness. This amendment in effect does away and eliminates from this bill all limitation whatsoever as to value on the cattle slaughtered.

The Constitution provides that no private property shall be taken for public use without just compensation therefor. Doesn't it? That is the

substance of what it says and that is what it means. Now, then, there cannot be any taking for public use that is a more effective taking than the destruction of cattle in the interest of public health. The Constitution didn't intend to make any distinction between personal property and real property.

When under the eminent domain act you take for public purposes a high school site or land for a railroad right-of-way, or anything else for public use, under the act you must proceed to have the value of what you are taking assessed according to its fair cash market value. You must make compensation to the owner thereof under those terms. He has no option and he cannot say you nay. You take what was his for public use. Why shouldn't you pay for it just the same as you would if you went into a store and asked for merchandise. If you go in and take a man's herd and you slaughter them and you deprive him of them, he has no option, but why shouldn't you pay him for them; pay him what they are reasonably worth and what he could get for them if he were to sell them. Is there anything wrong about that? Is there any other process that would not be wrong?

Mr. KANE (Saline). Do you think it is a safe proposition to take them without limitation?

Mr. BROWNE (LaSalle). You have to rely on the honesty of three men instead of twelve. By the same token I would prefer twelve, just as I prefer a jury to a judge. It is a good deal easier to get to one man than twelve. I have no objection to your changing it along that line.

Mr. KANE (Saline). Under this bill it would be an ex parte proceeding.

Mr. BROWNE (LaSalle). The provision along the line of the eminent domain act of having a jury fix the value would be far better than this. I am willing to stand for this.

Mr. KANE (Saline). Under this amendment it would be possible for the State to have to pay \$15,000 or \$20,000 for one animal.

Mr. BROWNE (LaSalle). Yes, if that is what the animal is worth, the State ought to pay it.

Mr. SMEJKAL (Cook). I introduced the original bill that was substituted by the committee bill. I don't agree with the gentleman in his premise. The application of the eminent domain act does not apply here for the reason that property destroyed under this act is destroyed in an epidemic of disease and it is done for the protection of the owner and the State. It is not a question of value at all. It is not taken for the public use.

Mr. BROWNE (LaSalle). Then why give him anything?

Mr. SMEJKAL (Cook). He loses all his property and he ought to get nearly what it is worth.

Mr. BROWNE (LaSalle). Why shouldn't he be paid for it then?

Mr. SMEJKAL (Cook). He should not be given the full value of it. If you do that, you will bankrupt the State.

Mr. McCORMICK (Cook). The House ought to have an opportunity to consider the objections made by the gentleman from LaSalle (Browne) that is included in this amendment. If the limitation is removed, it should be awarded by someone other than this Board of Live Stock Commissioners. I am not clear in my own mind as to the wisdom of the amendment, but off hand its purpose strikes true to me and I believe the gentleman from LaSalle is right. If the owner of a valuable piece of property loses that piece of property by the decision of the servant of the State, he should be paid therefor, but I think there is a question as to the wisdom of permitting live stock boards to make the award.

Mr. BROWNE (LaSalle). So do I.

Mr. McCORMICK (Cook). I have suggested to the gentleman informally that the bill go over another day that we may consider whether another amendment along that line should be incorporated in the bill.

Mr. TICE (Menard). I heartily concur in the amendment offered by the gentleman from LaSalle. I think he is right in the proposition which he offers. The State Board of Live Stock Commissioners would not be the awarding body, as Mr. McCormick says. This bill provides that one person

shall be selected by the board, one by the owner of the stock which is to be slaughtered, and the other by the circuit judge of that district. That ought to make a fair and competent board. I believe it will.

Mr. BROWNE (LaSalle). I believe that the suggestion of the gentleman from Saline (Kane), is good. Would you have any objection to changing this so as to leave it to the court and jury?

Mr. TICE (Menard). No, I would not, Mr. Browne, if we could arrive at some mutual agreement, but this bill provides for an emergency clause and there is an emergency existing in our State and it will delay the bill to hold it on second reading until tomorrow.

Mr. ARTHUR ROE (Fayette). In this bill as I understand it, the State is one of the parties that is interested. What do you say about this proposition, that if there is a disagreement after the award has been made, when you leave it without limit, as this amendment would, that there shall be a right of appeal. If you don't have something in the bill like that, we will have to go on and pay absolutely the amount that is fixed with no right of appeal. If some right of appeal is granted, I agree with you that the amendment is good.

Mr. GRAHAM (Mercer). There can be no doubt but what the gentleman from LaSalle (Browne), has stated the law as it is. Many of these animals that are slaughtered are not sick animals. Many of them are killed in a state of health. His property is taken away from him without his consent and the same rule that applies in the condemnation and destruction of this man's property should apply in any other kind of property. While I may not be satisfied with the machinery expressed in this bill, yet the principle that the gentleman from LaSalle (Browne), insists upon, is right. I might cite a concrete example. I have a neighbor near my house that owns a valuable stallion worth \$2,500. Suppose glanders would appear in that locality and the horse is not sick but exposed and for public use he is taken and slaughtered. Is that man obliged to give away his \$2,500 stallion for \$250? Is that right and equitable? Should we put an arbitrary limit on this price and then come at the next session of the Legislature and invalidate the statute and pass appropriation bills largely exceeding that? Shouldn't we treat this matter fairly and make it on a fair basis of what it is worth on the market for any purpose. That is the right thing to do. The proper thing is that way.

Mr. KANE (Saline). Just one word of warning in regard to the danger of this unlimited appraisement. It will make the stock owners careless and tend to bring about the widespread of the disease all over the country, for this reason. If a man is to get all his property is worth and he is in a neighborhood where the cattle are affected, he will have his cattle killed and be better off than the other fellow who has his quarantined. It will tend to spread the disease.

Mr. McCORMICK (Cook). Has there been any of this foot and mouth disease in your part of the State?

Mr. KANE (Saline). In times past.

Mr. McCORMICK (Cook). Recently?

Mr. KANE (Saline). No.

Mr. McCORMICK (Cook). We have not been quarantined in Chicago but we have seen some of the distress elsewhere. It seems to me that the only conceivable objection to the amendment of the gentleman from LaSalle is in the board of award. There are two parties at interest as I understand from the gentleman from Menard (Tice), the owner of the stock, the representative from the live stock board and the party appointed by the court.

Mr. BUTLER (Sangamon). I rise to a point of order.

Mr. McCORMICK (Cook). Do you raise the point of order on me?

Mr. BUTLER (Sangamon). Yes; you got up to ask a question and you are making a speech.

Mr. McCORMICK (Cook). I will proceed. We hear plenty from the gentleman from Sangamon.

Mr. KANE (Saline). Don't you believe that there would be danger where the owner appoints one of the appraisers and then goes to the circuit judge in his district and have that circuit judge appoint the other man?

Mr. McCORMICK (Cook). I would have less fear of the action of the circuit judge than the representative of the live stock board who wants no

friction. If the suggestion made by the gentleman from LaSalle (Browne), is adopted that a jury trial be had to ascertain the damage, if there is any danger in this bill I think that amendment would cure it.

What harm is there in letting this bill go over twenty-four hours so that these gentlemen from Grundy, Mercer and Menard can reach an agreement on this matter?

Mr. DUDGEON (Grundy). This matter was thoroughly gone over in committee and placed the value of \$250 on the stock instead of \$75 as it now is. I think the amendment is absolutely fair and right. As far as a jury is concerned, I think the committee will be just as fair as any jury you might select and I think the amendment should be adopted.

Mr. ARTHUR ROE (Fayette). I move that this matter go over until tomorrow.

Mr. BUTLER (Sangamon). I would like to make these few remarks, partly in support and partly in opposition to the gentleman from LaSalle (Browne). If we don't legislate along this line, it will bring legislation along another line and that line will be that any herd infected with this disease will not be allowed to be sold on the market. That will not be confiscation, but it will amount to the same thing. Now the second proposition; I don't think that the constitutional argument raised by Mr. Browne will hold good in this case as I think this law is invading the police power of the State and under the police powers as it now stands it prevents diseased meat going on the market and from that standpoint the courts will sustain and uphold a proposition to slaughter herds that are stricken with this disease.

Now, as I understand it, the gentleman from LaSalle (Browne) is raising the point in behalf of the cattle raisers, whereas they are satisfied to put this limitation on it in order to get their money.

Mr. BROWNE (LaSalle). I will tell you why they are satisfied and it is because he is satisfied to get a little piece of a loaf if he cannot get it all.

Mr. TICE (Menard). That is right.

Mr. DUDGEON (Grundy). That is exactly right.

Mr. BUTLER (Sangamon). You are slaughtering herds that are under suspicion and taint. The mere fact that part of the herd is infected while the rest of the herd shows no sign does not bring the rest of the herd up to the market value.

I think in a matter like this, it is like other legislation. You cannot always choose just what you want. Sometimes the best thing comes from a compromise between degrees of right. Sometimes the best thing to do comes between a compromise of what is right and what is wrong. Sometimes the best thing to do is to compromise between what is wrong in one degree and what is worse. When a man's herd is stricken with this disease and part of it is infected, you cannot tell how much more will be infected and then you must protect the community by the exercise of the police power and kill all of his herd and you are doing him a justice when you reimburse him for that part or all of the herd taken whether it is stricken or not, and you arrive at a compromise. I don't believe you should pay him in full. I think you should strike an average.

Mr. DUDGEON (Grundy). How would you strike an average when the man only has one animal.

Mr. BUTLER (Sangamon). One animal never would come under this head. The one animal is either infected or not infected. You cannot go in to a man with one animal and say "your animal is perfectly sound and I will kill him." You can only go into a herd, part of which is infected. I don't think the example given by Mr. Graham is pertinent. If his neighbor has a \$2,500 stallion and that stallion has the glanders, he is not worth \$2,500.

Mr. GRAHAM (Mercer). They kill him and his property is gone.

Mr. KESSINGER (Kane). Several gentlemen have suggested that there was no place of appeal. There is a place of appeal and that is to the Legislature. The gentleman from Grundy (Dudgeon) tells the gentlemen in the House that people in this State who have not been satisfied with appraisements have come before the sub-committee and later come before the Legislature to appeal from the decision of the appraisers. Answering

the gentleman from Saline (Kane) that it would make the farmers in this State careless and they would invite condemnation and slaughter of cattle is ridiculous. You can pay the average dairy man three times what his cattle is worth and he would be out money because his business would be taken away from him during the time of his quarantine and the check he gets every month to live on would be gone. I think the gentleman from LaSalle (Browne) is right and this bill ought to go through as amended and let the appeal come to the Legislature.

Mr. FRANK J. RYAN (Cook). I move that this bill go over until tomorrow.

(Motion prevailed.)

Mr. TICE (Menard). While the matter is fresh in our minds, if there is no objection, I would like to make House Bill No. 562 a special order tomorrow immediately after the consideration of the joint resolution which is set for tomorrow.

THE SPEAKER. If there is no objection, it will be so ordered.

Whereupon, House Bill No. 13, on the order of second reading was taken up: Being a bill to amend section 63 of the act relating to elections, to provide that in cities of 500,000 inhabitants and over, all judges and clerks of election shall receive \$8 per day for their services.

Mr. PIERSON (Cook). I move to strike out the enacting clause.

Mr. THOMAS CURRAN (Cook). I move to lay that motion on the table.

Mr. McCORMICK (Cook). Do the members of this House appreciate that if this bill becomes a law it will add between \$200,000 and \$250,000 to the cost of holding elections in Cook County?

Mr. THOMAS CURRAN (Cook). The judges and clerks of election in Cook County are underpaid. They start in to work at six in the morning and they work until six or seven the next morning and they are entitled to \$8 a day.

Mr. LYLE (Cook). If I had known that this was coming up, I would have prepared an amendment. I call to your attention this one point and that is that \$8 a day would probably be too much for 12 hours work. There are a lot of people who don't sell their services for that much, but when you come to consider that many times the judges and clerks serve until two and three o'clock in the morning, you may remember that you are paying them \$5 for practically two days work. If you could fix it on a sliding scale you might pay them for two days instead of one as many times they work two days.

Mr. PIERSON (Cook). The judges and clerks will receive \$16 for conducting an election. An election has become a remarkable luxury, especially in Cook County. These elections are adding to the taxpayers expenses all the time and it is about time something was done to stop the raid upon the treasury.

Mr. LYLE (Cook). In the last six years we have had two fraud investigations covering a period of several months. In the first investigation, about six months ago, I happened to be one of the special assistants. I know that the fraud came about many times because the men that were selected as judges and clerks were not of the calibre and were not fitted by education to do the work. Who wants to work two days for \$5? It is hard to get the right men. I think this ought to go over until tomorrow or the next day and I would like to submit an amendment. I think there ought to be an amendment that if the clerks and judges work until two or three o'clock in the morning they ought to be paid in proportion.

Mr. BUTLER (Sangamon). I wanted to find out what the rule is by measure \$8 for Chicago and \$5 for the men in the country?

Mr. LYLE (Cook). We thought you might be a little closer than the people in the city?

Mr. BUTLER (Sangamon). Do you mean stingy?

Mr. LYLE (Cook). You may put it that way if you want to. If you want to pay \$8 down the State, nobody will object.

Mr. BUTLER (Sangamon). I wanted to find out what the rule is by which you differentiate between the judges. I might want to vote for it but want to know the reason.

Mr. LYLE (Cook). You cannot get men to work for \$5 a day until two o'clock in the morning.

Mr. BROWNE (LaSalle). I am in favor of this motion to strike out the enacting clause, but my sentiment proceeds from an entirely different standpoint than that from the gentleman that offered the motion. I think this is a good proposition. I think they are entitled to \$8. I think \$8 a fair and reasonable compensation. I want it to apply to the State as well as to Cook County and this bill does not do that. Therefore, I want the enacting clause stricken out. There is another bill, number 54, that takes care of it all over the State and that is what we want.

Mr. SMEJKAL (Cook). Cook County operates under the City Election Act and outside Cook County under the General Election Act. You have to amend both laws in order to get them.

Mr. BROWNE (LaSalle). You don't have to amend 54.

Mr. DE YOUNG (Cook). I agree with Mr. Pierson in the statement that the burden of a primary and general election has become so serious in the city of Chicago that we ought to pause before we add another burden to the taxpayers.

Mr. LYLE (Cook). I would like to ask the gentleman from Cook (DeYoung) why it is we cannot get more able and better men as judges and clerks of election?

Mr. DE YOUNG (Cook). I don't think the increase in the salaries will have the slightest effect on their ability or their character. I am not impressed with the arguments that the increase in salaries brings better results in public service. We increased the salaries of the judges from seven to ten thousand dollars a year in Cook County and the ability of them has not been increased any. (Applause). It is not governed by their character or fitness but by their political affiliations.

Mr. LYLE (Cook). I would like to ask the gentleman if he will serve as a judge and clerk of elections himself?

Mr. DE YOUNG (Cook). I never have served and never have sought it and never expect to and the matter of \$5 or \$8 a day has not been what precluded me from seeking that sort of a place.

Mr. WEBER (Cook). I don't think that we ought to strike out the enacting clause. In Chicago conditions are different than they are down State. I have an amendment to offer after the pending amendment is disposed of, which proposes the payment of \$8 per day for primary days and general election days and \$5 per day for registration days and revision days. It is only on election days when the ballots are of such extraordinary size that the judges and clerks of election are obliged to work late into the night and sometimes until the next morning. Registration days and revision days they get through at six or eight o'clock. Under my amendment they would get \$5 a day for that work. That is ample pay for the time put to this work. I believe that the pay of judges and clerks of election in Cook County should be fixed at \$8 per day on primary and election days, and \$5 per day for registration days and revision days. This I believe to be fair and just to the judges and clerks of election as well as to the taxpayers.

Mr. R. E. WILSON (Cook). Don't the judges have to go down to the election commissioners office the afternoon before and get those books regardless of what it is?

Mr. WEBER (Cook). Yes.

Mr. R. E. WILSON (Cook). Don't they have to return those books the next day?

Mr. WEBER (Cook). Yes.

Mr. BROWNE (LaSalle). I don't think you can offer an amendment with a motion pending to strike out the enacting clause.

Mr. BURNS (Cook). I don't think at this time that the enacting clause of this bill should be stricken out, or on House Bill No. 54 either. In the city of Chicago they pay lower amounts than in any of the other states, large, like Illinois. In Boston they pay \$10 a day, in New York they pay \$12 a day, in Omaha \$8 a day. In New York the books are placed in the polling places without any time spent by the judges or clerks in going to the office of the election commission to get their paraphernalia for the election. In Chicago, the day before the primary, the day before elec-

tion, the day before revision and the day before registration he must apply there for his supplies.

If, as my friend from the sixth district says, he wants them to take them down on revision night and pay them less because their time is short, he knows very little about the election law. He knows that registration is far longer than six o'clock and the whole day of revision is spent in going to and from the election commissioner's office and obtaining his supplies. He works until ten o'clock at night and he must sign up all his books and make his returns either on that night or the next day. It takes up another half day for which he receives no pay whatever. He cannot do his work within the hours that are usually considered a day. He works much more time than he is paid for.

The money must be spent in order to obtain the calibre of men you want for this purpose.

Mr. LYLE (Cook). I want to ask a question.

Mr. BURNS (Cook). When I am through I will answer any question. For thirty to forty-five days previous to every election we have from one to three men out in each ward in the city trying to obtain judges and clerks of election and these men are unable to find the right men and it comes up to election day and we haven't the men and we have to send out one hundred to a hundred and fifty men through the city of Chicago in order to obtain the necessary number of judges and clerks to conduct these elections. Don't you think that if you were to pay men a little more money that you would be able to get better men and get them easier than under the present system of low pay? Of course you would and you all know it. We have put advertisements in the papers and tried to get a class of judges and clerks that will be equal if not superior to any class in the world. We want the best class we can get.

The general increase in the cost of elections has been caused by the increased number of precincts in the city of Chicago due to the passage of the Women's Suffrage Act two years ago. That is what has made it expensive. Now the small increase will not injure the citizens of Chicago.

Mr. LYLE (Cook). You have answered one or two of the questions I was going to ask you. You were connected with the election commission's office?

Mr. BURNS (Cook). Yes, when I am not here.

Mr. LYLE (Cook). You know the difficulty of getting these men to serve?

Mr. BURNS (Cook). Yes.

Mr. LYLE (Cook). And if you paid more you could get better men?

Mr. BURNS (Cook). Yes, certainly, anybody knows that.

Mr. LYLE (Cook). Now, did you just hear that we just passed a bill limiting the hours that State and county employees were to work?

Mr. BURNS (Cook). We haven't passed that yet.

Mr. LYLE (Cook). Isn't that in keeping with this bill?

Mr. BURNS (Cook). I don't think that would affect clerks and judges of election. I have seen judges and clerks of election go into the polling places at six o'clock on Tuesday morning and not come out with their work finished until Thursday morning at 2.00 a. m., and they receive only \$5. In Chicago no matter how long they work, \$5 is their compensation and it is entirely too small.

Mr. G. H. WILSON (Adams). There is a defect in this bill. The Chicago man knows nothing about anything except the cities and he don't think there is such a thing as the country on any proposition. The old law which this purports to amend provides that in counties of the first and second class \$3 shall be allowed and in the third class \$5. This amendment much like Lots' wife is fearfully and wonderfully made, and provides that in cities having a population of 500,000 the pay shall be \$8 and in cities of less than 500,000 the pay shall be \$5, absolutely ignoring the question of the pay of the judges and clerks of election outside of the limits of any municipality. This repeals the other act and I would like to know how you are going to pay the country judges and clerks. For that reason the enacting clause should be stricken out.

(Motion to table the motion to strike out the enacting clause is lost.)

(Motion to strike out the enacting clause prevailed.)

Whereupon, House Bill No. 54 on the order of second reading was taken up for consideration which provides that in counties of third class, election clerks and judges shall be paid \$8 per day; in counties of second class, \$5 per day; and in counties of first class, \$4 per day.

Mr. BROWNE (LaSalle). This bill applies to the entire State and does not contain the objections that the other bill does. Nobody down the State ought to find any fault with this bill.

Mr. PIERSON (Cook). I move to strike out the enacting clause.

Mr. BROWNE (LaSalle). I can't see where any fault can be found with this bill and the enacting clause should not be stricken out. We need this bill down the State just as much as you may need it in Cook County. I don't think the enacting clause ought to be stricken out.

Mr. FRANK J. RYAN (Cook). This is an exact copy of a bill which was passed in this House four years ago receiving 106 votes and 3 votes against it. It passed the Senate also and was vetoed by the then Governor of the State for some reason best known to himself. At that time a discussion arose as to the advisability of paying the men down the State more than they were getting at that time and the down State members held a meeting, of which Mr. Kane was one or knows about it and Mr. English called the meeting and they discussed it among themselves and were satisfied as far as the down State was concerned. They agreed that it was a good bill.

Two years ago this same measure was on the calendar and went to second reading and stayed there. These judges and clerks should be paid a reasonable amount for their time and labor. It is a humane matter.

Is there any man here who has objected to the cost of the increased payment? Does Mr. McCormick know or Mr. DeYoung know, personally, how much this may increase any taxes they have to pay. It will be so small that it won't be noticed by anybody. You know as well as I do that any man who goes into a dingy polling place and stays there sixty hours at a time should not be paid less than \$8 a day. Be reasonable with these men that do the election work. Give them a chance to get competent men. I hope, gentlemen of the House that you will not strike out the enacting clause of House Bill No. 54.

Mr. LIPSHULCH (Cook). Relative to the question of whether judges and clerks ought to receive \$8 a day, I would like to state that any one who knows the difficulties experienced by the Chicago Election Board to obtain judges and clerks, and any one who has ever done the work himself or any one who has ever talked with one who has done the work, will soon agree that \$8 for one session as I would call it and not a day, because often it amounts to a very long session, spreading over two days and a night.

In such instances you must not forget that the clerk in question is losing the salary from his regular vocation, amounting to as much as is now being proposed, so that if you paid him \$8, in a great many instances he would only be paid for his actual loss and nothing for the work he has done for the county or the city as it happens to be.

If you wish to economize do so on the high officials, who in a great many cases receive as high a salary as \$10,000 per year, in return for which they give part of their time. Do not start at the little fellow, give him a chance to live. I am against striking out the enacting clause.

Mr. WEBER. I offer the following amendment and move its adoption.

AMENDMENT No. 2.

Amend House Bill No. 54, as printed, by inserting in line 9 after the word "day" the words "for primary election days and election days, and \$5.00 per day for registration days and revision days."

Mr. JACOBSON (Cook). I move to table the amendment.

Mr. BROWNE (LaSalle). With that amendment the bill don't mean anything. You might just as well have a piece of paper.

(Viva voce vote taken. Amendment tabled.)

There being no further amendments, the bill was ordered engrossed and to a third reading.

Whereupon, House Bill No. 105 on the order of second reading was taken up, a bill to permit fraternal beneficiary societies to issue limited payment or other forms of certificates to their members providing for payment of benefits at death or when disabled or on attaining the age of seventy years, or in installments, etc.

Mr. BRUCE (Cook). I move to strike out the enacting clause of this bill.

Mr. SMEJKAL (Cook). I hope the gentleman from Cook (Bruce), will not insist upon the motion. I move to lay the motion on the table.

(Motion to table motion to strike out the enacting clause prevailed.)

Mr. BUTLER (Sangamon). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 105 by adding section 3, to read as follows: "SEC. 3. *Provided*, that the provisions of this Act shall be adopted by a three-fifths vote of the policy-holders of such fraternal beneficiary society before the officers of such fraternal beneficiary society may enforce any action taken in compliance with this act."

Mr. SMEJKAL (Cook). I move to lay that amendment on the table.

(Amendment tabled. There being no further amendments the bill was ordered engrossed and to a third reading.)

Mr. VICKERS (McHenry). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 76.

WHEREAS, The Hon. Robert J. Beck, a member of the Thirty-sixth, Thirty-seventh and Thirty-eighth General Assemblies from McHenry County, departed this life at his home in Harvard, Ill., on the 16th day of March, A. D. 1914; and,

WHEREAS, The Hon. Robert J. Beck was a man of the highest integrity and moral character, serving his constituency for ten and twenty years, respectively, as member of the board of supervisors and justice of the peace and later the State of Illinois, for sixteen consecutive years, as Custodian of the State Capitol Building and Grounds; and,

WHEREAS, It is fitting that we pay to him and to his memory the only tribute now in our power; therefore, be it

Resolved, by the House of Representatives of the Forty-ninth General Assembly, That his death closes an honorable career marked by faithful service to the State and many acts of charity and kindness to his fellow men; and, be it further

Resolved, That we hereby tender to the family and friends our profound sympathy and condolence; that this preamble and resolution be spread upon the Journal; that a suitably engrossed copy thereof be forwarded to the family, and as a further mark of respect to his memory that the House do now adjourn.

Resolution unanimously adopted, and the House adjourned.

WEDNESDAY, APRIL 14, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Reverend Stevenson.

Journal of the previous day being read. Upon motion by Mr. Curran (Pulaski), further reading was dispensed with and the Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions and reports from standing committees. Mr. Boyer, chairman of the Committee on Contingent Expense, to which committee was referred House Resolutions 64 and 70, reported the same back with the recommendation that they do not pass.

Mr. BUTLER (Sangamon). As a substitute for the report of the committee I move that the resolutions be adopted. I would like to have the report read for information.

THE SPEAKER. The clerk will read the report.

(House Resolutions 64 and 70 read for information).

THE SPEAKER. Those in favor of the adoption of the report will say "aye;" contrary "no." The report is adopted.

(VOICES. Roll call.)

THE SPEAKER. Do you want a roll call on this proposition? If the members of the House want to add to the pay-roll I will insist that they go on record. Read the report so that the members will know what they are doing.

Mr. McCORMICK (Cook). I move that these reports be divided and that we vote on them separately.

Mr. IGOE (Cook). I think we ought to vote on them both at the same time. If you are going to put one man we ought to get our man on also.

THE SPEAKER. The House will be in order. I desire to state this for the information of the House. The chair stated that he would not pad the pay roll of this House, and the chair desires to say now that he will never certify any amount for back pay for any man who has not performed proper service for that pay and the chair knows that these men have not performed any duties for which they should be paid. It is a raid on the treasury and if this House wants to do it and have its clerk certify to it, it can do so, but the speaker will refuse to do it.

Mr. BROWNE (LaSalle). I know personally that Jesse Hawkins has been on the job from the time this session opened. I know he has performed his service willingly and has worked hard. I know he has done it just as faithfully as he could do it and the speaker knows it and every member of this House knows it.

THE SPEAKER. I will ask the gentleman from LaSalle (Browne) what duties he performed and who directed him to perform them?

Mr. BROWNE (LaSalle). I don't care what duties he performed or who told him to, he has performed them as House messenger for everyone in this House.

THE SPEAKER. The chair desires to state that those men who are supposed to be doing work and are not on the pay roll have not performed any duties other than those which they desired to perform themselves. If anybody here is trying to embarrass the chair regarding the padding of the pay roll, they will find that they are mistaken. There are more men on the pay roll now for certain places than are needed.

Mr. BROWNE (LaSalle). I assume that the speaker of this House is not going to try to set at naught the will of this House.

THE SPEAKER. Absolutely not.

Mr. BROWNE (LaSalle). If this House votes this thing down, well and good, but if it votes it up, you have no right to say you will not certify it.

THE SPEAKER. I will not swear to what I know is not so.

Mr. BROWNE (LaSalle). You don't have to swear to anything.

THE SPEAKER. You or no other member of this House will get me to certify back pay for any man who didn't earn it. If the House wants to do it, the clerk will have to certify to it, but the speaker will not do it.

Mr. BROWNE (LaSalle). If this House votes for it and passes it, I think you will.

THE SPEAKER. And the chair thinks it will not. The question is upon the report of the Contingent Expense Committee, reporting back these resolutions with the recommendation that they do not pass. Upon that question the clerk will call the roll.

Mr. BUTLER (Sangamon). I don't understand how the question was put up to the House.

THE SPEAKER. The question is on the adoption of the report of the Committee on Contingent Expenses, reporting these resolutions back with the recommendation that they do not pass and that the men be not added to the pay roll. The clerk will call the roll.

(Roll called by clerk.)

Mr. JACOBSON (Cook). I don't wish to take up the time of this House, but anybody who has worked here as I have seen them work is entitled to his pay and I vote "no."

Mr. LYLE (Cook). I desire to explain my vote. I have a list here of thirty-one members on the present pay roll. I agree with the speaker who said a few minutes ago that there are now too many men on the pay roll. It seems to me that it is a rather belated statement after all the men have been taken care of and acceptable to the powers that be, that there should be so much fuss made about padding the pay roll at this time. I am not going to vote either way.

Mr. FRANK J. RYAN (Cook). I am under great obligations to Mr. Hawkins, one which I will never be able to repay. Two years ago when traveling from here to Chicago, the train I was on got wrecked and I was badly hurt. Mr. Hawkins was on the train and he was the first man to my aid at that time. He helped me out of that car and helped me to a place of rest and refuge and staid with me from four o'clock in the evening until two o'clock the next morning when I saw him in my bed room at home in Chicago. I regard that act of Mr. Hawkins' as one of great loyalty of one man to another. I don't care what his color is. I have always been anxious to repay Mr. Hawkins for the great obligation I owe him personally. I have observed him here in the last three sessions of the House. Whether his services are required or not I shall feel that I am personally obligated to him and I vote "no."

THE SPEAKER. On this question the "yeas" are 86 and the "nays" are 30. The report of the committee is adopted.

Whereupon House Joint Resolution No. 7 being a special order at this hour, was taken up for consideration.

Mr. RINEHART (Effingham). The substitute resolution as reported out by the Committee of the Whole House changes the present Constitution only in the number of articles that may be amended. At the present time only one article can be amended. This substitute provides for three. I don't suppose there is a single member of this House or very few people among the thinking people of Illinois but what feel that some articles of the Constitution need to be amended. This provides that three articles may be amended at the same time. The best illustration is that this is merely pulling the stopper and relieving the pressure so far as constitutional resolutions may be concerned and permitting this House and the Senate to vote on resolutions on their merits and not on account of the fact that they get in the road of each other taking preference.

I desire to make a motion that the resolution be adopted and the report of the Committee of the Whole House be accepted.

(Roll called by clerk.)

Mr. BUTLER (Sangamon). I would like to explain my vote.

This is the strangest amendment ever brought forth in the name of reform. I have always supposed that reform was based upon the merits of the doctrine or principle it supported. But here are a number of minority factions asking in the name of the majority for a law allowing them to form a combine or a pool in order that they may merge, if not conflicting schemes, at least their divergent purposes, and the trading support for support, transform their minority into a majority.

Mark you, this majority is not to be manufactured by expounding the merits of the doctrine until a majority of the people are convinced of its virtues—not at all. A majority is to be secured by logrolling, pure and simple.

Think you not, that when all the incongruous combinations of three, that can secure a majority are exhausted, that those numerous smaller factions which can see success by the combinations of a greater number than three will not clamor for recognition and demand a further raise in the amending clause to four, five, eight or ten, the precedent you are now asking to set, will be there unanswerable argument.

All combinations and associations under whatever plausible character, with a real design to direct, control, secure or manufacture a majority, not on the ground or merit, but on the sole ground of exchange of vote for vote, must, in the end, be destructive of true reform and just government.

The very admission that they are not numerically strong enough themselves, and that they need the support of two other factions to present a majority brands them as a minority, and yet their chief appeal for your support is the plea that they are a poor downtrodden majority, struggling for recognition.

However, combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitions, and artful factions will be enabled to subvert the power of the people, and to usurp for themselves, the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present, happy state, it is requisite that you resist with care the spirit of innovation upon its principles, however, specious the pretext.

In all changes to which you may be invited, remember that experience is the surest standard time which to test the real tendency of the existing constitutions of a country, that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion.

It is indeed little else than a name, where the government is too feeble to withstand the enterprise and combination of smaller, but artful and enterprising minorities, to be combined. This produces the semblance of a majority and according to the mirror of ill-concerted and incongruous projects of faction, transform minority schemes into projects apparently supported by majority.

This Constitution, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself provisions for its own amendment, has a just claim to your confidence and your support.

If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by incongruous combinations; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Mr. LIPSHULCH (Cook). I would like to have the consent of the House to say a word on behalf of my vote. I have the highest respect for my friend from Sangamon and I have the highest respect for his arguments and his ideas but I am sorry this morning that I am compelled to differ with him. A week ago when the measure for the Constitutional Convention

was up I made it clear that I didn't believe that measure had properly come before the people. I admitted that the Constitution is not infallible any more than anything else is infallible. There are some things that ought to be changed. I think this is the proper way to do it, by amending the amending clause of the Constitution and bring these matters before the people who can study the question closely with intelligence and that will make for good government. I vote "aye" for the three amendments.

Mr. MADSEN (Cook). I believe that this amendment should pass this morning. I believe it is the only way to give the State of Illinois a chance to grow and develop as it ought to. During the last fifty years there has been a great development. When the Constitution was adopted there were very few women employed and now there are seven million employed in the industries throughout the United States of America and a large number of these women work in the shops and factories in the State of Illinois. These women come down to this Assembly and ask for laws creating better conditions with regard to health and hours and these women and the mothers ought to have a voice in framing the laws of this State. They ought to have a right to occupy seats in this Assembly and discuss these questions with us.

Two years ago we passed a law granting limited suffrage. There is no reason in the world why women should not have full and equal right to vote with the men in this State and that is one of the reasons why this resolution should be passed.

Another reason is that we should have the right to adopt the initiative and referendum because we can get better and purer representative government in the State. Another reason is that we ought to pass a proper Workmen's Compensation Law in this State and we cannot do it under our present Constitution. The workmen don't have the protection they ought to have in our shops and factories. I was not born in this State and the choice of a birth-place was beyond my power but I came to Illinois by choice and I am a citizen and proud to be a citizen of Illinois. I appeal to you to pass this resolution and give the State of Illinois a chance to grow and develop. Give her the opportunity she ought to have to be one of the greatest states in the Union and I vote "aye."

Mr. RODERICK (Cook). I am one of the men who voted for a Constitutional Convention. I thought at that time it was right that we needed a new Constitution as it was about fifty years old and it was about time it was changed. I am a new member here and I am informed by many old-timers that legislation is a good deal a matter of compromise and in as much as we could not get a Constitutional Convention we ought to do the next best thing by way of compromise and vote for an amendment to the amending clause adopting three amendments at one time and for that reason I vote "aye."

(Roll call concluded.)

Mr. RINEHART (Effingham). I ask for a verification of the roll.

(Roll verified.)

THE SPEAKER. The "yeas" are 99 and the "nays" are 3. The resolution having failed to receive the required two-thirds majority is declared lost.

House Bill No. 562 is set at a special order for this hour. There is an amendment offered by the gentleman from LaSalle which is still pending.

Mr. KANE (Saline). I desire to make one further objection to this amendment in addition to those which I have already made. This is a matter that in its effect and in its results upon the people of this State may be far reaching in its effect. I want to admit that wherever the State takes property and injures it or takes it over in its control that the owner ought to be paid for every dollar of injury that the State commits. This bill as you now propose it goes much further than that and it is unjust and it is unfair. The experts that we heard admit that only about three per cent of the animals die and that the total injury which would result from this disease would be as much as forty per cent. Now I say to you that that per cent which would die and the percentage of injury which the stock owner would sustain by reason of the natural affects of the disease is not an injury for which the State should pay. There is no difference between

the inevitable injury and the natural results of disease itself from any other inevitable injury that the citizens of this State must sustain. There is no difference by reason of the loss by the disease alone and you cannot find any difference between that and the inevitable injury that stock owners sustain by reason of the disease of the various kinds that attack the animals of the State. It is unfair to the stock owners to sustain this inevitable loss where their stock is affected with any disease, for them to have to suffer their loss and still have to help pay for the same element of damage where some infectious disease affects the stock and the State slaughters and pays for it.

If the animals are infected with the hoof and mouth disease three per cent of them would die. Why should the State pay for that three per cent any more than they should pay for any other injury that the farmers or stock raisers received? That part would be damaged forty per cent whether the State did anything or not.

I am in favor of the State paying what proportion of the damage may be fairly considered that the stock owner sustains by reason of the State slaughtering his animals but the State should not pay for that other element of damage for which the State is not responsible.

The State without any limitation being put on whatever may be required to pay a great sum of money and it may impair the financial standing of the State. Such a condition as that is not only possible but owing to this disease it may be probable. I can see no reasonable answer as to why the State should pay for something that it does not take and does not deprive the stock owner of. There should be such limitation as would require the stock owner to stand such proportion of his loss as at least he would suffer along with the other stock owners of the State.

Perhaps some of us because some have undertaken to sand-bag other propositions along these same lines and refused to vote for some other measures want to even up with our friends and get back in good standing by putting over this proposition. I am for what is right and fair, but I don't believe that the State should pay for what it don't get.

Mr. BROWNE (LaSalle). You just can't help the rattlesnake from creeping out of your system, can you?

Mr. KANE (Saline). I will leave it to the House where the rattlesnake is. It seems to me that it is with the man who stands up and fights every measure that has merit and good in it to protect the interests of the State and tries to let the rascal go—I will submit to the House where the rattlesnake lies.

I believe the State should pay for all it gets, but I don't believe it should be required to pay for this inevitable injury that the stock owner would sustain whether the State takes the stock or doesn't take the stock.

Mr. ROTHSCCHILD (Cook). Yesterday it was the understanding that there would be some conference in regard to this bill. I think it would help us determine what we want to do if some one would tell us what was done at the conference between yesterday and today.

Mr. BROWNE (LaSalle). I believe that all the suggestions offered here yesterday have been adopted. There is another amendment which will be offered.

Mr. ROTHSCCHILD (Cook). The people who have been in these conferences have been the people who were interested. There is another factor in this State and that is the class of people that have to pay the bill. I would like for information, to have read at this time the amendments that have been agreed upon so we will know what we are working on.

Mr. BROWNE (LaSalle). If, after these amendments are adopted you desire to strike out the enacting clause you can bring the matter up then.

Mr. ROTHSCCHILD (Cook). I don't believe in striking out the enacting clauses in these bills. Is there any objection to having the amendments read.

Mr. BROWNE (LaSalle). No, there is no objection and perhaps I can read them better than the clerk.

Mr. KANE (Saline). In any event I have another amendment that perhaps should be mentioned at this time. This amendment provides that in case the Federal Government shall authorize the payment of a portion

of the appraised value that the State shall only be required to pay for the balance.

Mr. BROWNE (LaSalle). That is covered in this. That is one of the places where we didn't let the rascals out.

Mr. ROTHSCCHILD (Cook). I would like to ask somebody what happens to the method of appraisement in section 2.

Mr. BROWNE (LaSalle). There is no section 2 in the act except the emergency clause.

Mr. ROTHSCCHILD (Cook). Section 2 of the act you are amending I mean.

Mr. McCORMICK (Cook). The act of June, 1909.

Mr. ROTHSCCHILD (Cook). That provides for one method of appraisement and you are putting in another method of appraisement.

THE SPEAKER. Have you any amendment amending the title of this bill? If not, you are making it unconstitutional by putting two separate matters in the title of the bill.

Mr. BROWNE (LaSalle). Not where it is merely payment for people appointed in there for clerical services.

THE SPEAKER. I just want to call the attention of the House to that point.

Mr. ROTHSCCHILD (Cook). Will someone explain the two different methods of appraisement?

Mr. BROWNE (LaSalle). If the gentleman has any disposition now to consider the matter unsatisfactory I haven't the slightest objection to its going over until tomorrow and you constituting yourself as a committee of one and getting it in shape so that it will suit you.

Mr. ROTHSCCHILD (Cook). I am not the one directly interested. I represent the fellow that is going to pay the bill. I think, to a certain extent, the State should make some recompense, but I want it limited.

I will call the attention of the lawyers to something which I think is analagous and that may make it clear. In cases of fire or great conflagrations where it is necessary to blow up buildings in the course of a fire and the city authorities do it there is no way to get recompense for that. That is all that happens in this contagious disease proposition.

Mr. McCORMICK (Cook). What has the court held in the matter of insurance when the buildings have been blown up to prevent a fire?

Mr. ROTHSCCHILD (Cook). I don't know. It occurs to me that a great deal of the disease is an incident to the cattle raising business and I don't know why the State should pay for any of the incidents of the cattle raising business. When there is an epidemic of hard times we lawyers have trouble collecting our fees, but the State don't come and help us out.

Mr. McCORMICK (Cook). Is that the point to which the gentleman was addressing his remarks and his colloquy with the gentleman from LaSalle?

Mr. ROTHSCCHILD (Cook). I was asking as to the method of appraisement, there apparently being two different methods.

Mr. McCORMICK (Cook). Suggest an amendment to the bill then.

Mr. ROTHSCCHILD (Cook). I will not suggest an amendment on the floor as you might be in a worse position than you are now in.

Mr. BROWNE (LaSalle). Read the section.

Mr. ROTHSCCHILD (Cook). It is on page 64 of your 1913 statutes. "When the said board, upon the written report of the State Veterinarian or any of his assistants, determines that any animal is affected with, or has been exposed to any dangerously contagious or infectious disease, the board, or any member thereof, or any of its duly authorized agents, may agree with the owner upon the value of such animal or of any of the property that it may be found necessary to destroy, and in case such agreement cannot be made, said boards, or the members acting in behalf of the board, may appoint three disinterested citizens of the State to appraise such animals or property."

I want to call your attention to reading that section that it is possible for the Live Stock Board and the persons whose animals have been affected to agree upon a price and you are not putting a limit on it at all. I think that leaves the way open for collusive claims. This section 2 remains in

the act as it is now and personally I am not satisfied that this is a proper method to recompense persons whose animals have been destroyed.

Mr. BROWNE (LaSalle). Is your objection a legal objection that there is a conflict between these sections?

Mr. ROTHSCCHILD (Cook). That is one.

Mr. BROWNE (LaSalle). Is that a real objection?

Mr. ROTHSCCHILD (Cook). That is one I am making.

Mr. BROWNE (LaSalle). I don't care what you think about the principle, but if you have any legal objections I am willing to have it go over.

Mr. ROTHSCCHILD (Cook). I think there is a serious legal question.

Mr. SHURTLEFF (McHenry). I would like to say a word at this time, more in the nature of rising to a question of personal privilege with regard to this bill. About a half hour ago I was called to the door by Dr. Dyson the State Veterinarian and he inquired of me about this bill. I since have made one or two inquiries. I was out of the House on Thursday and Friday of last week and yesterday, and I just went back and informed Dr. Dyson that this measure, so far as I knew, was still in the committee, and he said that he wanted to be heard on the subject. I told him that in entire ignorance of the fact that this bill was on the calendar on special order. As soon as I found this out I sent word to him, and I am advised that there is a feature of the bill that they are opposed to and desire to have it changed, and he made the suggestion that it would operate badly in another outbreak like the one we have had. I don't care to delay the bill. I am for the principles of this bill and want it acted on as speedily as possible, but inasmuch as the State Veterinarian and the Live Stock Board were not before the committee when this bill was heard, I would suggest that it hold its place as a special order on the calendar and go over until tomorrow until the State Veterinarian and the Live Stock Commissioners can make their suggestions to members of the House. I say this in fairness to Dr. Dyson and the commissioners from the talk I had with them.

Mr. TICE (Menard). Do I understand that Dr. Dyson and the State Board of Live Stock Commissioners desire to be heard before the Agricultural Committee on this bill?

Mr. SHURTLEFF (McHenry). I understand that Dr. Dyson and the Commissioners have suggestions to make to the members of this House about this bill. I am saying nothing about the merit of their suggestions, as I don't know about them. They have a feeling that if this bill goes through in the form it is in now, it will practically tie things up in another outbreak if we should have another one like we have had. I think they should have a chance to make their suggestions either in committee or to us as members. That is the exact situation.

Mr. TICE (Menard). If there is any valid reason or if there are valid objections to the amendments that have been offered I have no personal objection to the bill retaining its place on the calendar as a special order for tomorrow.

Mr. McCORMICK (Cook). Can't the friends of this bill prepare the amendments, which they have carefully studied, lawyers and laymen among them alike, so that all of us who are neither lawyers or stock raisers, but who don't wish as Chicago men to vote against a bill for the relief of farmers, may see our way clear to support this bill on its way to the third reading. I for one never have been and don't care now to be a party to the factional differences between Chicago and down-State. This bill in principle, I am satisfied, is sound for the relief of men whose stock is going to be taken but on both occasions when the bill has been before the House there has been technical differences and now Dr. Dyson has suggestions to make. I would like to have this matter presented to the House so we may vote "aye" or "no" on the proposition and send it on its way.

Mr. TICE (Menard). I will say that in consultation with the gentleman from LaSalle, and also in consultation with the gentleman from Mercer, without any disrespect to any other lawyers in the House who are vitally interested in the live stock question, we believe that we have formulated such amendments as are necessary, such amendments as comply with the requirements and the necessities of the situation.

Mr. McCORMICK (Cook). What about the objection of the gentleman from Cook, (Mr. Rothschild)?

I reflect no discredit on the other lawyers, but sometimes an objection will occur to one man and not the other.

Mr. BROWNE (LaSalle). I think in view of the suggestions that have been made the bill ought to go over until tomorrow. If there is anything that can be done to better the situation, it ought to be done.

THE SPEAKER. Do you want to offer the amendments and have them printed?

Mr. BROWNE (LaSalle). There is no necessity and we may want to change the amendments to agree with some suggested changes.

Mr. TICE (Menard). I don't think it is necessary. It has been suggested, owing to the difference of opinion on certain points and also to the lack of information that we might resolve the House into a Committee of the Whole tomorrow and hear those who are interested.

Mr. BROWNE (LaSalle). I anticipate that aside from the differences of opinion as to the principle or wisdom of the bill that there is no question as to the accuracy of the first amendment, but it is only with regard to the second amendment that any legal question arises.

Mr. TICE (Menard). I move that this bill be continued until tomorrow and the House consider it in a Committee of the Whole.

(Motion prevailed.)

Mr. BROWNE (LaSalle). I arise to a question of personal privilege. I have endeavored during my incumbency as a member of this House, and while I have been here, to treat every member not only with courtesy and consideration in so far as conduct on my part suggested or required but even further than that, and I have not known any line of demarkation as between the republican and democratic side of the House.

I have been here endeavoring to do my duty as I saw it and any man's bill looked as good to me as any other man's, provided the bill was in itself good and meritorious and they found my support. No man's bill has looked good to me when I thought it was a bad bill. I grant you that my judgment may not always have been as good as even the humblest member of this House. Frailty is synonymous with human nature. It is human to err and we are all weaklings in judgment and otherwise. There is no member on the floor of this House who can say that he has endeavored to treat me kindly, courteously or fairly that has not received not only an equal amount in return, but compound interest thereon. I have gone a long way to show my appreciation of friendship to various members. I have not been able to agree with every one on everything. I entertain certain views on certain matters that are antagonistic to the views entertained by other members and I accord to those gentlemen the right to those views and respect them just as much as if their views did not agree with mine. I ask that much at their hands and in the main over ninety-nine per cent of the members on the floor of this House have given me that reciprocity and found that reciprocity on my part and have found that courtesy and decency and I have found that good fellowship and I have appreciated it.

I don't think there is any member upon the floor of this House who has found me more courteous, who has found me more respectful, who has found me more willing to accord to him everything that goes with the treatment of right relations existing between gentlemen than the gentleman from Saline. There has been no time nor place that I have not been willing to meet with him upon any proposition. There has been no time that I have not given him respectful consideration not only upon the floor of this House but in committees and elsewhere. I have regarded him as a good lawyer and have looked up to him and have considered his views from a point of respect and at times admiration. That has been because of his ability and there has been no lapse in my conduct along that line.

Somehow and someway and because of some warp or twist in the makeup or disposition of that gentleman he has at all times found within himself that indescribable something that prompted him to feel unkindly towards me and to feel called upon to exhibit that feeling of dislike, unkindness and disrespect. It has not been merited on my part under the circumstances by which we are all brought together and my expression which I used was brought out naturally and with a feeling of justification

when he said in arguing a proposition upon the foot and mouth disease, a thing in which I am no more interested than any other member in this House, a matter in which I am only concerned because I am concerned in the great farming and breeding interests of this State and only because I am seeking to give to the farmers what I believe is coming to them and I expressed my views on the floor of this House. They were diametrically opposed to the views of the gentleman from Saline. I listened respectfully to everything he said but because I did differ he found it necessary to say here that perhaps there are some others of us who are trying to play even with their friends and trying to get back into the good graces of gentlemen whose measures they have heretofore antagonized. Was that necessary? Was it necessary for him to offer me an insult of that kind? Did he exhibit any Christian spirit, and I understand the gentleman was once a minister of God and a preacher of the Gospel. Up in the bushes where I was born and raised, up in the jungles of LaSalle County, where we have perhaps more schools than any other county in the State, they don't call that gentlemanly conduct. They call that the conduct of a blackleg. It may be wrong, but that is the way **they brand it**.

When I said, not in an ugly manner, "You cannot keep the rattlesnake out of him, can you," it was a natural protest rising out of a soul and then he came back and said: "You always stand for every bill that is bad and you never stand for any bills that are good, and you are always trying to turn the rascals out." If I am open in that indictment by the gentleman from Saline, then I am not fit to sit upon the floor of this House or sit anywhere except within the confines of the walls of some penitentiary. I don't believe the gentleman meant what he said. He ought not to have said what he said on the floor of this House nor anywhere else. But it was prompted by that same spirit of unkindness and hatred of Browne, just because it was Browne, and it came out and he couldn't help it. I don't believe the gentleman could have helped it. The gentleman will find in the future that at any time he is desirous in any way of having communion with me over any bill of his which possesses merit, he will find me conducting myself toward him in exactly the same way as I have always done and treating him as a gentleman. I am sorry he can not find it in his make-up to treat me in the same way. I regret it. (Applause.)

Mr. KANE (Saline). I arise to a question of personal privilege. I am unable to see any provocation whatever for this outburst. Not in an unkind spirit, but in a justifiable one, as I view it from my standpoint, I made the remark more as a side remark than anything else. I stated that perhaps there were some, I mentioned nobody's name, who fought the measure to pay the stock owners, not for what the State didn't take, but for what the State did take, and there were some that were voting for the purpose of getting back into the good graces of those of their constituents against whose interests they voted and were now desiring to go just as much the other way. It will be remembered by members of this House when there was a bill here which paid the stock owners for the value of their stock that the gentleman who has seen fit to make this personal voted and talked against that proposition. I will leave it to the members of this House whether or not the motive was good or bad. I am making no charges. I will leave it to the members of this House to say whether the gentleman was in good faith and whether his motives were good or bad at the time he fought this appropriation to pay the farmers.

The gentleman is unwarranted in saying that there has been a feeling on my part against him. The gentleman knows that when he was a candidate for speaker and when repeatedly I was invited by members who were interested in his candidacy to come into the meeting, I stated frankly why I could not support him, and I was careful that no members of the press were present so that my reason for not being able to support the gentleman could not be made a public matter. He is unwarranted in saying that I have sought any opportunity to insult him. I highly regard his ability and highly regard his working qualities for trying to understand bills and measures that come before this House. He is to be commended for his industry in undertaking to ferret out and know something about the bills

that come before this House. What I said was not said in a spirit of hatred. He uttered the first sarcastic word and then I replied that I would submit to this House as to where the rattlesnake was.

I say to the gentleman from LaSalle that he has entirely overstepped the bounds of propriety in making these personal attacks and making the charges that he has made. I have not assumed an insulting attitude toward any member of this House. It is not my nature to be insulting. I have consulted with the gentleman from LaSalle about measures and have done so freely and I can recall no instance where I have ever purposely offered an insult to the gentleman. I remember when I was a new member the gentleman referred to me very sarcastically as "The gentleman who had not yet gotten his seat warm," but that is gone in a former session of this House.

He says that down in the country a gentleman who would make the remark that I made would be considered a blackleg. I submit to this House and its committee members as to who has displayed sympathy for the man that would be called a blackleg. I submit as to who has assumed the attitude of insulting men who have appeared before committees. I submit who has a natural impulse in that direction and a natural impulse to stand for that which is not courteous. There is nobody in this House with whom I am not friendly. I meet these people and I am interested in their welfare and the welfare of their family and their homes and I treat them kindly and they treat me the same.

If I was the first aggressor and was unwarranted if that is true, to that extent I am ready at all times to apologize. If I was the first person to utter the unwarranted attacks I am ready to apologize and in the future I have no feeling that I want to antagonize the gentleman and I want to discuss all matters that tend for the weal or woe of this House. I submit this matter to this House whether I did say anything to bring about this altercation.

Mr. SMEJKAL (Cook). I desire unanimous consent to call up House Bill No. 480 pending on roll call. It is the Public Utility Emergency Bill that was up before and provides for an emergency appropriation of \$35,000.

Mr. BROWNE (LaSalle). There is a \$5,000 item in there for transportation, isn't there?

Mr. SMEJKAL (Cook). Yes. The \$5,000 is for transportation of the Grain Inspection Department in Chicago. They have to pay their railroad fare and as I understand it almost three-fifths of it has already been contracted for and the balance is to be paid between now and July 1.

Last Thursday when this bill was up I made a statement as to the receipts of this department. Since then I have requested the Governor's office and the Public Utility Commission to submit a statement of the receipts and disbursements which I would like to read into the record.

Receipts—

Authorization of securities	\$552,056 14
Inspection of interlocking plants and testing of meters	718 00
Sale of transcript, certifications of orders, etc..	5,292 81

Total	\$558,066 95
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Disbursements—

Expenditures from appropriations to April 12, 1915	\$161,460 86
Salaries of commissioners, secretary and coun- sel, to April 1, 1915	86,819 27

Total	248,280 13
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Total amount of revenue, above all expenses, turned into the State treasury	\$309,786 82
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THE SPEAKER. The clerk will call the roll on this bill.

Mr. BROWNE (LaSalle). I desire to explain my vote. This is the same bill that I spoke against the other day that came up for passage and didn't receive enough votes. I don't think anybody will accuse me of being penurious in the matter of voting for appropriations, or remiss in my duty

in voting all that ought to be paid for the State of Illinois in any legitimate line. The Public Utilities Commission received their traveling expenses not only their car fare but everything else attendant thereto. They are paid a salary of \$10,000 a year. The first thing they did after they got in office was to declare that the provisions of the law which created them, prevented their creators from riding upon the railroads as guests of the railroad or rather upon free transportation, otherwise known as passes. In other words they held that the men on the floor of this House who passed the bill creating them, and who only received \$2,000 in two years must pay out of that \$2,000 all of their traveling expenses. That would be all right perhaps if there was anything in the bill which would warrant any such construction from any reasonable standpoint, but there is not. It is a strained construction. It is a construction that was placed upon it unnecessarily and aimed at the members of this Assembly, perhaps in the spirit of acquiring some lime-light and advertising. In any event that is what it has done to the members of the General Assembly so they now have to pay their car fare out of the meagre stipend of \$2,000 every two years. I am not inclined to go so far in my spirit of Christianity and in my spirit of forgiveness of all things as to feel kindly toward that action. I am not inclined to vote an emergency appropriation to gentlemen of that kind. I think they ought to wait until the end of the session for the appropriation. They will get it, but they ought to wait for it. I may be placed in the category of the rascals for entertaining these views but for the reasons I have given I am going to vote "no."

(Roll call continued.)

Mr. W. J. GRAHAM (Mercer). I am going to explain my vote on this matter by the simple statement that I believe the appropriation to be for an illegal purpose and to be in violation of the law. I don't care to say anything further at this time.

Mr. IGOE (Cook). What is the illegal purpose for which this money is sought to be appropriated.

Mr. GRAHAM (Mercer). It is illegal because it is in open violation of the law.

Mr. IGOE (Cook). What law?

Mr. GRAHAM (Mercer). I will call your attention to it. I call your attention to section No. 208 of the Criminal Code of Illinois:

"Every person holding any public office, (whether state, county or municipal), trust or employment, who shall be guilty of any palpable omission of duty, or who shall be guilty of diverting any public money from the use or purpose for which it may have been appropriated or set apart by or under authority of law, or who shall be guilty of contracting directly or indirectly, for the expenditure of a greater sum or amount of money than may have been, at the time of making the contracts, appropriated or set apart by law or authorized by law to be contracted for or expended upon the subject matter of the contracts, or who shall be guilty of willful and corrupt oppression, malfeasance or partiality, where no special provision shall have been made for the punishment thereof, shall be fined not exceeding \$10,000 and may be removed from his office, trust or employment."

My idea of that is that no public officer of the State of Illinois has any right at any time to spend any money or to contract for the expenditure of any money in excess of what has been appropriated for that purpose.

Mr. IGOE (Cook). How much money was appropriated last session for the transportation of the grain inspectors?

Mr. GRAHAM (Mercer). I don't know.

Mr. IGOE (Cook). There was nothing appropriated and this is not an appropriation in excess of anything.

Mr. GRAHAM (Mercer). If nothing was appropriated then the officer had no right to spend anything.

Mr. McCORMICK (Cook). Oh, Mr. Speaker, the gentleman is not talking to the point.

Mr. IGOE (Cook). Never mind your "Oh's". You act in this House like a Punch and Judy show. Let Mr. Graham and I have our fight first and you can come in afterwards.

THE SPEAKER. Proceed with the roll call.

Mr. IGOE (Cook). I desire to explain my vote. There are two different parts to this bill. One affects the Public Utility Commission in its operation and the other affects the Grain Inspection Department at Chicago. It affects the farmer so far as the Grain Department is concerned in this wise, that the railroad yards in Chicago to which grain is sent are not located in the center of the city. They are located at distances ranging from ten to thirty miles from the loop and it is necessary for these inspectors to travel through those various railroad yards. Now up until this time that money has been advanced by the Grain Inspectors to pay for their transportation. They might just as well stay in the loop district and when you men from the farms send your grain to Chicago it can stay out in the railroad yards and rot. That is the situation so far as the members from the country are concerned in relation to this bill.

Mr. BROWNE (LaSalle). They get a salary, don't they?

Mr. IGOE (Cook). Yes, but they are going to pay \$15 or \$20 a month and they shouldn't pay that out of their \$90 salary.

Mr. BROWNE (LaSalle). Why shouldn't they?

Mr. IGOE (Cook). It was not intended that they should. You voted for this bill last time, didn't you?

Mr. BROWNE (LaSalle). When?

Mr. IGOE (Cook).. You voted for the Public Utility Bill last session?

Mr. BROWNE (LaSalle). Yes.

Mr. IGOE (Cook). If the construction placed upon the Act is wrong some of these bright legal lights of this House ought to take it up on appeal and test it in the courts. If the condition is wrong there is a right of appeal. If they are right they should be upheld.

In regard to some of the other expenses. The Utility Commission now is charged with regulating the transportation difficulties of Chicago. The mayor-elect of Chicago has indicated that so far as he and his in-coming administration is concerned he is going to repose the control of local utilities in the Public Utilities Commission. The present mayor disputed the right of the commission to regulate transportation conditions in Chicago. The in-coming mayor grants them this right.

If these reasons are not sufficient reasons to justify any man in this House to vote for this bill, I don't believe any good reason could be advanced and given to him as to why he should vote for it.

(Roll call continued.)

Mr. KANE (Saline). Other efficiency appropriations have been passed and if it is right to vote for them it is right to vote for this. Not to vote for this exhibits a spirit of retaliation and revenge against the Public Utilities Commission. That is not a spirit that should control our votes in this House. We may feel bad for having our passes taken away from us, but we should uphold the spirit of the laws of Illinois.

Mr. GRAHAM (Mercer). You are not ascribing any such motives to me are you?

Mr. KANE (Saline). If you voted for the other measures I am.

Mr. GRAHAM (Mercer). I didn't vote for them.

Mr. KANE (Saline). I am referring to the ones that voted for the others and refused to vote for this.

I remember two years ago we had not been in this House two weeks until we were called upon to vote for deficiency appropriation bills for money that had been spent prior to the new administration coming in.

Mr. PURDUNN (Clark). Have you a right to spend money that is not appropriated?

Mr. KANE (Saline). I will not answer that question and take issue with the gentleman from Mercer on that question. What I am trying to make clear is the fact that we should not defeat this bill because the Public Utilities Commission took away our passes. That is the reason the people of the State will ascribe to our motives.

Mr. BROWNE (LaSalle). This is not going to defeat the bill as they will get their money later on.

Mr. KANE (Saline). When?

Mr. BROWNE (LaSalle). July 1st.

Mr. KANE (Saline). Is there any business to be transacted between now and then?

Mr. BROWNE (LaSalle). Yes, and they can transact it.

Mr. KANE (Saline). I vote "aye."

(Roll call continued.)

Mr. McGLOON (Cook). I agree with the gentleman from LaSalle on this measure that in as much as we have to pay our railroad fare back and forth to the capitol that the public utility commissioners should pay their fare also. We should not go on record as giving them their traveling expenses. I think that what is sauce for the goose ought to be sauce for the gander and therefore I vote "no."

Mr. FRANK RYAN (Cook). While I agree with the gentleman from LaSalle, I happen to be in the grain business in Chicago and I know what will become of the grain if it lies on the tracks for four or five days. I am personally acquainted with fifty per cent of the grain inspectors in Chicago and I think it would be a hardship to take this car fare away from them. They get about \$90.00 a month and if they had to pay the car fare it would leave them \$70.00 a month. I would like to get my car fare back and forth to Chicago but I don't want to take it away from somebody else because I can't get it and therefore I vote "aye."

(Roll call concluded.)

THE SPEAKER. The "yeas" are 87 and the "nays" 10, the bill having failed to receive the necessary two-thirds vote with the emergency clause is reconsidered for the purpose of striking out the emergency clause and the clerk will call the roll for the passage of the bill with the emergency clause.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" are 3. The bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent to call up House Bill 76 on the order of third reading. This bill provides for an emergency appropriation for the Rock Island Employment Bureau.

Mr. PIERSON (Cook). I move that this House do now adjourn.

Motion prevailed and the House adjourned.

THURSDAY, APRIL 15, 1915.**10:00 o'Clock A. M.**

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Haughton.

The Journal of the previous day being read. On motion of Mr. Devine (Lee), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of petitions, and reports of standing committees.

THE SPEAKER. The Committee on Rules desires to present to the House the question of having a session next Tuesday. It is election day in certain cities of the State of a certain class. What is the pleasure of the House regarding a session next Tuesday?

Mr. DEVINE (Lee). I move that the House do not have a session next Tuesday.

(Motion prevailed.)

THE SPEAKER. There will be no session of the House on Monday. The House when it adjourns tomorrow, will adjourn until Wednesday morning at 10:00 o'clock. The Chair hopes that the members will remain for a full session tomorrow.

The Chair gave notice last week that we would have Friday sessions hereafter and if the question of no quorum was raised by any member that a call of the roll would be had to see who was present. I hope that every member will remain here tomorrow and let us have a full session of the House.

Beginning next Wednesday we will have two sessions of the House daily, beginning at 10:00 o'clock in the morning and running until about 12:12 and taking a recess until 4:00 and having a session from 4:00 until 6:00. The committee meetings will be held between 2:00 and 4:00 in the afternoon, and in the evenings when desired. (Applause.)

Mr. SMEJKAL (Cook). I desire to call up House Bill 76 on the order of third reading. This provides a deficiency in the office of the Rock Island Free Employment Agency. Two years ago the Legislature provided for an additional agency but overlooked to provide for its maintenance. The young man in charge down there has expended this sum of money or contracted for it and he should be reimbursed.

Mr. PURDUNN (Clark). This is one of the few deficiency bills that I think should pass. There was no appropriation made to run this office after it was created and they had to install the office and the money was paid and this bill should pass.

Mr. MAUCKER (Rock Island). This is not one of the regular deficiency bills. There was no money appropriated for this purpose whatever. With the consent of the Governor and the Chief of the Labor Bureau this gentleman was authorized to open this office provided he would advance the necessary money for the payment of rent, telephone expenses and other expenses. I can vouch for the fact that he has been very economical in the management of this office. The amount of \$1,700 takes care of all the expenses up to the first of next July which is about \$100 a month and that is evidence enough that he has been economical. I hope there will be no opposition to this bill.

(Roll called.)

THE SPEAKER. The "yeas" are 128 and the "nays" none, the bill having received the required two-thirds vote is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I would like to call up House Bill 235 on the order of third reading. This provides for the payment of the salary due Justice Vickers, deceased, until the end of his term in June, which is payable to his widow.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 119 and the "nays" 10, the bill having received the necessary two-thirds vote is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. CAMPBELL (Rock Island). I desire to be excused on account of sickness and ask leave to be recorded as voting "aye" on all appropriation bills.

Mr. FARRELL (Cook). I desire to ask unanimous consent to be excused for the balance of the week and be allowed to be recorded as voting "aye" on all appropriation bills that may come up in the meantime.

THE SPEAKER. If there is no objection, leave is granted.

Mr. SMEJKAL (Cook). Did Captain Farrell make that request for all week or for today? I would like to have it clearly understood.

Mr. FARRELL (Cook). Today and tomorrow.

Mr. BROWNE (LaSalle). I am not entering any objection to this at all except as it may have a far-reaching effect. If one member is entitled to that consideration, every member is. My understanding is that the rule promulgated in this House and insisted on by this Speaker would make that absolutely impossible.

THE SPEAKER. If there are objections at any time, of course it cannot be done.

Mr. BROWNE (LaSalle). It is not a question of objecting, but I am asking for a ruling.

THE SPEAKER. The rule of the House is that a member must be present to vote unless granted permission by the House to be absent. Is it the desire of the House that these two men be recorded on appropriation bills today and tomorrow.

(VOICES. Yes.)

THE SPEAKER. It is so ordered.

Mr. SMEJKAL (Cook). I desire to call up House Bill 165 on the order of third reading. This is the customary appropriation made to the Illinois Firemens' Association every session. It calls for the same amount and does not carry an emergency clause.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 122 and the "nays" 2, the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 209 on the order of third reading.

This bill provides a deficiency appropriation in the office of the Auditor of Public Accounts, and it is itemized, aggregating altogether the sum of \$4,500. The Auditor appeared before the Appropriations Committee and made the statement that it was necessary to have this appropriation. His funds are depleted and he had to make arrangements with the State Treasurer to draw on the postage account.

He told the committee that up to about two years ago under the law he had sent out 86,000 vouchers and the number has been increased until now he is sending out about 216,000. That is the necessity for the item of postage. The traveling expenses of the bank examiners is due to the reorganization of many banks and the many investigations of banks that has been made throughout the State. I think it is a meritorious bill and should be passed with the emergency clause.

Mr. GRAHAM (Mercer). I desire to explain my views briefly as to the merits of this proposition. This bill seems to be one to take care of the deficiency in the office of the Auditor of Public Accounts. What I have to say about this proposition is not from a political standpoint. I have been advised by those to whom I naturally look for counsel on these matters that questions of this kind have not been considered political questions and I wish to assure you that in anything I have to say there is no political slant to it.

This is one of a series of bills that have been coming into this House. I have tried to be consistent in my attitude in this matter and refuse to vote for them so far as I knew them to be deficiencies. I have done so on the theory I stated yesterday that I considered to be illegal. It is not a political question, but it is a question where every man must follow the dictates of his own conscience and must do the thing which he considers for the best interest of himself and the people of the state whom he represents.

This matter of deficiencies as I have investigated them has been gradually growing in this State and it should be stopped now. I want to call to your attention some of the deficiency appropriations as I have culled them from the session laws. It has been a laborious task but I have tried to find out what former legislatures have done before this one. In 1899 I find only two, one for returning fugitives from justice and the other for printing, amounting in all to \$7,000. You will remember that from the very nature of the case an appropriation for the purpose of returning fugitives from justice is something that has to be taken care of in that way. The same thing might be true of printing, but the principle that applies, applies in all of them.

In 1903, the deficiencies were for the same purpose and amounted to \$8,000. In 1905, the printing bill swelled to \$41,000, and the total deficit was \$44,000.

In 1907, it dropped back to \$18,000. The Secretary of State in that year asked for \$7,500. In 1909, there was a deficiency of \$62,000. In 1911, there was a deficiency of \$50,000 for printing and the Live Stock Board asked for \$3,000. In 1913, there was a total deficiency of \$285,378.

Mr. O'ROURKE (Cook). I want to say right now that that deficiency was caused by the last republican administration. That was a part of the scheme to reduce the tax rate for political purposes.

Mr. GRAHAM (Mercer). Let me conclude my remarks. I have stated in the beginning of my remarks that the matter has no political complexion at all. It is a question of economy and honesty and it is a question of doing what the law required us to do, keep these things within the legitimate channels.

What the deficiency appropriations may be in this Legislature, God alone only knows. They are coming in here day after day and some of them are held back and some of them aggregate over \$100,000. I don't propose to be a party to what I consider to be a crime. I don't intend to do something that I think is against the letter of the law. Let me ask you, don't we know that when we vote for these deficiencies that we are doing something that we ought not to do? We say how are we going to stop it, the practice has arisen and they have done it in the past. Let me say to you that just as long as we are particeps crimini and when we approve these measures, just so long will that practice continue. If we say to the fellow that contracts these bills in violation of the law and the contractors that furnish the stuff in violation of the law that you will not pay these bills then the practice will stop.

What is the Legislature for? It is to make an appropriation for the conduct business of the State.

A State officer is a hired man of this State. He is hired to do a certain job and we give him so much money. What right has he to spend a great deal in excess of that sum of money? If that is the way these things are to be conducted, what is the use of a Legislature?

I appreciate that my position in this matter is not a popular one and I am getting myself in bad about these things by making these statements at this time, but I am doing it because I believe I am expressing the sentiments of three-fourths of the members of this House today.

The burdens of taxation have arisen in this State at a frightful rate and everyone is complaining about the burdens of taxation. I will call your attention to a few figures and again impress upon you that this is not a political question.

I find in 1911 the expense of the Auditor's office was \$4,469,000 and in 1913, only two years afterwards it was \$6,518,000, or an increase of thirty-six per cent in two years for the carrying on of the expenses of that office. What happened in two years to make this great increase.

Mr. SMEJKAL (Cook). I will suggest what caused the increase. I am not interested in this appropriation but I know in my own experience here that within the last four years the disbursing system has been changed. Up to four years ago each of the institutions had their own pay roll and handed the check to the individual in the institution. There was a bill passed called House Bill 388, which provided that all the funds from the various institutions be turned into the State treasury and the disbursing agent should be the Auditor. The information is given to me by Mr. Seagreave that up to about two years ago, he only issued about 86,000 vouchers, but now they are required to issue 216,000 vouchers. Every voucher is mailed out from the office at Springfield instead of being paid out by the different institutions.

Mr. GRAHAM (Mercer). While the gentleman from Cook speaks what is no doubt the truth, I am speaking now of the personal expense of this office and I say that it grew from 1911 to 1913 thirty-six per cent or a total of \$72,000 in two years. There were an addition in the following officers: One assistant warrant clerk, one journal clerk, one assistant chief clerk banking and loan department, one examiner, one assistant examiner at Chicago, two assistant examiners at Chicago, one stenographer, one examiner outside of Chicago, or an increase in the salary list of \$25,300 to run the office of the Auditor of Public Accounts in two years. Thirty-one clerks did the work in 1911 at a salary of \$66,700 a year, whereas it took forty-one clerks in 1913 at a salary of \$177,850 to run the same office.

This office is today coming to us and asking us now to appropriate to it money for the purpose of paying money that the Auditor has paid out over and above this.

I want to appeal to you, laying aside the question as to whether deficiency appropriations ought to be passed or not, whether you think it is right to add this additional burden to the people of Illinois when this office has been so well taken care of by past legislatures?

In what I have said I have said it from what I considered to be the interests of true economy and doing the thing I believe we ought to do as representatives, not only of our district, because we are greater than our district, but representatives of a good and healthy sentiment growing among the great mass of the people of this State.

Mr. WILLIAMSON (Champaign). About two or three years ago there was considerable contention in this State that a law should be passed compelling the private banks to become incorporated. This department, the same as any other department in the State of Illinois is willing to do its duty for the protection of the people of this State, even if they have to pay out the additional expense rather than have people suffer when certain work is demanded by the State. During the past two years there has been a great number of private banks incorporated. The great number of the men who have had charge of the affairs in this office are members of the republican party and they have gone over this State and examined these private concerns when they were transferred to a State bank and spent days and weeks in one locality, and it sometimes has been impossible to have a representative from the Auditor's office to look after this business. Many departments are asking for more money on account of circumstances over which they had no control. While I agree with Mr. Graham, that the general proposition is bad, I think it is the duty of the departments to take care of these matters and depend upon the Legislature to do the right thing.

Mr. DONAHUE (McLean). I am a member of the Appropriations Committee. I heard this bill explained. It is not the fault of the officers of this State that the expenses have been growing but the fault of the Legislature itself. We create the conditions by which these funds are spent and if we require the things to be done, we must meet the expenses. We created this legislative bureau and now that costs money. I dare say that alone will cost the people of this State \$20,000. We create the conditions and therefore we must meet the expenditures. Let us meet these bills and quit creating conditions in the future by which these bills must be paid. Let us leave some of the government with the local authorities. We must quit creating the conditions that makes these expenses necessary and these

bills will continue to come in as long as we legislate along these lines. Let us get sober here in the House and quit legislating along these lines. We are the people that are responsible and not the State officers.

Mr. PROVIN (Christian). On the 30th of last March I introduced a resolution that was read and referred to the Committee on Appropriations, the purport of which was to find out how many deficiency appropriation bills there were in the House. That has never been reported from the committee. One reason is, it is not known yet, how many deficiency appropriations there will be. I have no way of knowing how many deficiency appropriation bills there will be before this House. I think it is only fair and right that we should know.

Usually in the Houses of Congress the matter of appropriation bills is a matter of keenest debate, and I think that is something that should be debated in this House. The taxpayers are interested in the amount of money that the General Assembly appropriates every two years. You hear a good deal about the raising of the tax rate and there is not a member of the Legislature that can talk to a citizen in an intelligent way and tell him how many deficiency bills there are before the House and why they come up.

There is a difference between a deficiency appropriation and an emergency appropriation. An emergency appropriation arises when some unprecedented thing comes along like the flood in the Shawneetown district where we had to spend several thousand dollars to take care of the sufferers. It also arose at the Cherry disaster and also in the foot and mouth disease in this State. It also comes up when the Board of Health is confronted with an epidemic of typhoid fever and other things that endanger the public health. If these departments haven't the money they should go ahead and take care of them and the General Assembly should reimburse the different departments for the money they spend. That is a matter of an emergency appropriation and is necessary to be taken care of. When the head of a department comes into the committee when they are preparing the budget and gives to that committee the amount that he thinks will be necessary for him to use in taking care of that department, then I say that man should be kept within the bounds of that appropriation. If he don't, what is the use of putting any restraint on that man at all? He might as well be told to go out and spend all the money necessary and come in with a deficiency appropriation and say that he has spent the money and the Legislature will have to reimburse him. It would soon bankrupt the individual if that method was followed and if it is kept up it will bankrupt the State of Illinois. The only way in which we can get back to the time that existed, as Mr. Graham told you, when deficiencies were the exception, is to stop some of these bills and to kill them.

In regard to government appropriations that are made for the construction of government buildings, post offices and things of that kind, whenever the appropriation runs out the work stops, and it doesn't make any difference what the progress of the building is, whether the foundation has been laid, or whether the first, second or third story has been completed or the roof is not on. That work stops as everyone knows he cannot spend money in excess of his appropriation. When Congress meets it appropriates a sufficient sum of money to complete that work.

I have been informed that when House Bill 209 came in that it was not itemized. A request was made by a number of members of the committee that it be itemized. Here are some of the figures: postage \$1,200, telegraph and telephone \$400, expressage—with a question mark after it—\$100, traveling expenses \$300, incidentals, water, ice and supplies, \$300. The Forty-eighth General Assembly made an appropriation for this purpose in the sum of \$10,000. They have spent that and \$2,300, in addition. The head of that department knew what he had to go on for two years and he disregarded that and still he comes in with a deficiency appropriation for such things as ice, newspapers, and supplies.

One gentleman suggests that there have been a number of bank failures and that it has been necessary for the examiners to go from place to place. That is all right and the General Assembly two years ago appropriated \$15,000 for that purpose. I have yet to hear a statement on the floor of this House saying it was necessary to spend more than \$15,000 for that. If it was, we should have the benefit of that information. Nothing has come

before this House to show that it was necessary for him to exceed the \$15,000.

There was a change in the system of accounting and it was suggested that might be some reason for these additional expenses. In the Forty-seventh General Assembly there was appropriated for the Auditors office the sum of \$101,650, and realizing that there should be some change in the book-keeping and there might be some additional expense the Forty-eighth General Assembly made an appropriation for his office of \$142,050, an increase in the running expenses of his office of \$40,400 over the two years before. He had that much in addition and now asks for \$4,500 deficiency.

The gentleman from Mercer (Graham) has gone into this matter and has stated it is not political and I assure you that the stand I take is not political. It has happened under republican administrations the same as under democratic, but the trouble is that it is growing all the time. If we don't stop it now there never will be a chance to stop it.

I have been told that a day or two ago the Joliet Penitentiary Commissioners reported a deficit of \$125,000. I am not a member of that committee and what I get is just from talking with members as I happen to meet them and make inquiry.

Mr. LYLE (Cook). Why did you vote for the other deficiency appropriations?

Mr. PROVINE (Christian). What others?

Mr. LYLE (Cook). The deficiency appropriation for the Public Utilities Commission.

Mr. IGOE (Cook). The door-keeper is not attending to his duties as a door-keeper and he has no right to stand there and tell members how to vote. If he is the doorkeeper, let him be there and attend to his duties as door keeper. If he is a member of this House, let the people elect him, and if he is a lobbyist, let him go where the other lobbyists are.

THE DOORKEEPER. The gentleman is mistaken, I never said anything about how anybody should vote.

Mr. IGOE (Cook). No, I am not mistaken. You were talking to the man there and you said "vote it down" just as I passed you.

Mr. HOLADAY (Vermilion). The pages don't vote anyhow in this House.

THE DOORKEEPER. I was talking to this party here about a card that just came in which I sent to the speaker and I asked him what the speaker said and he said "the platform was loaded down." (Laughter.)

Mr. IGOE (Cook). If given a little time you can think up any kind of an explanation.

THE SPEAKER. I know that I used those words to the door-keeper just a moment ago when he sent in a card saying that one of the assistants in one of the departments wished to be allowed in.

Mr. PROVINE (Christian). The gentleman from Cook (Lyle) asked me if I voted for the Public Utility deficiency appropriation. I did vote for that. This commission came into being two years ago and it was an entirely new commission. Nobody knew how much it would cost to run that commission. The Committee on Appropriations went over the matter and they gave to the House their best judgment as to what should be appropriated for its running expenses. The General Assembly didn't appropriate enough money, therefore I voted for the deficiency for that reason. I desire to read in support of that what the Constitution says: "Each General Assembly shall provide for all of the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after adjournment of the next regular session." It was the duty of the Legislature to provide for these expenses and the General Assembly was not living up to its duties when it failed to provide a sufficient sum for the commission. A few members gave as their reason for not voting for the bill the fact that their transportation had been taken away from them. The members of the Forty-eighth General Assembly created this commission and created the bill that took away their transportation and it was in compliance with that law that the Utilities Commission enforced its compliance.

Mr. IGOE (Cook). Do you know that the money referred to in this bill has already been spent by the Auditor?

Mr. PROVINE (Christian). I don't think it makes any difference whether it has or not.

Mr. IGOE (Cook). And the situation is that if this money is not appropriated he will not run into any indebtedness on account of expenses connected with his office in the way of examining banks and he can sit down and let the banks go.

Mr. PROVINE (Christian). I say, let him do it.

Mr. IGOE (Cook). You were a member of the last General Assembly and I see that you voted on Senate Bill No. 263 when it came to the House that provided a very small deficiency for the Secretary of State, amounting to something like \$87,200 and one item of it was appropriated directly to the former republican Secretary of State C. J. Doyle for postage. That was all right then, I take it, as you voted for it.

Mr. PROVINE (Christian). Do you say it was?

Mr. IGOE (Cook). I am asking you.

Mr. PROVINE (Christian). I say it was not.

Mr. IGOE (Cook). Why did you vote for it?

Mr. PROVINE (Christian). This makes the fifth session I have served in the House and I have voted for these deficiency appropriations but I have concluded that I am going to stop.

Mr. IGOE (Cook). Now your soul is rent and torn because it is a democratic administration.

Mr. PROVINE (Christian). I beg your pardon.

Mr. IGOE (Cook). You never voted against them before. Look up the record and you will see.

Mr. PROVINE (Christian). I am willing to acknowledge that I have voted for them.

Mr. IGOE (Cook). You have religion now, but you didnt have it then.

Mr. PROVINE (Christian). It is better to have it late than never at all.

THE SPEAKER. The question is shall this bill pass and upon that question, the clerk will call the roll.

(Roll called by clerk.)

Mr. BROWNE (LaSalle). I wish to explain my vote. If this movement to kill this appropriation proceeds from a disposition to play politics or proceeds upon the theory that the man asking it is a democrat, that is one thing and there is no answer to the proposition. The man that takes that stand and that position takes a stand that is his own individual state of mind and there is no answer to it. He is simply doing it because of that situation and there is no answer that would suffice. It is purely personal. If on the other hand, as has been suggested by the gentlemen from Mercer and Christian that this is along the line of economy, then it seems to me that at least a part of what the gentleman from Cook (Igoe) has suggested is very appropriate. It is not often that we agree, but occasionally we do and there is a good deal that he suggested that seems to me to be fitting and appropriate.

I have sat here in this House a great many years and this is the first time I have ever heard with one exception, a republican, get upon the floor of the House and attack an appropriation. That one exception was the Honorable Charles Allen, and he would say things about as he felt irrespective of republicanism, democracy, or anything else, and he was a valuable member of the House, gentlemen. With that one exception I have never known a gentleman from that side of the aisle to attack an appropriation. Of course it is merely a coincident that during practically all of this time the government of the State was in the hands of the republicans. It is strange at this time that over a little matter of \$4,500 there should be such a hysterical spasm of economy arise from the hearts and souls of the members and such an intense disposition to pare down \$4,500 in order that the State of Illinois may live and not go into bankruptcy. It seems to me, gentlemen, that you have been straining at an ant and swallowing a camel. You are trying to pluck a mote from your brothers eye before you wash out the beam in your own.

This, gentlemen, is neither a republican or a democrat but an official

of the State of Illinois. If he were a republican I would be here defending him in the same way I have defended many a republican when he was attacked. Not so many years ago I sat upon this floor almost alone defending against charges which I considered malicious and wrongful a member of the Illinois & Michigan Canal Commission, William Sackett from the home of the Sage of Macon. You are forgetting that this man is an office holder of the State. He says to you fairly, honestly and frankly, before your committee, the largest committee in the House, selected for the purpose of representing the State of Illinois, he says to you that owing to the increased duties and additional burdens by reason of changed conditions I have a deficiency of \$4,500 and it must be met. The committee looked into it and they found that it was good. There are forty members of that committee and they passed it out and say to you that it is correct.

You may say to me, "why didn't you vote for the Public Utilities deficiency yesterday?" I will tell you. It was not because I believed they were asking for something they didn't need, and not because I didn't think they were honest, but simply because it was pure selfishness on my part and pure human nature and I wanted to give them a taste of the medicine they had given me. That was all. There is no such reason in this matter.

If you will say to me, you gentlemen who have been talking against this appropriation, that there is dishonesty in the office of the Auditor of this State and he has wrongfully used the funds of the State, I will say to you we should have an investigation right now. You don't say that and you don't charge him with any misappropriation, therefore it is a poor way to attack the integrity of the office by saying you will not appropriate what he says he needs and what a large committee has approved of. If it is honest and he ought to have it, you have no right from the floor of this House to deny it. You have no right to make an attack upon him at this time because it happens to be Mr. Brady's office, or because he happens to be a democrat by political profession.

I believe from what I have seen that the men on the other side of the aisle are just as broad gauged and as liberal as I am and I know you are not going to permit yourselves to descend to the level of little political log-rolling to beat a little appropriation of \$4,500 that is needed by a State official to meet the emergencies in his office. It is not there and it is not worthy of you and it will not go down to the State to your credit. I vote "aye."

(Roll call continued.)

Mr. FRANKHAUSER (Cook). I have not made a personal investigation of this bill, but the Appropriation Committee has. I don't know why I should refuse to follow the recommendations of that committee and for that reason I am going to vote "aye."

(Roll call continued.)

Mr. GORMAN (Peoria). A number of years ago when I first became a member of this body it was under a republican administration. I have been a member of the Appropriations Committee for all of these years and I want to say to you that there is no report made by the Appropriation Committee to this House without a thorough investigation. That was done in this case. I want to say to you that it is unheard of as has been referred to before, where the recommendation of the Appropriation Committee has been made that the membership of this House repudiated it. I have acquired that habit under republican administrations and I still have the habit and I vote "aye."

(Roll call continued.)

Mr. IGOE (Cook). So that the members of the House may know that this deficiency appropriation is nothing new or strange in the history of Illinois Legislatures I ask leave to read into the record appropriations which have been made in years gone by.

DEFICIENCY (EMERGENCY APPROPRIATIONS).

Commissioners Labor Statistics	\$ 2,675 00
Private Employment Agencies	600 00
Live Stock Commission—Biological Laboratory	7,000 00
Rivers and Lakes Commission	4,000 00

Fugitives from Justice	\$10,000 00
State Treasurer—Inheritance Tax Collection	10,000 00
State Contracts Commission—	
Purchase on Contract	65,000 00
Printing on Contract	60,000 00
Binding on Contract	15,000 00
Secretary of State—	
Postage, etc.	3,000 00
Foreign Corporation Department	1,000 00
Automobile Department—Expenses	87,203 83
Same—Clerks	2,500 00
Freight and Parcel Post	15,000 00
Fuel and repairs	5,000 00
Purchase Supreme Court Reports	2,000 00
	<hr/>
	\$289,978 83

RECAPITULATION.

Emergency—Sundry	\$268,445 02
Emergency—Forty-eighth General Assembly	139,650 00
Deficiency—(Emergency Appropriations)	289,978 83
	<hr/>
	\$698,073 85

This bill went into the Appropriation Committee, the majority of which committee is republican, and the chairman is republican, and as a member of the committee I will follow his leadership, and I vote "aye."

(Roll call continued.)

Mr. LYLE (Cook). About three weeks ago I began to hear rumblings on this side as to deficiency appropriations. As one of the young members I listened with eager ears so I could understand and I came to the conclusion that some of the complaints were well founded and voted against the deficiency appropriation. About two weeks ago I heard one of the older members of the Legislature on the republican side say that he was going to get the facts and go after the Auditor's appropriations. From time to time I have heard that these facts were being compiled and that at the proper time he expected to present them to the House. In the meantime, I understand, he has been voting rather consistently and regularly on deficiency appropriations up until yesterday.

I want to be consistent myself and so I am going to do as I did yesterday and that is to be recorded as present and not voting.

(Roll call continued.)

Mr. PIERSON (Cook). I feel that the gentleman from Mercer and the gentleman from Christian have done the State a public service in bringing up these facts. It doesn't seem to be a political offense chargeable to either political party. My decision on the matter is to follow the recommendations of the committee who has investigated this matter, and I stand with the committee. I vote "aye."

(Roll call continued.)

Mr. SHURTLEFF (McHenry). I would like to say a word in explaining my vote on this bill. If this were a question of politics I would be inclined to join with my friends here and vote with them right or wrong. I am assured by the gentleman from Mercer and the gentleman from Christian that there is no politics in this question and therefore I feel perfectly free to vote as I see fit.

Yesterday the Constitution was read in regard to public officers expending public money and the impression that I thought was sought to be conveyed was that to vote for a deficiency appropriation on the floor of this House was a crime, that a public officer that didn't live within the appropriation that was made for his office committed a crime under our law and was subject to a penalty. I don't believe in the construction given to that statute by the gentleman from Mercer. I don't look upon the subject in that light at all. I would construe that in this light, that if a matter of a public improvement had been before this body and had been acted upon and we had required that it should not take place and that then a public

officer in defiance of the law went out and sought to expend public funds or make contracts in violation of the law of the Legislature, then he might come under the criminal construction of that statute.

What is this situation? We meet here every two years and we make estimates as to the expenses of these departments. The officers submit their lists and we prepare what we call a budget. We make an estimate of what it will cost to carry a department through the next two years and he takes the department and he takes with it the absolute duty put upon him by this Legislature, this bureau and that bureau, this duty and that duty, as we are piling up mountain high at each session of the Legislature. Then he starts out on his two years' course. I assume, Mr. Speaker, for the benefit of this department that it has been run honestly. If it has not been then, as the gentleman from LaSalle says, this is not the time nor the place to try that question.

In Congress, as I am informed, these deficiencies are taken care of by two bills, the civil deficiency bill and the sundry deficiency bill and they are put through at every session of Congress. Why? Merely because Congress two years ahead is unable to estimate accurately the exact amount of money that each department is going to spend.

I am going to keep away from politics, but about two years ago in this Legislature there came a deficiency bill from every department in this building. If the rule laid down by the gentleman from Christian would apply, two years ago in February or March the Secretary of State's office would have locked its doors and the Auditor's office would have closed and every department of the State Government would have remained shut until the first day of July. I don't know what the cause was, and I don't care whether it was republican or democratic, this man or that man, but that was the situation and I say to you that it is not the rule when a department hasn't money enough to carry out the order, whether it is a republican Governor or a democratic Governor, the rule is not and should not be that that department close its doors. It must run and it has to run. The law that we have put on the statute books says it must run and all we do here is to estimate what it will cost for the next few years to run that department and if they come short, we are doing now as we did two years ago, we are merely making up the deficiency that it takes for them to run out the balance of their two years.

I further disagree with my friends here as to the matter of policy. I merely want to suggest and there is no politics in it, the people of Illinois are not going to judge its Legislature or its State Government as to whether or not we say here today that the key be turned in the Auditor's office. They are going to put together all of the money that it costs to run the State of Illinois and they are going to dig in and see how that money was spent and they are going to form an opinion upon the broad basis of the whole and not what we may do here in giving this department \$4,500 or refusing them postage down there.

I agree absolutely with the gentleman from LaSalle, that if there has been any fraud, or if there has been any mismanagement, that we ought not to be voting "yes" or "no" upon this appropriation, but we ought to have an investigating committee go down there and see what the fraud is. We ought not to quibble over this whether it is \$4,500 or double that amount.

I would rather put it in this light, as a great statesman said once, "I was against this war but as long as we have it I am here to vote you supplies just as long as you ask for them and say that you need them."

Nobody so far as I am concerned, and I hope my friends will stay with me two years from now when we are discussing State politics upon the platform in Illinois. I don't want any man from the opposite party to excuse his deficiencies and say that we locked the door of this department and this error crept in and this fault can be found because it was a democratic government and we could not get the appropriations through to run the State.

We have selected in this House an Appropriations Committee. There is no party politics in it so far as I know. It is made up of about one-third of the business men of this House, men that can figure dollars and cents. I was on that committee fifteen years ago and I didn't like it and I got off

as I don't know anything about it, but in the organization of this House there has been made up an Appropriation Committee of substantially one-third the members of this House, the best men to figure along that line. They come in here and recommend this appropriation. I say it is impugning their intelligence and honesty to say that this bill shall go to roll call and that you refuse it your support. If I want more information, I have the right to ask this committee to give me more information upon which to vote, but I shall not impugn their intelligence by saying that I know more about this State than they do. I vote "aye."

(Roll call continued.)

Mr. SMEJKAL (Cook). When this bill was introduced it took its regular course and the Auditor's office was asked to appear before the Appropriation Committee and explain the matter. It was presented in a lump sum and I asked that it be itemized. The chief clerk of the Auditor's office appeared before the committee and presented the matter to the committee and it was voted out unanimously. There were twenty-nine members present and I will ask the clerk to read the report of the committee at this time. The bill was introduced March 10, considered on March 23, and reported to the House the same day with the recommendation that it do pass. Since that time I have not heard any members of the House requesting any information on the bill except Mr. Provine and I gave him all the information I had. I believe the request of the Auditor's office is meritorious and he ought to have his appropriation. I vote "aye."

(Roll call continued.)

Mr. PURDUNN (Clark). I voted to report this bill out of the Appropriation Committee and I will not repudiate any vote that I gave before and therefore I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 124 and the "nays" are 14, the bill having received the required two-thirds vote is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. COOPER (Wayne). I desire to enter a motion that the vote by which House Joint Resolution No. 7 was defeated, be reconsidered and the further consideration of the resolution be postponed.

(Motion prevailed.)

Mr. FIELDSTACK (Cook). I offer the following resolution and move its adoption.

HOUSE JOINT RESOLUTION No. 15.

Resolved, by the House of Representatives, the Senate concurring therein, That there shall be submitted to the electors of this State for adoption or rejection at the next election of the members of the General Assembly of the State of Illinois a proposition to amend Article IX of the Constitution by adding thereto an additional section to be known as section 14 of Article IX, as follows:

"Article IX, Sec. 14. From and after the date when this section shall be in force the powers of the General Assembly over the subject matter of the taxation of personal property shall be as complete and unrestricted as they would be if sections one (1), three (3), nine (9), and ten (10), of this article of the Constitution did not exist: *Provided, however,* that any tax levied upon personal property must be uniform as to persons and property of the same class within the jurisdiction of the body imposing the same, and all exemptions from taxation shall be by general law, and shall be revocable by the General Assembly at any time."

THE SPEAKER. The resolution will be referred to the Committee of the Whole House.

Mr. PURDUNN (Clark). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 77.

WHEREAS, It appears from a recent publication in the press, that at a court trial held in the county of Cook, wherein two or more civil service employees were being prosecuted on a criminal charge of assault, on an

insane inmate, of the Chicago State Hospital, that the managing officer of said institution designated the men charged with the offense, as "rough-necks;" and,

WHEREAS, Members of subcommittees visiting State institutions were informed, by one superintendent, that the average length of service of attendants and domestics was four months and by another superintendent, that 90 per cent of the employed changed during a period of twelve months; and furthermore, by another superintendent, that it was easier to go along with inefficient help than it was to file charges against them with the Civil Service Commission and prosecute the complaints; therefore, be it

Resolved, That in order that the institutions of the State may be able to secure more reliable and more humane employees of a certain class, that a committee of five members of this House be appointed by the Speaker to investigate the proposition of removing from the provision of the Civil Service Law all attendants, domestics and laborers employed in the various State and charitable institutions and all domestics and laborers employed in the University and normal schools of the State and place the employment of such help in the hands of the managing officer of each institution, in order that some one person may be responsible for their employment;

Resolved, That said committee shall report their recommendations to the House within ten days from date.

THE SPEAKER. It shall be referred to the Committee on Civil Service.

Mr. BROWNE (LaSalle). I think this is enough importance to go to the Committee of the Whole House.

THE SPEAKER. The resolution provides for the taking out of the classified service a certain number of employees at the various institutions and the Civil Service Committee is the proper committee for it to go to.

Mr. BROWNE (LaSalle). Supposing the Civil Service Committee doesn't report that in until this House is congested with work so we will not have time to consider it. If the resolution means what I think it does I am interested in it because of certain abuses that I personally know of in these institutions. Some of these abuses are a crying shame and the people ought to know about them. One is just recently and because an official in an institution prevented a brutal employee from sending a helpless man to the hospital he is now under charges by the Civil Service Commission.

THE SPEAKER. The resolution has been referred to the Civil Service Committee.

Mr. FRANK RYAN (Cook). I think it ought to go to the Committee of the Whole House. It is a matter of State-wide importance.

Mr. BROWNE (LaSalle). I want to serve notice that if this resolution is not reported out within a reasonable time with favorable recommendation, I will make a motion on the floor of this House to pull it out.

THE SPEAKER. Which motion on your part is proper under the rules of the House?

Mr. MORRIS (Perry). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 16.

Resolved, by the House of Representatives of the State of Illinois, the Senate concurring therein, That there shall be submitted to the electors of this State for adoption or rejection at the next election of members of the General Assembly, a proposition to amend Article IV of the Constitution of this State by adding thereto an additional section to be known as section 35 to read as follows:

"SEC. 35. The people reserve the power to propose and enact laws as herein provided. Eight per cent of the electors of the State may propose an Act by initiative petition, verified as to signatures, and filed with the Secretary of State not less than thirty days prior to the date of the convening of any regular session of the General Assembly. The Secretary of State shall transmit a certified copy of the proposed Act to the House of Representatives and the Senate at the convening of the next regular session of the General Assembly, and the same shall be treated as a bill introduced

in the name of the people. Unless such proposed Act shall, without change, become a law by regular legislative enactment within one year after the date of convening of the General Assembly, the Secretary of State shall submit the same by its title to the electors at the next general election: *Provided*, that if a proposed Act shall be placed upon its final passage in each House, and shall fail in each House to receive the affirmative votes of one-fourth of the members elected, it shall not be so submitted. If a proposed Act, when submitted to the electors, shall be approved by a majority of the electors voting on the proposition, it shall become a law, and take effect on the first day of January, next, thereafter.

"All laws enacted under the provisions of this section may be subsequently amended or repealed by the General Assembly, and they shall be subject to the same constitutional provisions and limitations as are Acts passed by the General Assembly: *Provided*, such provisions and limitations are not inconsistent with the provisions of this section.

"The people reserve power to reject laws passed by the General Assembly, and to say the time of their taking effect, as herein provided. Five per cent of the electors of the State, by a referendum petition, verified as to signatures and filed with the Secretary of State before the taking effect of an Act, may require that such Act shall not take effect until submitted to the electors. The Secretary of State shall submit such Act by its title to the electors at the next general election, and if rejected by a majority of the electors voting on the proposition it shall become void, otherwise it shall take effect on the first day of January, next, thereafter. Acts passed in case of emergency by a vote of two-thirds of all the members of each House, and Acts making appropriations for the ordinary and contingent expenses of the government or of any existing institution of the State, shall not be subject to referendum petition. All Acts shall take effect as provided in section 13 of this article, except that no Act subject to referendum petition shall take effect within less than thirty days after it becomes a law: *And, provided further*, that one per cent of the electors of the State, by referendum petition, verified as to signatures and filed with the Secretary of State before the taking effect of an Act, may require that such Act shall not take effect until ninety days after it becomes a law, pending the filing of a petition supplementing and completing the said referendum petition.

"The Governor, Attorney General, and Secretary of State shall constitute a board to pass upon the sufficiency of every initiative and referendum petition, and when approved by them its sufficiency shall not be questioned in any court. A finding of the board that a petition is not sufficient may be reviewed upon a petition of mandamus filed in the Supreme Court within thirty days. The total vote cast at the last general election shall be the basis upon which the required per cent of electors herein specified shall be estimated, and not less than fifty per cent of the signatures required shall be electors residing outside of the county of Cook. This amendment shall be self-executing, but appropriate legislation may be enacted regulating the details of its operation."

THE SPEAKER. The resolution is referred to the Committee of the Whole House.

Mr. GORMAN. I offer the following joint resolution:

HOUSE JOINT RESOLUTION No. 17.

Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein, That an amendment to Article IX of the Constitution of this State be, and the same is hereby proposed, as follows:

Resolved, That Article IX of the Constitution of this State, be amended by adding thereto a section to be numbered and known as section 14, and reading as follows:

"SEC. 14. From and after the date when this section shall be in force the powers of the General Assembly over the subject matter of the taxation of personal property shall be as complete and unrestricted as they would be if sections one (1), three (3), nine (9), and ten (10), of this article of the Constitution did not exist: *Provided, however*, that any tax levied upon personal property must be uniform as to persons and property of the same

class within the jurisdiction of the body imposing the same, and all exemptions from taxation shall be by general law and shall be revocable by the General Assembly at any time."

Resolved, further, That the said proposed amendment to Article IX of the Constitution shall be submitted to the electors of this State for adoption or rejection at the next election of members of the General Assembly in the manner now provided by law.

THE SPEAKER. The resolution is referred to the Committee of the Whole House.

Mr. BUTLER (Sangamon). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 78.

Resolved, That the committee appointed under House Joint Resolution No. 23, of the Forty-eighth General Assembly, known as the Voting Machine Investigating Committee, be instructed to submit its report to this House within ten days;

Resolved, further, That the Clerk of the House shall notify said committee of the contents of this resolution.

THE SPEAKER. The resolution is referred to the Committee on Rules.

Mr. McCORMICK (Cook). There are a great many persons who wish to appear before the Utilities Committee this afternoon and I ask leave that the hearing may be had in this House.

THE SPEAKER. If there is no objection, it is so ordered.

The Chair asks the consent of the House to add two members to the Committee on Fish and Game. I desire one republican and one democrat to this committee. I will add Mr. Scholes of Peoria and Mr. Maucker of Rock Island.

Mr. HENNEBRY (Will). I desire to offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 79.

WHEREAS, It has pleased Almighty God in His infinite wisdom to remove from our midst, our colleague and friend, the Hon. David Forsythe, of Chicago, Illinois, who was an honored member of the Thirty-seventh and Thirty-eighth General Assemblies from Will County; and

WHEREAS, By his integrity, his genial disposition and his consistent application to his duties as a member of this body as well as by his upright and honorable conduct as a man and a citizen, he has endeared himself to all; therefore, be it

Resolved, by the House of Representatives, That we hereby express our most profound sorrow at the untimely end of our friend and brother, and that we hereby extend to the bereaved wife and family our heart-felt sympathy in the loss of a kind and loving husband and father; and, be it further

Resolved, That this preamble and resolution be spread upon the Journal; that a suitably engrossed copy thereof be forwarded to the family, and as a further mark of respect to his memory, that the House do now adjourn.

Resolution unanimously adopted, and the House adjourned.

FRIDAY, APRIL 16, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Haughton.

The Journal of the previous day being read. Upon motion of Mr. Bentley (Livingston), the House dispensed with the further reading of the Journal, and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions and reports of standing committees without debate.

THE SPEAKER. Does the gentleman from Menard (Tice), desire to take up the special order that was set for this morning?

Mr. TICE (Menard). I think it would be better to have House Bill No. 562, which was set for a special order this morning continued for Wednesday, and, I therefore move, that the special order be continued till next Wednesday.

THE SPEAKER. If there is no objection, it will be so ordered. There are no objections heard and it is so ordered.

Whereupon, House Bill No. 394 on the order of second reading was taken up for consideration, being an Act to amend an Act to establish and maintain a system of free schools, providing for the method of preparing specifications for the heating, ventilation and sanitation of public schools.

Mr. BROWNE (LaSalle). I object to this bill being considered.

Mr. SCANLAN (LaSalle). I think this bill ought to be passed. This bill was up last session—

Mr. BROWNE (LaSalle). It takes out of the hands of the school trustees and school directors the power to build their own school houses as they see fit as business men and it puts the approval of the plans in the hands of the county superintendents who are purely theorists and school teachers. It is not his business to build school houses and I don't believe that is right. The superintendent knows how to teach school but he don't know very much of how to build school houses.

Mr. SCANLAN (LaSalle). I insist upon the bill being called up at this time and it ought to be advanced.

Mr. BROWNE (LaSalle). Why didn't it pass last session?

Mr. SCANLAN (LaSalle). It was the bill we adjourned on last session.

Mr. BROWNE (LaSalle). I have heard that same thing about fifty different bills—that was the bill we adjourned on.

Mr. SCANLAN (LaSalle). This is the one.

Mr. HUBBARD (Greene). I think there is a quorum here and I would like to see that bill brought up. The superintendent of schools doesn't draw the plans.

Mr. BROWNE (LaSalle). The superintendent has to approve them.

Mr. HUBBARD (Greene). I can't see any harm in that. I think plans approved by competent authorities would be quite a benefit. It will add to the comfort and health of the children, but as it is now it is very harmful.

Mr. BROWNE (LaSalle). Do you think the teacher or superintendent knows more about business propositions than the trustees or directors who elect them to their places?

Mr. HUBBARD (Greene). The fact that the county superintendent is in touch with the best methods of building schools, I believe is true and would not work a hardship. In many districts in the State schools have been built with no regard for ventilation or sanitation. This bill will help create a better condition and a better grade of school buildings. It takes no powers away from anybody. When this bill was up last session, Mr. McGinley was

asking for a roll call on third reading when the gavel fell for final adjournment.

Mr. BROWNE (LaSalle). This puts the matter into the hands of the county superintendent of schools.

THE SPEAKER. Does the gentleman desire to raise the question of no quorum? The gentleman asked the courtesy of the House to advance a bill a few minutes ago?

Mr. BROWNE (LaSalle). I will withdraw it and move to strike out the enacting clause.

Mr. SCANLAN (LaSalle). There are several members who have asked me to let it go over and if you will withdraw your motion we will let it go over.

Mr. BROWNE (LaSalle). I will withdraw the motion.

THE SPEAKER. The bill will hold its place on the calendar but will be put over for today.

Whereupon, House Bill No. 48 taken up on the order of second reading, providing that the common school fund of this State shall consist of the proceeds of a two-mill tax, which shall be levied annually upon each dollar of the equalized assessed value of all the property in the State.

Mr. BROWNE (LaSalle). How much difference will this make in the taxes?

THE SPEAKER. This amounts to about two million dollars additional.

Mr. ROTHSCCHILD (Cook). What was the actual levy?

Mr. BROWNE (LaSalle). My information from those that understand this matter is that this bill will just about double the taxes.

THE SPEAKER. The Chair don't care to enter into any discussion on this matter, but this is a very important bill and ought to be re-referred to the Committee on Appropriations as it is an appropriation bill. Under the proposed two-mill tax it will raise about five million dollars each year for the next two years. It will be an increase of about two million dollars. The one-mill tax through the University of Illinois last year provided money in the sum of \$4,500,000. It will be more next year.

Mr. ROTHSCCHILD (Cook). Was the point raised in the committee as to what the increase would amount to.

Mr. KANE (Saline). It was generally understood.

Mr. ROTHSCCHILD (Cook). Was it raised?

Mr. KANE (Saline). I am not a member of that committee and wasn't in there. I believe that this is the time to take up the discussion on the merits and if it is I will be glad to go into it. I don't think there is any more meritorious proposition offered to this House than this bill. When the University of Illinois, one single institution asks for higher education a one-mill tax it seems to me that where a greater number are involved, they ought to get the two-mill tax. This two-mill tax affects eighty per cent of the children whereas the one-mill tax only takes care of the richer class of people who send their children to the State University. I will say to you that we are letting this proposition run to seed in regard to taxes for educational purposes. If there is to be any cutting down, cut it off of the top and put it where it will give the most good to the most people.

Mr. SMEJKAL (Cook). I understand this is a two-mill tax and it involves an appropriation of money and ought to go to the Appropriation Committee, and I make that point.

Mr. KANE (Saline). It is a levy the same as any other tax.

THE SPEAKER. That is why the Chair made the suggestion that it was an appropriation bill. Even if the tax is levied it cannot be used until an appropriation is made by this House.

Mr. SMEJKAL (Cook). I move that the bill be re-referred to the Committee on Appropriations.

(Rising vote taken and the motion prevailed.)

Whereupon, House Bill 372 on the order of second reading was taken up, being a bill to amend sections four and five of an Act to provide for the election and appointment of officers and employees of the General Assembly and to repeal certain Acts by providing that committee clerks in the House and Senate shall be expert stenographers.

Mr. BROWNE (LaSalle). I object to the consideration of this bill.

Mr. FLAGG (Madison). What is the reason?

Mr. BROWNE (LaSalle). I don't see why a committee clerk necessarily has to be an expert stenographer. I think in the majority of committees of this House it would be simply a useless and unnecessary expense to have an expert stenographer as a committee clerk.

THE SPEAKER. Objections are heard.

Mr. FLAGG (Madison). I don't know of any reason why it should not be heard today as any other day.

Mr. BROWNE (LaSalle). I have this objection to the bill where it provides that there shall be no additions whatever to the number of employees except by a two-thirds vote of the total membership of either House. I see no reason why you shouldn't allow the Speaker of the House and the President of the Senate to make additions, as the exigencies of the case may demand.

Mr. FLAGG (Madison). If you will allow an amendment to be read which has been introduced here you will find that it provides for a messenger in the House and a messenger in the Senate. Does that remove to the objection to the bill.

Mr. BROWNE (LaSalle). I am not interested in any messenger, the newspapers to the contrary notwithstanding, white or black. I think you should leave the statute elastic in that regard.

Mr. FLAGG (Madison). The matter of leaving the statute elastic is what has made so much trouble.

Mr. BROWNE (LaSalle). It has not been because of anything in the statute or out of the statute. The trouble this session has been an idea of false economy and playing to the galleries. We have always gotten along here and gotten along all right and nobody found any fault. The minute you embark upon that ship you always get in trouble.

Mr. BUTLER (Sangamon). Do you think one Legislature can bind future Legislatures?

THE SPEAKER. I would suggest to the House that the galleries are rather light today. We are taking up time. Objections are heard to this bill. A quorum is not present at this time and I desire to ask the gentleman from Madison (Flagg) if he desires to proceed?

Mr. FLAGG (Madison). I do.

THE SPEAKER. Read the bill.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of the bill. It is not in keeping for this session of the Legislature to provide something for the government of the next session when there will be a new Speaker and a new President of the Senate and a new regime all around. That smacks too much of guardianship by us over those that are to come. In this session we have turned it over from soup to nuts. We have destroyed the systems that have been in vogue in many sessions heretofore. Why not accord that privilege to the next session?

Mr. FLAGG (Madison). If that be true, why not repeal the Hurburg statute entirely? We bound all subsequent Legislatures by the Hurburg statute and there is no logic in it.

Mr. BROWNE (LaSalle). There is a good deal of logic in it and there has been no trouble in the regulation of the employees.

Mr. FLAGG (Madison). There has been trouble. I have served two different sessions on the Contingent Expense Committee and I know that the House needs just this protection. We need something that will keep the flood gates closed.

Mr. BROWNE (LaSalle). Let me ask you something. This law as you propose it is not in force now is it?

Mr. FLAGG (Madison). No.

Mr. BROWNE (LaSalle). The flood gates have not been opened?

Mr. FLAGG (Madison). Yes.

Mr. BROWNE (LaSalle). They have in the House?

Mr. FLAGG (Madison). Yes, we have four cloakroom men in this House.

Mr. BROWNE (LaSalle)). Do you say there are too many employees here?

Mr. FLAGG (Madison). The flood gates have been opened necessarily as the Hurburg statute, which this is intended to revise, does not provide for any cloakroom men and they are necessary.

Mr. BROWNE (LaSalle). There has not been an employee put upon the pay roll in this House that the Speaker objected to—not one. His wishes have not been overridden in that respect. There have not been any gates opened and you don't have any law to stop it. It is up to him and he has regulated it and why shouldn't we leave the next Speaker with the same power?

Mr. MADSEN (Cook). We have a Speaker this time that prevented the flood gates from being opened. How do we know next session that we will not have a Speaker that will open them?

Mr. BROWNE (LaSalle). We don't know.

Mr. MADSEN (Cook). That is why we ought to stop it now.

Mr. BROWNE (LaSalle). If you are here and such men as you I know we will have a good Speaker as you would not vote for a bad one. I know you would make a good selection.

Mr. FLAGG (Madison). Such a change as this is needed now if you will only refer to the Senate and judge from their expenses over there.

(Rising vote taken on motion to table motion to strike out enacting clause.)

THE CLERK. It is a tie vote.

THE SPEAKER. Did you count the Speaker?

THE CLERK. No.

THE SPEAKER. The Speaker votes "aye," and the motion is tabled.

Mr. BROWNE (LaSalle). I made a different count.

THE SPEAKER. If there is any dispute about it, the clerk will call the roll.

Mr. BROWNE (LaSalle). I would like to have them counted again.

(Rising vote taken, "yeas" 32, "nays" 28, and the motion lies on the table.)

THE SPEAKER. The bill is ordered engrossed and to a third reading. Whereupon, House Bill No. 246 was taken up on the order of second reading.

Mr. KANE (Saline). I raise the question of no quorum.

THE SPEAKER. The bill will be put over until next week.

Whereupon, House Bill 366 was taken up on the order of second reading, which bill provides for the establishment and maintenance of libraries in counties by taxation and provides that upon presentation of a petition signed by one hundred legal voters, the board of supervisors in counties under township organization may provide for the assessment, levy and collection of tax and appoint a library board of three members.

Mr. ROTHSCCHILD (Cook). I would like to offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend the title of House Bill No. 366, as printed in the House, by adding after the word "counties" the words "having a population not in excess of 500,000 inhabitants."

(Amendment adopted.)

Mr. ROTHSCCHILD (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 366, as printed in the House, by inserting in line 2, section 1 thereof after the word "State" the words, "having a population not in excess of 500,000 inhabitants."

(Amendment adopted.)

Mr. BURREN (Champaign). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 366, as printed in the House, by striking out section 5, and renumbering the succeeding sections.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Whereupon, House Bill No. 218 was taken up on the order of second reading, the bill providing for the appointment of a State board of examiners of auctioneers.

Mr. TICE (Menard). This bill ought to go over. I have not had time to prepare an amendment but the bill provides penalties and will prohibit any man from selling his own property. There are many farmers who want to sell their live stock at public vendue and if this bill goes through without an amendment it will prohibit such sales and places a penalty on them. I believe from a hurried reading of the bill that it will prohibit Masters in Chancery from selling real estate that goes through the courts and they will have to employ licensed auctioneers to vendue such real estate as may come through their office.

Mr. HUBBARD (Greene). I move to strike out the enacting clause.

Mr. DONAHUE (McLean). I ask that the bill go over until next week.

THE SPEAKER. The bill goes over until next week.

Whereupon, House Bill No. 84 was taken up on the order of second reading providing that in cities of 150,000 inhabitants or over where there is a board of examiners of mason contractors, all members of such board shall be practical masons.

Mr. CARL GREEN (Crawford). I move to strike out the enacting clause.

Mr. FRANK J. RYAN (Cook). I move to lay that motion on the table. (Rising vote, and the motion to table prevailed.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. KANE (Saline). I rise to a question of personal privilege. I ask leave to withdraw my objection to the bill Mr. Scanlan asked to be advanced. I didn't know anything about the bill and I objected to it as a matter of spite work. I now wish to withdraw my objection as I don't care to assume that position.

Mr. SCANLAN (LaSalle). I desire to call up House Bill No. 246, to which objection was made before.

Mr. BROWNE (LaSalle). I object to it.

THE SPEAKER. The county of LaSalle seems to be divided.

Mr. BROWNE (LaSalle). I will withdraw my objection.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. FRANK J. RYAN (Cook). I move the House do now adjourn.

Mr. RODERICK (Cook). Just a moment before that motion is put. I wish the record to show that Mr. McCormick was called away to Kansas City to attend the funeral of a relative.

THE SPEAKER. The record will so show.

Mr. FRANK J. RYAN (Cook). I renew my motion that the House do now adjourn.

(Motion prevailed.)

THE SPEAKER. The House stands adjourned until next Wednesday, April 21st, at 10:00 o'clock a. m.

WEDNESDAY, APRIL 21, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Dr. Haughton.

Journal of previous legislative day being read. Upon motion of Mr. Walsh (Cook) further reading was dispensed with and Journal approved.

Whereupon the House proceeded upon the order of presentation of petitions, without debate.

Mr. BOYER (Cook) from the Committee on Contingent Expenses, to which was referred House Resolution No. 75, reported the same back with the recommendation that it be adopted.

Which said resolution is as follows:

HOUSE RESOLUTION No. 75.

WHEREAS, It is necessary to have a sufficient number of assistants in the office of the enrolling and engrossing clerk, from now until the end of the session, in order that the clerk can promptly transact the business of his office; therefore, be it

Resolved, That Fred Lynch and Sadie Carpenter be, and they are hereby appointed as assistants in the Enrolling and Engrossing Department, at the usual per diem allowed by law, and that their names be placed on the pay-roll beginning March 29th.

THE SPEAKER. The Clerk will call the roll on the adoption of the resolution.

Mr. BROWNE (LaSalle). I think this is the first time that I have ever refused to vote on anybody's motion to support the proposition of putting somebody on the pay roll. I have always relied upon the judgment of the people offering such a resolution, that it was a fair and equitable proposition. I have always felt that I was doing no more under those circumstances than I would want to have done for me. Now, I have received a different education at this session. I have been told that the flood gates were liable to be opened and a lot of unnecessary help rushed in. I have been told from this side of the House by gentlemen who have been refusing to vote for resolutions of this kind that we already had too many helpers on the pay roll now. I find some of those same gentlemen who told me that and have refused to vote for other resolutions voting for this resolution now. I like to be consistent and I like to see everyone else consistent if they can be. I don't believe that this resolution ought to pass, and I say that with all due respect to the gentleman that offered it. I say that we do not desire to in any way go against the ability and efficiency of the people that are presented in this resolution. We have been told by the Chair that he will not sign, under certain circumstances, or certify even though the House passes it, certain resolutions providing for extra help. He doubtless has good reasons for that in his mind. I am not questioning those.

I remember a bill that was brought up here the other day by an estimable member of the House from the other side in which he seeks to close the flood gates so that nobody in the future can be imposed upon. He sought to establish a protectorate over future sessions. I find my friend the socialist said that in the future we are liable to have a Speaker who would open the gates and we ought to pass that bill. We ought to be consistent in these things and therefore I vote "no."

Mr. BOYER (Cook). The enrolling and engrossing clerk is entitled to two assistants under the statute. Heretofore in the office they have had

from seven to eight assistants. This year the clerk asked for two additional clerks making four in all.

Mr. BROWNE (LaSalle). These two are not provided for in the statute?

Mr. BOYER (Cook). No.

Mr. BROWNE (LaSalle). They are extra help?

Mr. BOYER (Cook). Yes.

Mr. BROWNE (LaSalle). And they come from a committee that has announced itself as being opposed to taking on extra help. You cannot make fish of one and fowl of the other.

Mr. LYNCH (Peoria). We are trying to protect the interests of the gentlemen of the House. When your bills don't come up on the floor of the House and the delay is caused by the lack of help in the department of enrolled and engrossed bills, then you would have objections to that, and to overcome those objections and so that we may have plenty of help in that office, these extra clerks are necessary.

THE SPEAKER. The Chair will state that he did not appoint these two clerks. They were not recommended to him and he was not asked about them. The chairman of the Committee on Enrolled and Engrossed Bills has reported as the statute provides that they need help and introduced this resolution and it was referred to the Committee on Contingent Expenses. The committee reports the resolution out and the Chair has presented it to the House. The Chair will also state to the House that later on when the clerks of various committees will not have to perform any duties, that they will be detailed to work in the Committee on Enrolled and Engrossed Bills. The Clerk will proceed with the roll call.

(Roll call continued.)

Mr. KANE (Saline). I would like to know if under the statute this committee is limited to two clerks, or whether the total number is limited.

THE SPEAKER. The statute provides for an enrolling and engrossing clerk and two assistants and further provides that the chairman shall report to the House when further help is necessary.

Mr. KANE (Saline). In order to be consistent with my former action on all such measures, as this, I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 105; and the "nays" 2, and the resolution is adopted.

Mr. TICE (Menard). I would like to call up House Bill No. 562 on the calendar as a special order this morning.

THE SPEAKER. It is on the calendar for consideration by the House as a Committee of the Whole House.

Mr. TICE (Menard). I move that House Bill No. 562 be considered by the House and not by the Committee of the Whole House.

(Motion prevailed.)

THE SPEAKER. House Bill No. 562 on second reading with pending amendments is now placed before the House.

Mr. KANE (Saline). I have talked to several of the stock raisers in the State and wish at this time to offer a substitute for the amendment I offered last week.

Mr. BROWNE (LaSalle). I have no objection to the procedure suggested by the gentleman from Saline. I only want it understood that I am still insisting on the amendment that I offered as a substitute to his original amendment. I have no objection to his substituting this in place of his original amendment and then let that original amendment stand and let mine stand as a substitute to his.

THE SPEAKER. Amendment No. 1 was offered to this bill by the gentleman from Saline. The gentleman from LaSalle, Mr. Browne, offered a substitute to that amendment, which is the pending question. The question is upon the substitute offered by the gentleman from LaSalle.

Mr. KANE (Saline). If it is proper, I desire to offer a substitute for the substitute amendment the following amendment.

Mr. BROWNE (LaSalle). I object to that, point of order, Mr. Speaker.

THE SPEAKER. By unanimous consent you can withdraw your amendment Number 1 and introduce that amendment. The substitute will still be the pending question.

Mr. KANE (Saline). Very well, I will do that and offer the following amendment:

AMENDMENT No. 1.

Amend House Bill No. 562, as printed, by striking out in line 17 the words "two hundred fifty;" all of line 18 and all of line 19 to and including the word "herd" and insert in lieu thereof the following:

"Three hundred (\$300) dollars for any registered animal and not to exceed one hundred fifty (\$150) dollars for any animal not registered; nor to exceed an average value of two hundred fifty (\$250) dollars for any herd of registered animals or number of registered animals in any herd and not to exceed an average of one hundred twenty-five (\$125) dollars for any herd of non-registered animals or any number of non-registered animals in any herd."

THE SPEAKER. The gentleman from LaSalle offers a substitute amendment. That is the pending question. The question is upon the adoption of the substitute.

Mr. ROTHSCHILD (Cook). I would like to have all amendments read.

THE SPEAKER. For the information of the House the Clerk will read the first substitute and then the amendment offered by the gentleman from LaSalle.

(Amendments read for information.)

Mr. KANE (Saline). After having talked with the men who are directly interested in the stock breeding industry and since they have gone home to their constituents and talked with them about the matter, they are now of the opinion that some limit should be placed on the value of the stock and that there should be some difference between ordinary stock and registered stock. Mr. Lantz and Mr. Dudgeon and others who have made a study of this matter now agree that this amendment which I am offering covers the situation as it should be taken care of. I think it is fair that the registered animals should have an appraisal fixed as high as \$300. That is more reasonable, really, than \$150 for the scrub animals.

Mr. IGOE (Cook). What do you mean by a registered animal?

Mr. KANE (Saline). The latter part of the bill contains a proviso which explains exactly what is meant by a registered animal.

Mr. Lantz desires to be heard on this matter.

Mr. LANTZ (Woodford). In considering a bill of this kind you must take into consideration all the various interests, the taxpayer, the consumer, the pure bred stock breeder and the feeder. The importance of pure bred cattle as applied in the live stock industry can be seen from the fact that the cows are producing twice as much milk and butter fat than they did twenty years ago. Our yearling steers are producing as much beef and better beef than the three-year old steer twenty years ago. These men feel that they should have some protection. I can relate my own experience in this matter. I had some cattle ready to go on the market but they are still in the barn on account of the restrictions in shipping stock. I feel after visiting the pure bred breeders over my district and my part of the State that there should be a limit to this. When this disease strikes a herd they are not all in show condition or sale condition. The averages that are received at sales are for cattle fed for five or six months for that sale. When the disease strikes the breeding herd it strikes that herd in pasture condition and they are not worth what they bring at public sales.

This limit suggested in the amendment was agreed to by Mr. Prather, one of the biggest breeders of the State, Mr. Frank Harding, Secretary of the National Shorthorn Breeders Association and Mr. Gray of the Aberdeen-Angus Association. A \$300 limit would cover the value of every herd in the State of Illinois. A certificate of registry should be required for each animal that receives more than the market value to prevent anybody stating their animals are pure bred when they are not. They must have a certificate from a recognized organization.

I favor the amendment by Mr. Kane.

Mr. DONAHUE (McLean). We have just one right granted to us by the constitution of this State to go and kill the cattle exposed to any contagious disease and that right comes under the provision of the constitution

which provides that provided property is taken by the State it shall be taken except just compensation is paid therefor. That compensation shall be ascertained by a jury in some cases and in other cases it provides otherwise. Now, we have no more right to fix the value of an animal that might be taken by the State than we would have the right to fix the price of an acre of land or the price of a town lot that might be taken. If we have any right to take cattle at all it comes under the provision of the constitution which provides that just compensation must be paid for the animal if we have any right to take it. If we put a limit on the price that might be paid for cattle, we are treading on dangerous ground and it is directly in the teeth of the constitution of the State. We must leave it to a jury or to the commission to fix the compensation.

When the public authorities first commenced to slaughter cattle I wanted to know by what right they did that. From time to time as the discussion of this matter proceeded, I say that they had the right to take private property. If we have that right, it is compulsory on us to allow adequate compensation therefor.

Mr. BROWNE (LaSalle). I desire to say in view of the criticism that was offered here, and I think now that it was just to some extent, to the second amendment. I said I proposed to offer an amendment, and I have re-drafted that amendment eliminating some features of it so there is no possibility of a clash between it and the rest of the act. That amendment will contain the proviso that if there is any dissatisfaction on the part of anybody that it is to be referred to the court and jury and with a right of appeal in case of any dissatisfaction. They have the same right of appeal that they have in any other case.

It seems to me that all that the gentleman from McLean (Donahue) has said is correct in reference to this matter. The eminent domain act of this State gives to any citizen of this State the right, whenever his property is taken or damaged by any of the great public corporations, like railroads, for public use, they have the right through court and jury to be paid for its worth. Why should any immunity be placed upon the State of Illinois when it goes into the premises of the citizen of the State and takes the personal property of that citizen. Why shouldn't the State of Illinois compensate that citizen in the same way compensation is made when real estate is taken?

There seems to be a feeling that this law will leave an opening and open a dangerous door. I can't see where there is any more danger than in taking real estate. You are going to have three appraisers appointed from different sources and have the property properly appraised and then if either side is dissatisfied they can have the usual test by trial before a court and jury and appeal to the higher courts. There is no danger there.

If you want it left so you can take away from a man his property and not pay him for it, then you ought to beat this amendment. If you don't want to be left that way and want it left so that if the State takes that property it must pay him what it is worth, you ought to be for this amendment.

I have never been very optimistic as to the foot and mouth disease. I mean by that as to the necessity for this wholesale slaughter. I have felt that there was much of it that was unnecessary and I am not trying to analyze it or make any further comment except to say that is my feeling and I find I am not alone in that feeling. I have suggested to one of two gentlemen who have talked to me about the matter that they would not live long enough to see anything of this kind done again and gotten away with. He agreed with me that probably that was true.

Mr. DE YOUNG (Cook). I am very much impressed with some of the eminent gentlemen who are lawyers of the State who say that a bill that places a limit for the loss of these cattle is unconstitutional and then give as a reason for it that section 13 of the bill of rights, the second article of our Constitution which provides that just compensation shall be paid for private property has application to this matter. It doesn't have the slightest bearing upon this subject at all. This is not private property taken for a public use. It was the old common law that property might be taken to abate a nuisance. The authorities are replete with instances where the State has destroyed cattle or other property for the purpose

of abating a nuisance and under the law no compensation whatever need be made.

The law of eminent domain has no bearing on the question. If the State of Illinois should see fit not to pay a single cent to those owners of cattle there would be no legal remedy. The common law of England was adopted by us set up about the fourth year of King James the First. The provision in the bill of rights had reference to property taken under the eminent domain law for public uses and I have not the slightest doubt that a bill which has a limit in it is constitutional and cannot be attacked from any quarter. An appropriation should be made and the cattle owners of this State who suffer this great loss should be paid, but that is a matter of policy and not a matter of constitutional law.

The provision of this bill which provides for this appraisement is legal. No provision for the right of trial by jury need be incorporated in this bill to make it legal. The provision of the bill of rights does not bear upon this question in the slightest degree. I believe that the amendment submitted by the gentleman from Saline (Kane) should be adopted as a proper amendment.

Mr. BROWNE (LaSalle). I have not urged that the insertion of this appeal was essential to make this a good law, but can you as a matter of right and equity see any objection to it?

Mr. DE YOUNG (Cook). That is quite another question.

Mr. BROWNE (LaSalle). Well, can you?

Mr. DE YOUNG (Cook). I understood you as well as the gentleman from McLean (Donahue) to be of the opinion that this bill in order to maintain its validity would have to have the provisions of the eminent domain act.

Mr. BROWNE (LaSalle). I have never claimed for a single moment that this came under the eminent domain act. I say that the principle which controls in the eminent domain act for compensation ought to apply here and I believe any act which fixes a limit on the compensation other than the full value of the property would be unconstitutional.

Mr. DE YOUNG (Cook). If there is no obligation on the part of the State, isn't it competent?

Mr. BROWNE (LaSalle). I am not at all sure that it is not an obligation on the part of the State of Illinois. I am not sure that your proposition is at all correct. I am sure that when the State does seek to compensate by law, that then it is illegal to compensate for anything less than the full value of the property taken.

Mr. DE YOUNG (Cook). Will you point out the constitutional provision or any decision of any court on that point?

Mr. BROWNE (LaSalle). No, I will not point out the constitutional provision but I state it as a broad proposition of law that where I am not liable for something, but I assume to be liable, voluntarily, that then my liability acknowledged by myself, cannot be fixed by myself at any particular figure.

Mr. DE YOUNG (Cook). You have the instance where the State suppresses disease without any recourse at all on the part of the person who suffers the loss. I don't want to be misunderstood; I believe that the cattle owners should be paid and should be paid the reasonable value of the property destroyed. I dissent strenuously that this provision of the constitution covers this matter.

Mr. BROWNE (LaSalle). If your proposition is correct, Mr. DeYoung, they were all wrong, absolutely all wrong, in framing the present law for compensation to stay on the books or passing any other.

Mr. DE YOUNG (Cook). Absolutely not.

Mr. BROWNE (LaSalle). It is a voluntary contribution and there ought to be no law that compels us to—

Mr. DE YOUNG (Cook). The State has a right to give compensation in such cases.

Mr. BROWNE (LaSalle). That is where you and I disagree.

Mr. DONAHUE (McLean). I would like to ask you a question: Isn't a herd of cattle private property?

Mr. DE YOUNG (Cook). Yes, sir.

Mr. DONAHUE (McLean). Doesn't the Constitution say private prop-

erty shall not be taken or damaged for public use without just compensation?

Mr. DE YOUNG (Cook). Public use is another thing from the suppression of a disease.

Mr. DONAHUE (McLean). The Constitution is broad enough to cover that.

Mr. DE YOUNG (Cook). If you will study the history of the Bill of Rights you will find that it has no reference to the abatement of a nuisance or the destruction of private property for the health of the State.

Mr. DONAHUE (McLean). It is the taking of private property.

Mr. DE YOUNG (Cook). The State has the right under the police powers.

Mr. DONAHUE (McLean). I think if you pass a bill with a limitation in it that you will find it unconstitutional.

Mr. ROTHSCCHILD (Cook). I just want to say a word, Mr. Speaker. I think it is the policy of this State to encourage the raising of stock. There should be some safe-guards placed around any bill that is passed to compensate these people raising cattle when along comes a contagious disease. The Legislature of this State has every power that is not denied to it by the Constitution. There is no denial in the Constitution of the right of the Legislature to compensate a man if the Legislature sees fit in cases of this kind.

We get down to the simple proposition what the policy of the State should be with reference to raising cattle. The history of this bill may be of some interest at this time and help us to come to a conclusion. This foot and mouth disease broke out in this State and there was a limit as to what could be paid and it was felt that that was not fair in this instance. I think we decided to compensate to the appraised value as shown by the Government appraisal. It was felt that this amount was not sufficient. The persons who brought in this amendment were the stock raisers. They brought in House Bill No. 562 and they were satisfied with that bill. It had a maximum limit of \$250 and another maximum of \$150. They are the ones that would be benefited by the bill and they were asking only for \$250 in one instance and \$150 in the other. When the bill was held up for a few days, the gentleman from LaSalle (Browne), wanted to take off every limit. In whose interest was he acting? Not in the interest of the stock breeders as they only asked for \$250 and \$150, and since the adjournment I have spoken to one of the principal breeders in the State and he assured me that they don't want the limit taken off. They say it is dangerous. They want the people to feel that in case there is an epidemic that he will not lose everything but will be given a chance to start over. Taking the entire limit off, you will open the doors and sometimes it may happen, and it is likely to happen, that they will bring in collusive claims at an excessive amount. I don't think we should go that far.

Mr. KANE (Saline). In the original bill there was no difference or distinction between registered stock and scrub stock.

Mr. ROTHSCCHILD (Cook). Yes, I am in error and thank the gentleman for calling my attention to that point. What I said was true, that the amount was raised from \$250 to \$300. These people were satisfied with \$250 and I am opposed to raising the amount.

Mr. BROWNE (LaSalle). Do you want the members of this House to understand that the men who raise these animals and when they are taken and destroyed they don't want to be paid in full for them? If you say that, someone has been bunking you a little.

Mr. ROTHSCCHILD (Cook). As long as the gentleman questions the source of the information I will state that it was Ex-Speaker Adkins who said to me that they did not want the limit off and possibly he was bunking me but I don't think that is his reputation.

Mr. HUSTON (McDonough). On the question of a limit on high bred cattle I want to say something. I sold the highest priced cow that was ever sold in Illinois at \$6,600 at a public auction. I have been closely identified with the stock business all my life and I believe that it is fair to the taxpayers and the breeders of this State that there should be some kind of a limit placed on this stock.

It is true that there is a vast difference in value between pure bred stock, stock that has been a lifetime put into the perfecting of the animal and its ability to transmit its qualities to its offspring, and the ordinary

common animal. It is also true that breeders get fancy lines of breeding and there is to my mind what might be considered a value that is fictitious. I don't think it would have been fair for me to have received from the State the sum of \$6,600 for that animal I sold at that price if stricken with the disease. Three hundred dollars is a fair limit. I think there should be some sort of a limit to protect us against these fancy pedigreed prices.

Mr. MOORE (Henry). I just want to say a word on what I think I will be voting on when we get to that point. I think the prices stated in the original bill are high enough. The stock raising matter has its hazards the same as other business. I might go into that business and when I run up against the foot and mouth disease, I would have to consider it one of the hazards of the business. I might be engaged in the dramshop business and the State can say under the Supreme Court decisions that that can be abated as a nuisance and stop my business and they pay me nothing. I think this foot and mouth disease is an incident to the business, one of the hazards. When you destroy these diseased animals, you are protecting the public safety. That is under the police powers of the State of Illinois. As a matter of encouragement we pay these people a certain amount to help them out, but this matter of raising the limit, as you are doing, I am against it.

When these animals are exposed, they are not in a state of health, perfect health. They are not worth the full price and this bill says that they shall be paid as if they were in perfect health. I don't see the reason why that provision should be put there. As a matter of business policy to encourage the stock breeder and the industry generally I think both of these amendments should be defeated and the bill has the figure high enough.

Mr. KANE (Saline). The amendment makes a distinction between the registered stock and the scrubs.

Mr. MOORE (Henry). For a fee of one dollar that man who has any kind of stock can go and get it registered and avail himself of the higher figure.

Mr. KANE (Saline). They have to be pure bred.

Mr. MOORE (Henry). You might say that every animal on the farm is pure bred and have him registered.

Mr. KANE (Saline). You are in favor of the limitation?

Mr. MOORE (Henry). Yes. I say the price is high enough in the original bill.

Mr. KANE (Saline). It is too high.

Mr. MOORE (Henry). I say so myself.

THE SPEAKER. The question is on the adoption of the amendment offered by the gentleman from LaSalle (Browne) as a substitute for the amendment offered by the gentleman from Saline (Kane).

(Rising vote taken: "Yeas," 38; "nays," 68; and the amendment is lost.)

Whereupon a rising vote was taken on the adoption of the amendment offered by the gentleman from Saline (Kane): "Yeas," 54; "nays," 44; and the amendment is adopted.

Mr. ROTHSCCHILD (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 562, as printed in the House, by striking out section 2 thereof.

Mr. ROTHSCCHILD (Cook). That is an emergency clause amendment. It moves to strike it out. We have had one bill coming through by which we have compensated persons whose stock has been destroyed and there is no reason why there should be one rule for them and a new rule for those who will be compensated in the future. I think we better take out the emergency clause. If there is to be any further compensation, let it be on the same terms that have already been allowed.

Mr. BROWNE (LaSalle). I can't get at the logic of striking out the emergency clause. If the bill has any value, it has value now for immediate action. If it has no value, let us kill it. What are you afraid of?

Mr. ROTHSCCHILD (Cook). I am not afraid of anything, but it should be on the same basis—

Mr. BROWNE (LaSalle). Why do you ask for it?

Mr. ROTHSCCHILD (Cook). We have compensated some of them and there may be some more. I want it on the same basis as the other that went through.

Mr. BROWNE (LaSalle). You want this to be a law sometime when the conditions are different and not now.

Mr. ROTHSCCHILD (Cook). I want it to be a law July 1st.

(Rising vote taken on the amendment, and the amendment was lost.)

Mr. SHURTLEFF (McHenry). I have no amendment prepared and I don't know that I have an amendment to suggest, but the State Veterinarian has taken this matter up and has talked with me once or twice in regard to one feature of this bill and I merely want to state it to the House as coming from him. I think he expected a hearing of the Committee of the Whole and would have made the statement to the House if he had that opportunity. It is the idea of the State Veterinarian, having gone through the experience with the foot and mouth disease for the last three or four months and had the appraisal of something like 750 herds, that the appraisement of the stock ought to be left as it is, or the means of appraisal ought to be left as it is in the present law. The right ought to be given to the Board of Live Stock Commissioners with the owner to agree upon a valuation and he informs me, that is the State Veterinarian informs me, that if there should be another raid with the number of herds to be appraised, it would be a physical impossibility to get at an appraisement at a reasonable length of time and as satisfactory as it is to have the right left as it is in the present law for the board to agree with the owner as to the value of the stock.

I have no amendment prepared to that effect and I will not prepare one, but merely as a matter of courtesy to the State Veterinarian I give you his views upon that feature of this bill.

Mr. BROWNE (LaSalle). Just for the information of the House I want to show you the admirable intelligence that this House has exercised in acting upon a matter of this kind and in order to understand it thoroughly I ask you to listen carefully to the reading of this amendment. (Reading.)

AMENDMENT No. 1.

Amend House Bill No. 562, as printed, by striking out in line 17 the words "two hundred fifty;" all of line 18 and all of line 19 to and including the word "herd" and insert in lieu thereof the following:

"Three hundred (\$300) dollars for any registered animal and not to exceed one hundred fifty (\$150) dollars for any animal not registered; nor to exceed an average value of two hundred fifty (\$250) dollars for any herd of registered animals or number of registered animals in any herd and not to exceed an average of one hundred twenty-five (\$125) dollars for any herd of non-registered animals or any number of non-registered animals in any herd."

You can readily see what you have done and see how any court would construe that provision.

Mr. KANE (Saline). I think the understanding is clear. There is no danger in the amendment as it was adopted.

Mr. BROWNE (LaSalle). I think you are wrong, but I am simply calling your attention to it.

Mr. THOMASON (Clay). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 562, by adding after the word "for" in line 36 on page 3 the words "85% of."

Mr. THOMASON (Clay). I feel that every owner of live stock should take some of the risk incident to the business. I am not particular about the 85 per cent being fixed, but it appears to me that if the owner of the live stock takes some of the risk that he will use more care about the disease coming into his herd than otherwise. I know of one feeder who had a herd of cattle that he was offered 11 cents a pound for if he could

get them shipped to a certain point. He was unable to do so and as a consequence he lost \$2,600. He said to me that he would much rather that his cattle had the foot and mouth disease as then he would have gotten the full value and not suffered that loss of \$2,600. Farmers are not any more honest than other people. They will put that herd away from his barn and he would be praying that his herd of cattle would get the foot and mouth disease and be condemned and he would get the full value for it.

This is the law in some countries. It is the law in Canada with relation to hog cholera. They pay 75 per cent of the value and the owner assumes 25 per cent of the risk.

It is on the same basis as the life insurance companies do business. They will not assume the full risk upon your building. They think conditions are better if the owner will assume 15 or 25 per cent of the risk himself. The same condition would prevail in this instance. If that is a good provision for the insurance companies, why not in this case.

Take a breeder who is feeding 100 head of steers weighing 1,500 to 1,600 pounds and they are worth more than \$150. You will limit that man to \$150 when his cattle are worth \$200 a head. The man who has young stock is not limited. It is unfair to the man who is feeding stock as against the man who has young stock. I think it is right and proper that the stock man should assume part of the risk.

Mr. TICE (Menard). We have already adopted an amendment which places a limit for the value of this stock. It seems to me that this amendment is not a fair proposition to the stock raiser and I move to lay the amendment on the table.

Mr. PURDUNN (Clark). Under the present law all limits have been ignored.

Mr. TICE (Menard). It has not been ignored but it supercedes the other.

Mr. PURDUNN (Clark). You have gotten along for a good many years under the provisions of the present law and we could get along in the future without a change in the law.

Mr. TICE (Menard). Mr. Shurtleff suggests that we are still inside the law when the Federal Government pays half the value of these animals. It is still within the limit of the law on the statute books now when the Federal Government pays half.

Mr. PURDUNN (Clark). Why wouldn't it be better to let the law alone as it stands now and let each Legislature meet the conditions as they come up.

Mr. TICE (Menard). I move the amendment be tabled.

(Motion prevailed; amendment tabled.)

Mr. KANE (Saline). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 562, as printed, by adding to section 8 at the end of line 37 the following: "provided that where federal authority authorizes the payment of parts of the value of such animals, the State shall only pay the balance of said appraisement fixed as aforesaid."

(Amendment adopted.)

Mr. KANE (Saline). I rise to a question of personal privilege. This amendment which has been criticised was copied from the original bill and it has been claimed that I displayed ignorance in the amendment. I simply wish to refer you to the original bill, page 2, beginning at line 18. I simply call the attention of the House to that as the stenographer simply copied that from the original bill and simply want to say that if there was any intentional slap at anyone that it was not fair. The original bill has the exact language of this amendment.

Mr. BROWNE (LaSalle). I want to say now, Mr. Speaker, that my remark went to the intelligence exhibited by the entire House as a body. Far be it from me to cast any reflections upon the gentleman from Saline (Kane). I have too high an opinion of his erudite learning and ability, etc., to think of any such thing.

I believe in a matter of this kind that the intent should not be left with any ambiguity and therefore I move that the vote by which the amendment presented by the gentleman from Saline (Kane), was adopted, be reconsidered and he re-write the amendment in a form which will be clear. I make that as a motion.

(Motion prevailed.)

Mr. BROWNE (LaSalle). I move you that this bill stay on the order of second reading until four o'clock this afternoon at which time the gentleman can submit his amendment, if it is not ready now.

Mr. DE YOUNG (Cook). I think the same ambiguity exists in lines 17 to 25.

Mr. BROWNE (LaSalle). It can be gone over and proper amendments prepared between now and four o'clock this afternoon.

THE SPEAKER. If there is no objection, the bill will go over until four o'clock this afternoon. There being none, it is so ordered.

Mr. MERRITT (Sangamon). There is a good deal of school legislation before this House this session. The superintendent's report has not been issued as yet showing the financial condition of the State. I have had prepared by the Superintendent of Public Instruction a financial statement showing the financial status of the school tax, and for the matter of information of the House, I desire that this document be placed in the Journal so that the members of the House can see the condition of the finances of the schools. The amount of money involved is \$51,141,929 for the schools. It is a large sum of money and we should know where it comes from and where it goes before we act on that proposition.

I, therefore, offer this and ask that it be printed in the Journal of the House for the information of the members.

THE SPEAKER. If there is no objection, it is so ordered.

Mr. THOMAS CURRAN (Cook). I move that this House take a recess until 4.00 o'clock this afternoon.

(Motion prevailed.)

Recess taken until 4.00 o'clock p. m., same day.

Four o'clock p. m., House re-convened.

The Speaker in the chair.

Whereupon, House Bill No. 562 on the order of second reading was again taken up for consideration.

Mr. KANE (Saline). I offer the following amendment and move its adoption:

Amend House Bill No. 562, as printed, by striking out in line 17 the words "two hundred fifty;" all of line 18 and all of line 19 to and including the word "herd" and insert in lieu thereof the following:

Three hundred (\$300) dollars for any registered animal and not to exceed one hundred fifty (\$150) dollars for any animal not registered; nor to exceed an average value of two hundred fifty dollars (\$250) per head for all registered animals in any herd and not to exceed an average value of one hundred and twenty-five (\$125) dollars per head for all non-registered animals in any herd.

(Amendment adopted.)

Mr. KANE (Saline). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 562, as printed, by striking out in line 22 of said printed bill the words "for any herd" and insert in lieu thereof the following: per head for all such animals of any herd. Also by striking out in lines 24 and 25 of said printed bill the following words: "for any flock or herd" and insert in lieu thereof the following: per head for all such animals of any flock or herd.

(Amendment adopted.)

Mr. W. J. GRAHAM (Mercer). I have several amendments and ask that they be read at the same time as they are all along the same line.

AMENDMENT No. 6.

Amend House Bill No. 562, as follows: By amending the title thereto so that the same shall read: A bill for an Act entitled, "An Act to amend sections two (2) and eight (8) of an Act entitled, 'An Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals,' approved June 14, 1909, in force July 1, 1909."

AMENDMENT No. 7.

Amend House Bill No. 562, as follows: By inserting in line two (2) of section one (1) of the printed bill, after the word "that" and in lieu of the word "section" and before the word "eight (8)" in said line this language, sections two (2) and.

AMENDMENT No. 8.

Amend House Bill No. 562, by adding after line five (5) in section one (1) of the printed bill and before the portion of said section known as "section eight" the following section:

Section 2. It shall be the duty of said Board of Live Stock Commissioners to cause to be investigated any and all cases, or alleged cases, coming to their knowledge, of communicable diseases among domestic animals, within this State, and to use all proper means to prevent the spread of such diseases, and to provide for the extirpation thereof; and in event of reasonable ground for the belief that any such communicable disease exists in this State, it shall be the duty of the person owning or having in charge any animal or animals infected with such disease, or any other person having knowledge or reason to suspect the existence of such disease, to immediately notify said Board of Live Stock Commissioners, or some member thereof, by communication to said board or member, of the existence of such disease, and thereupon it shall be the duty of said board, or some member thereof, or authorized agent of the board, immediately to cause proper examination thereof to be made, and if such disease shall be found to be a dangerously contagious or dangerously infectious malady, said board, or any member thereof, or the State Veterinarian, or any assistant State Veterinarian, shall order such diseased animal, and such as have been exposed to contagion, and the premises in or on which they are, or which may have been recently occupied by them, to be strictly quarantined; and they shall have power to order any premises and farms where the disease exists, or has recently existed, as well as exposed premises and farms, to be put in quarantine so that no domestic animal which has been or is not diseased; or has been exposed to such communicable disease, be removed from the premises so quarantined, nor allow any animal susceptible to such disease to be brought therein or thereon, except under such rules and regulations as said Board of Live Stock Commissioners may prescribe, which quarantine, and every quarantine established under the provisions of this Act, shall remain in force and effect until removed by order of said board; and said board shall prescribe such regulations as they may deem necessary to prevent any disease from being communicated from any such diseased animal or exposed animal or from the infected premises or through any other means of communication. In all such cases the said Board of Live Stock Commissioners, or in case the number of animals shall not exceed five, any member thereof, shall have power to order the slaughter of any or all of such diseased or exposed animals. The said board shall also have power to cause to be destroyed all barns, stables, premises, fixtures, furniture and personal property infected with any such communicable disease, so far as in their judgment may be necessary to prevent the spread of such disease and where the same cannot be properly disinfected; and to order the disinfection of all cars, boats or other vehicles used in transporting animals affected with any such communicable disease, or that have been exposed to the contagion thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such diseased or exposed animals.

When the said board, upon the written report of the State Veterinarian, or any of his assistants, determines that any animal is affected with, or has

been exposed to, any dangerously contagious or infectious disease, *proceedings shall be had, in conformity with the provisions of section eight of this Act, to appraise the value of said animals and such other property as it shall be found necessary to destroy.* Upon such appraisement being made, it shall become the duty of the owner to immediately destroy such animals and to dispose of the carcasses thereof, and to disinfect the premises occupied by such animals, in accordance with the rules prescribed by said board governing such destruction and disinfection. And upon his failure so to do, said board, or any member thereof, shall cause such animal or animals or property to be destroyed and disposed of, and thereupon such owner shall forfeit all right to receive any compensation for the destruction of such animal or animals or property.

When the board, upon the written opinion of the State Veterinarian, or of any assistant State Veterinarian, determines that any barns, stables, outbuildings or premises are so infected that the same cannot be disinfected, they may quarantine such barns, stables, outbuildings or premises from use for the animals that might be infected by such use, and such quarantine shall continue in force and effect until removed by the board, and a violation of such quarantine shall be punished in the same manner as is provided for violation of other quarantine by this Act.

Any person feeling himself aggrieved by any quarantine established under the provisions of this Act may appeal to the full Board of Live Stock Commissioners, who shall thereupon sustain, modify or annul such quarantine, as they may deem proper.

Whenever quarantine is established in accordance with the provisions of this Act, valid notice of the same may be given by leaving with the owner or occupant of any premises so quarantined, in person, or by delivering to any member of his family, or any employee, over the age of ten years found upon the premises so quarantined, notice thereof, written or printed, or partly written and partly printed, and at the same time explaining the contents thereof. Such quarantine shall be sufficiently proven in any court by the production of a true copy of such notice of quarantine with a return thereon of the service, of the same in the manner above required, attested by the seal of the Board of Live Stock Commissioners, with the signature of the proper officer thereof.

(Amendment adopted.)

Mr. W. J. GRAHAM (Mercer). The amendments which have just been offered make a correction in the bill which I think to be essential under the circumstances. You will note that there is a conflict as to the appraisement methods, there being two different methods provided. These amendments take care of that. The Act itself to which this amendment has a clause in it relative to appraisement of animals. In order to make this Act consistent and not to have two contradictory clauses it is well for us to amend section 2 and take out that clause and make the manner of appraisement the one that is provided in the amendment to section 8 found in Bill No. 562.

Mr. IGOE (Cook). I believe that this is the third or fourth day we have been considering this bill with the various amendments. There are other bills before this House and I think the proper thing to do with this bill is to refer it back to the committee and let the committee shape it up in proper manner to present to this House. This is the third or fourth day this bill has been under consideration and we have spent the entire day on it. I move that this bill be re-referred to the Committee on Agriculture.

Mr. SHURTLEFF (McHenry). The amendment offered by the gentleman from Mercer (Graham) is a mere amendment in form to make section 2 correspond with section 8 which was amended this morning and provide one method of appraisement instead of allowing two methods of appraisement to stand, as it would be doing if we leave it the way it was this morning.

Mr. IGOE (Cook). When it takes a day to get through some simple amendment, it is time a bill went back to let the committee work on it.

Mr. GRAHAM (Mercer). This is a matter of extreme importance.

Mr. IGOE (Cook). That is why I want it to go before the committee. You don't contend, Mr. Graham, do you, that anybody can intelligently pass upon the amendments you have just submitted?

Mr. ROTHSCCHILD (Cook). We don't contend that there is any intelligence on the other side of the House.

Mr. IGOE (Cook). I understand you don't, and that is why they have so many institutions up your way.

Mr. GRAHAM (Mercer). I move the adoption of the amendments.
(Amendments adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Whereupon House Bill 199 on the order of second reading was taken up for consideration.

THE SPEAKER. There is an amendment pending to strike out the enacting clause, offered by the gentleman from LaSalle (Browne).

Mr. BROWNE (LaSalle). I don't want to be accused of any unnecessary repetition, but it has been some days since this bill was up and I don't want any of the members here to forget this is one of four bills that are associated, 71, 72, 73 and 199, and of the four I regard this one of them to be the most vicious. This bill is in the interests of those who desire to put out all the credit that they possibly can and extract the last dollar that they can. It is not in the interest of anybody except a little class that we ought not to legislate for. It is not a big enough class. As I said the other day, these bills have a tendency to make dishonest men out of honest men. They force credit or urge credit and bring about a restricted condition that ought not to be permitted to exist.

Since the bulk sales law was passed at the last session, I know of three instances where that law has driven into bankruptcy three responsible and reputable merchants, in two of which cases the men sold what they had for half or less than they could have gotten in the first instance. There is another member on this side of the House, Mr. Devine, of Dixon, who has told me of another instance that came within his experience since the last session as a result of this bulk sales law. I think he voted for it at that time but he has suffered a change of heart and he believes that I said a few things about that bill the last session that were quite correct.

This bill is aimed at any statement made by any man relative to the credit of any firm, corporation or person and holds that person to strict accuracy along that line. It says that it must be a wrong statement made knowingly. The burden of proof is shifted from the prosecution to the man that is accused.

Mr. SCHOLES (Peoria). I will be glad to have that clause amended by striking it out.

Mr. BROWNE (LaSalle). I am not speaking of what may be, but I am speaking of the things I find in it. I say that any womb from whence that clause proceeded could not get rid of anything good. That is the character and the nature of this bill and when you strike that out you have only stricken out a part of the bill. The whole intent of the bill is an unfair stricture on the rights of humanity in dealing one with another.

Mr. SCHOLES (Peoria). This has nothing to do with the bulk sales law. I want to take exception to what the gentleman from LaSalle (Browne) said. There is nothing in the wording of this bill that will construe it of being a combination of the bulk sales law. It is simply a law that says to any man in business if you sign a statement that is false you will be punished for it. It is not brought here by a small body of men, but it is far-reaching. It goes to every banker and every commercial institution in the State of Illinois.

There is nothing covered up within its meaning. It simply says a man, be he an individual, member of a corporation or co-partnership, if you make a false statement upon which you receive any consideration and that statement is false and a creditor is defrauded, that you must pay the penalty. I say it is a good bill. Rather than destroying the credit of the country, it will establish it among honest men.

Mr. BROWNE (LaSalle). Wasn't this bill together with bills 71, 72 and 73 brought here to this General Assembly by the same gentleman?

Mr. SCHOLES (Peoria). I know nothing about that. I know only of this one bill.

Mr. BROWNE (LaSalle). And his name is Bloom?

Mr. SCHOLES (Peoria). The gentleman that brought this bill is named Bloom.

Mr. BROWNE (LaSalle). Isn't he the same man that lobbied through the bulk sales bill at the last session?

Mr. SCHOLES (Peoria). I wasn't here at the last session.

Mr. PIERSON (Cook). If I can read the statutes correctly this bill is less drastic than the section of the criminal code which it proposes to repeal.

Mr. BROWNE (LaSalle). I suppose that is the reason this is introduced.

Mr. PIERSON (Cook). I think this ameliorates the law on this question and for that reason it ought to pass.

Mr. BROWNE (LaSalle). Do you think that was Mr. Bloom's idea in bringing it here?

Mr. PIERSON (Cook). I don't know anything about him.

Mr. PURDUNN (Clark). I don't know of any particular demand for the passage of this law. Under the present system the wholesalers have the best of it. I am in favor of striking out the enacting clause.

(Rising vote taken: "Yeas," 37; "nays," 62; and the motion to strike out the enacting clause is lost.)

Whereupon amendments were offered without debate, and the bill was ordered engrossed and to a third reading.

Whereupon the House took up House Bill No. 244, on the order of second reading.

Mr. ROTHSCCHILD (Cook). This bill does not show how it changes the present statute. I would appreciate it if the gentleman who introduced this bill would indicate what the changes are.

Mr. F. J. RYAN (Cook). This bill is a new bill and don't change any other bill.

Mr. ROTHSCCHILD (Cook). It practically follows the statute.

Mr. F. J. RYAN (Cook). It provides for a pension fund for the school engineers, firemen and janitors.

Mr. ROTHSCCHILD (Cook). There is a similar act now, isn't there?

Mr. F. J. RYAN (Cook). There is no act similar to this. It amends that act providing for a pension for the engineers and firemen, janitors, etc., and school employees who are not included in that act.

Mr. ROTHSCCHILD (Cook). The general public have to make up any deficiencies that occur.

Mr. F. J. RYAN (Cook). The employees do that out of their salaries.

Mr. McCORMICK (Cook). How much of this is new matter and how much is old matter incorporated in the bill for the purpose of amendment? I merely ask for information. I am not sure whether I am for the bill or against the bill.

Mr. F. J. RYAN (Cook). Such words as are not in italics.

Mr. R. E. WILSON (Cook). Wasn't the original bill only for engineers?

Mr. F. J. RYAN (Cook). Engineers, firemen and janitors.

Mr. R. E. WILSON (Cook). Those are your amendments. The bill you introduced originally was for the engineers and raised them \$10 a month.

Mr. F. J. RYAN (Cook). No, it don't raise them \$10 a month.

Mr. McCORMICK (Cook). What section is that?

Mr. F. J. RYAN (Cook). Section 4, line 2.

(Amendments offered by Mr. F. J. Ryan (Cook) adopted without debate.)

Mr. ROTHSCCHILD (Cook). Regarding this bill we don't know that the amount provided will be sufficient to take care of these pensions, and I don't make it as a motion, but rather as a request that this matter be allowed to go over until we can be furnished some actual figures as to how this will work out so that we will know that the fund will be taken care of.

I want to say that there is on the House calendar today on second reading House Bill No. 244, employees pension, House Bill No. 534, which has something to do with firemen's pensions; House Bill No. 231, park employees' pension; House Bill No. 118, firemen's pension; House Bill No. 119, employees' pension; House Bill No. 37, civil service employees' pen-

sion; House Bill No. 426, civil service employees' pension and House Bill No. 320, police pension. I am not opposed to pensioning employees of the city and State.

Mr. BROWNE (LaSalle). Don't forget Bill "00" the legislator's pension bill.

Mr. ROTHSCCHILD (Cook). That is being considered in committee and it is not on the floor of the House at this time.

Many of the business institutions provide for the accumulation of a fund which consists of a contribution by the employees and employer and creates a fund.

We should not vote on all of these bills when we don't know anything about the basis on which the pensions are worked out. I don't think that these bills ought to be considered until the persons who stand for them can tell us that there is some sound financial basis for the pension.

We have now in the Rules Committee a resolution that passed in the Senate providing for a board to be appointed by the Governor to work out this pension matter. When that resolution comes up, I suggest that it be adopted. I don't say that the resolution should be considered first, but you should have some basis of a financial nature to show us how this thing will work out. It should be such a basis as would mean that this fund would be permanent.

The school teachers have a pension fund and if the figures in my desk are correct, it will be bankrupt in a very few years. All of these pension bills should be considered in the same way. I will not vote in the dark.

Mr. F. J. RYAN (Cook). This bill has nothing to do with the school teachers' pension.

Mr. ROTHSCCHILD (Cook). I know that.

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon House Bill 167 on the order of second reading, was taken up for amendment, being a bill providing for the employment of city managers, etc.

Mr. BROWNE (LaSalle). This is purely optional on the part of the commissioners whether they will have a manager or not.

Mr. GRAHAM (Mercer). It must be submitted to the vote of the people and has to be adopted by a majority vote.

Mr. PURDUNN (Clark). Is it limited to Illinois?

Mr. GRAHAM (Mercer). They can employ a man from outside the State. It is like the Dayton, Ohio, case. They can hire a manager from any place.

Mr. LEECH (Lee). Put in Teddy Roosevelt as the business manager for the State of Illinois.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of the bill.

I anticipated a number of years ago when the gentleman from Peoria (Gorman) entered into a contract with the then Chicago Charter people as a means of which unholy traffic there was foisted on the State of Illinois this commission form of government, this would only be the opening wedge. There were not enough votes in the Legislature to pass the bill, but when the exemption of Cook County was placed in the bill so it didn't strike Cook County at all, the people down the State were willing to give enough votes for the charter form of Cook County, the Cook County members voted for the commission form.

Mr. R. E. WILSON (Cook). Not unanimously.

Mr. BROWNE (LaSalle). No, I will not say they voted unanimously. We have had that ulcer affixed to us ever since. Every community that I know of that has adopted it would like to get rid of it. It is true in this city and true in Ottawa.

The reason I objected to the commission form was because it is a long step toward the centralization of power. We have some poor wards in my town, wards where they are chiefly laboring people and where there is not much wealth. We have some wards where the wealthy people live, a wealthy residence district. Under the old form of government where each ward sent in two aldermen, they knew the needs of the people. They had been in

touch with those people and knew what they needed. It was a representative form of government and it didn't cost as much by one-half what the present commission form costs in a small town.

The advocates of it proceeded upon the theory that government by a few was better than a government by many. They were opposed to the representative form of government.

It is almighty humiliating to the people of a community for them to elect a mayor and four commissioners to handle their affairs of government and then to say, "Well, we have elected a bunch of stiffs who are incompetent and we have a bunch of fellows who are not fit to run the government and we will put in a manager." What is the use in electing the five in the first place? They are mere figure-heads.

Mr. SCHOLLES (Peoria). If the gentleman from LaSalle will allow me to interrupt him, I will say that the commission form of government is a sore spot with Peoria and I hope the gentleman did not refer to me.

Mr. BROWNE (LaSalle). You were not in the Legislature then. I refer to the Honorable Thomas. He is the one that inflicted it on the State of Illinois and when he got home he could not grab the persimmons. They were too high. We all suffered nevertheless.

I move to strike out the enacting clause.

Mr. GRAHAM (Mercer). I hoped that my feeble efforts toward legislative reform might pass muster on the other side of the House, but it seems not. I respect the gentleman's views very highly and it may be that this measure and the one immediately following it may not work out to the best advantage, but I have always considered that it is a pretty fair chance when we let the people of any community thresh out these things for themselves. This bill does not require any municipality to go under the commission form. The bill provides that they may adopt the things provided in this bill.

Mr. BROWNE (LaSalle). That is just what the commission form of government did. They didn't know what they wanted until they got it and then they could not get rid of it.

Mr. GRAHAM (Mercer). There are measures before this House at this time providing a method by which people who have once adopted one of these forms of government may do away with them by a referendum vote.

Mr. DAVIS (Knox). Does this contain in it a clause that upon a petition of a reasonable number of people they can vote to reject it and go back to the old form of government?

Mr. GRAHAM (Mercer). This comes under the general provisions of the law. There is a provision by which that system once adopted can be done away with. I also think that that statute needs amendment at this time.

Mr. DAVIS (Knox). It doesn't affect the commission form of government at all.

Mr. BROWNE (LaSalle). It cannot have anything to do with that act without repealing the commission form itself.

Mr. GRAHAM (Mercer). Can't the commission form of government be done away with by the people?

Mr. BROWNE (LaSalle). Yes, but not until the next election.

(Rising vote taken on the motion to strike out the enacting clause: "Yeas," 59; "nays," 42; and the enacting clause is stricken out of the bill.)

Whereupon House Bill No. 15, on the order of second reading was taken up for consideration, and amendments adopted without debate, being a bill relating to the business of horseshoeing.

Mr. GREEN (Crawford). I move to amend the bill by striking out the enacting clause.

Mr. BUTLER (Sangamon). I move to lay that on the table.

(Motion to table prevailed.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. BROWNE (LaSalle). I would like unanimous consent to call up House Bill No. 474, on the order of second reading. This is what is known as the down State four judges bill and if it doesn't get through now it is useless.

THE SPEAKER. If there are no objections, it may be read the second time.

Mr. DEVINE (Lee). I move to strike out the enacting clause.

Mr. BROWNE (LaSalle). I move to lay that motion on the table.

Mr. DEVINE (Lee). I would like to be heard on that motion briefly. The Constitution of the State of Illinois provides that the circuit court judges shall report to the Legislature as to the number of days that they hold court in the year. I took occasion to look up to see how many of the judges complied with the provisions of the Constitution and I found that two of those gentlemen had filed reports and I believe that now they are in the hands of the Clerk of this House. Outside of those two, no circuit judges in the State have complied with that provision of the Constitution. I don't know whether it is because they are not familiar with the Constitution or not, but until such time as there is data before this House that will warrant this House in providing an additional judge, I don't believe that this body should impose that extra expense upon the people of this State.

I think it was in 1909 that there was a resolution introduced in this House calling the attention of the circuit judges to the fact that it was their duty to report. Nearly all of the judges reported at that time. These reports are on file in the office of the Secretary of State. If the members will take the trouble to go down there and look over those reports, they will find that our judges are not overworked. Those who put in the greatest number of days holding court rarely exceeded 200 days per year. I know that is a fact throughout this State. There may be one or two districts where a judge might be used, but until such time as the judges of these districts report as the Constitution requires them, I don't think we are warranted in voting them an additional judge.

I have requested that all of the judges be written to asking for a report. I was told today that many of them reported in response to the letter sent out by the Legislative Reference Bureau. I am willing to be fair in this matter. If the gentleman who made this motion requiring this bill be brought up at this time wants to have that matter submitted to this body, I am willing to withdraw my motion to strike out the enacting clause.

Mr. BROWNE (LaSalle). I don't think that the enacting clause ought to be stricken out of this bill, neither do I see any necessity for the objection that has been urged by the gentleman from Lee (Devine). It may be possible that his district doesn't require another judge, but when I asked the gentlemen from Cook at the time that we were giving them six new judges why they didn't send down in the country and get some judges, they met that question with the answer that they had tried it but the country judges were all busy.

In Rock Island they tried to have the Supreme Court send them a judge and the presiding justice told them, "If you will find a judge that is not working, I will send him to you." I know we do need more judges down the State, and I know that the members from Cook ought to reciprocate in this matter.

Mr. MOORE (Henry). I would like to speak for my district, and would like to say that the conditions are about the same as was spoken of in Cook County. It requires three years after you get a case on the docket to get a trial. In case the case might be set back it takes three years more and your witnesses are gone and you might just as well not have brought the suit. I think this motion to strike out the enacting clause ought to be tabled.

Mr. PIERSON (Cook). I think we should aid the down State people and let this bill go to a third reading and vote on it according to its merits. Four years ago we gave Cook County six more judges and now we have just given them six more and we are using the down State judges to run our Appellate Court in Chicago. It is not quite fair for this bill to be killed here. It should go to a third reading and be determined on its merits.

Mr. MOORE (Henry). One of our judges has been holding Appellate Court in Cook County almost continuously for a year or so.

Mr. PURDUNN (Clark). There may be some districts in the State requiring additional judges, but the judge in my district, Judge Kimbo, he stated that he could do the work in that circuit and have three months vacation besides. If there are districts that need more judges I am for it.

(Rising vote taken on the motion to strike out the enacting clause; motion lost; and the bill was ordered engrossed and to a third reading.)

Mr. PURDUNN (Clark). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 80.

WHEREAS, Captain Edwin Harlan died at his home, Marshall, Illinois, on the 8th day of April, A. D. 1915; and,

WHEREAS, Captain Harlan was a gallant soldier, serving during the war of the Rebellion, as Captain of Company "H," 21st Illinois Infantry, in General Grant's Regiment; and,

WHEREAS, Captain Harlan represented his district as a member of the House of Representatives and as State Senator, during the Twenty-fifth, Twenty-sixth, and Twenty-seventh General Assemblies, and was for a number of sessions of the Illinois Legislature, doorkeeper of the House of Representatives; and,

WHEREAS, Captain Harlan had a State-wide acquaintance and was in demand as a public speaker, and was a kind hearted and generous man and known at his home as the friend of the children; therefore, be it

Resolved, by the House of Representatives of the Forty-ninth General Assembly, That we hereby tender to the family and friends our profound sympathy and condolence; that this preamble and resolution be spread upon the Journal; that a suitably engrossed copy thereof be forwarded to the family; and as a further mark of respect to his memory that the House do now adjourn.

Resolution adopted, and the House adjourned.

THURSDAY, APRIL 22, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Dr. Haughton.

The Journal of the previous day being read. Upon motion of Mr. Perkins (Logan) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. SCHOLES (Peoria). I desire to present the report of the Elections Committee in regard to the contest in the Thirty-first Senatorial District together with a resolution, and move its adoption:

To the Honorable Speaker and House of Representatives of the Forty-ninth General Assembly:

Your Committee on Elections to which was referred the contest in the Thirty-first District of John F. Walsh, v. E. I. Frankhauser, Harry F. Hamlin, John W. Seitz, Frank J. Seif, and W. H. Felton, beg to report that the contest of the said John F. Walsh was dismissed for the reason that the petition and notice filed therein as required by law failed to sufficiently show just and legal ground for said contest, and the said committee did not have jurisdiction of same.

Your committee would therefore recommend the adoption of the following resolution:

Resolved, That John F. Walsh was not elected as Representative to the House of Representatives of the Forty-ninth General Assembly from the Thirty-first Senatorial District of the State of Illinois, and is not entitled to his seat in said House of Representatives, all of which is

Respectfully submitted,

ROBERT SCHOLES,

Chairman Committee on Elections.

THE SPEAKER. On the adoption of the resolution, the Clerk will call the roll.

(Roll called and resolution adopted.)

Mr. SCHOLES (Peoria). Also in the Forty-first Senatorial District the Elections Committee begs leave to submit the following report and move that it be accepted.

To the Honorable Speaker and House of Representatives of the Forty-ninth General Assembly:

Your Committee on Elections to which was referred the contest in the Forty-first District of George B. Boardman v. William McCabe, Squire F. Tompkins, Michael F. Hennebry, beg to report that the contest of the said George B. Boardman was dismissed for the reason that the petition and notice filed therein as required by law failed to sufficiently show just and legal grounds for said contest, and the said committee did not have jurisdiction of same.

Your committee would therefore recommend the adoption of the following resolution:

Resolved, That George B. Boardman was not elected as Representative to the House of Representatives of the Forty-ninth General Assembly from the Forty-first Senatorial District of the State of Illinois, and is not entitled to his seat in said House of Representatives; all of which is

Respectfully submitted,

ROBERT SCHOLES,

Chairman Committee on Elections.

(Report of committee unanimously adopted.)

Mr. O'Rourke (Cook), chairman of the Committee on Civil Service, to

which was referred House Bill 301, reported the same back with the recommendation that it do not pass.

Mr. MERRITT (Sangamon). I move that the House non-concur in the report of the committee.

Mr. O'ROURKE (Cook). I move to lay that motion on the table.

Mr. MERRITT (Sangamon). I wish to say this morning, although I am extremely under the weather, that this bill was received in a very unfriendly committee which carried it almost to the degree of throwing its author and the bill out of the window. I think this House will be benefited by a full discussion of this bill this morning. If there is any legislation required in which the people are interested, it is this matter of civil service. This law which we have on the statute books today don't give a fair show to the workingman and it deprives the workingman of his rights. It is possible to reduce a man's wages under the present arrangement and practice of the Civil Service Commission after they have been fixed by the Legislature. They have been reduced and they have been placed in a position where they had no rights and they could not get a remedy for the wrong inflicted upon them.

There was a young lady in one of the departments passed the civil service examination and was given a place. She was directed by the Civil Service Board to take another examination for a higher standing and she took it and passed and after she had passed and had applied for the place she was told that she had not taken any examination. Those facts can be proven by the gentleman in whose employ this lady was and by the secretary of that commission. After claiming the young lady had not taken the examination and then the young lady proved she had taken it, he finally acknowledged to the gentleman in whose employ this girl was that he was mistaken. Those things occur constantly.

Mr. O'ROURKE (Cook). You were extended all the courtesies due a member of this House in this committee.

Mr. MERRITT (Sangamon). You may think so but I don't. I have the floor and if you let me get through you can get up and fire away your bazoo as usual. (Laughter.) You have a law on the statute books which requires a char woman to take an examination and the laborer on the streets has to take an examination. Just think of that.

My bill that is now before the House with the condemnation of the Civil Service Committee takes all help from under the civil service except the trained help and scientific help of the charitable institutions of the State. It goes back to the time when the people of this country were happy and not hampered with fads. I ask nothing for this bill that I should not ask as a member of this House and I shall insist that this matter be discussed without being strangled by the action of a half dozen men in the committee.

Mr. O'ROURKE (Cook). The gentleman from Sangamon (Merritt) seems to think that he did not get fair treatment in the committee. I want to say that out of deference to the age and service in this House of the gentleman from Sangamon I requested that this bill be reported out without any recommendation so he would have an opportunity on the floor of the House to say what he wanted to in reference to this bill. That is the thanks I get from the remarks of the gentleman a moment ago. There was no time taken away from him. The only excuse he has is that the patronage of this and adjoining counties could not be taken care of in the way he thought it should. It is simply a matter of politics as to the question of the control of this office from Sangamon and adjoining counties that have charitable institutions in them.

Mr. MERRITT (Sangamon). I move that the House do non-concur in the report of the Committee on Civil Service.

THE SPEAKER. On this question the Clerk will call the roll.

Mr. BUTLER (Sangamon). I think the remarks of the gentleman from Sangamon (Merritt) are very proper at this time and if there is any issue before the people of the State that has been carried through by a select coterie of ill-advised reformers it is the civil service bill of the State. I ran on a platform of anti civil service and I am ready to support it now.

Mr. IGOE (Cook). Will the gentleman please read his platform?

Mr. BUTLER (Sangamon). I will be most pleased to. I want to say,

Mr. Speaker, that I have several specific instances of the remarkable workings of the State Civil Service Board. I would like to call attention of the House to this one which I had reason to investigate lately. There were charges preferred against a man working in the Live Stock Board. The commission heard the complaint. They appointed their own investigators and they held a series of meetings and made an investigation. They had sworn testimony and affidavits. The board made the following report:

"I find from the evidence that a few errors were committed by the said W. F. Downs in the discharge of his clerical duties as messenger in the entry of hog cholera records and the series number of hog cholera serum sent out by the Live Stock Commission from the laboratory. That considering the amount of work done and records kept by the said Downs those errors were comparatively insignificant; that the charge of general incompetency is not sustained by the proof; that the said Downs in the discharge of his duties generally was industrious and competent; that while the errors referred to justified an investigation and a temporary suspension of said Downs, they do not in my opinion according to the usual standards of employment justify a dismissal and I therefore recommend that he be re-instated."

Notwithstanding that they fired him because the charges were sustained, and that is the kind of a Civil Service Commission they have there.

To make this entirely non-partisan, I am only making an attack on the civil service, and I know that another man that held this same position under the former administration and they wanted to get rid of him. The board said this man is so competent in the work he performs that I can leave duties that I have to perform in taking this serum from the hogs, and I can go away and he will properly attend to it.

They fired him just the same.

I have cited you two instances. I can get you a lot more. The way to judge these things is by how they work and not by idealistic theories that never do work.

The gentleman from Cook (Igoe) asked me to read my platform on civil service, and this is what I am for now and was for then.

(Reading). I am for "partisan efficiency service," and against inefficient civil service. I am for an ever rising standard of efficiency, and believe the life of progress is the infusion of new blood and rotation, and not the exclusion of new blood and stagnation.

Any system that creates a class holding office for life must, in time, result in inefficiency through dry rot.

To civil service as it now exists must follow in a few years a pension list—for, if you are to retain people in office until they are helpless, you are obliged to support them until they are dead. Besides this, you create an office holding aristocracy arrogant through protection, and out of touch by exclusion from the people they serve.

I believe rotation in office, in the long run, is the best education of the people. First, because it more frequently fixes the attention of the people on what is going on, and who is filling the office; second, because it familiarizes the people with the various services necessary to run the government. I would strongly uphold civil service within the parties requiring any appointment to prove by proper tests his efficiency to perform his duties. But I am against taking from the head of any department who is responsible for the duties of his office the appointive, or more properly, the nominating power of who shall serve under him. It would be strange to arrange to recall judges and make all appointive offices for life.

Any system that creates a class holding office for life in time must result in inefficiency through dry rot. If you want to treat a man badly, put him in a political position and keep him there for life and if he doesn't become the most inefficient of men, the most no-account citizen in the State of Illinois, I will do most anything. After you have had a civil service employee for twenty years in one job, you no longer have a human creature. I have seen it in the post-office in this city and I have seen it in the treasury department in Washington, D. C. I have stood by the door when these clerks come out of the office and you would find the old ones creeping without any ideas and without any blood and without any citizenship. I felt sorry for them. No man should have a political job over eight years.

Mr. McCORMICK (Cook). Mr. Speaker: Before the roll is called, I hope that the members of this House will appreciate the full significance of Mr. Merritt's bill. It removes from the classified civil service of the State exactly half of the employees now thereunder. It removes all those who are not employed in charitable institutions, so-called. I, for one, would like the gentleman from Sangamon (Merritt) to explain to the members of this House why an exception should be made in favor of one class or the other. Why, if you please, the employees of the charitable institutions should be under civil service and the other employees of the State not under the civil service system.

There is not a party platform, and I have looked at them all, which does not declare in favor, not merely of the civil service system, but of the extension of the civil service system.

Mr. MERRITT (Sangamon). May I ask you a question?

Mr. McCORMICK (Cook). Certainly, sir.

Mr. MERRITT (Sangamon). The reason the trained help in the charitable institutions, both medical and otherwise, and trained nurses, is left under the civil service is on the same ground that you left out domestics and other home help from the operation of the eight-hour bill.

Mr. McCORMICK (Cook). I cannot follow the gentleman's logic. I would that I could. I have the greatest respect for his intelligence but his cerebration is sometimes too agile for me to follow.

The gentleman would have us understand, I believe, that trained and skilled employees should be under civil service. He would not employ in the other departments of the State, the departments other than the charitable institutions, skilled or trained persons.

To return to the point to which I referred when I yielded to the question, the platform of the democratic party not merely declared for civil service but for its extension. The platform of the republican party—

Mr. MERRITT (Sangamon). Both parties should not do it as they cannot stand it.

Mr. McCORMICK (Cook) (Continuing)—not merely said that, but it attacked the vitiation of civil service by the democratic party.

VOICE. How about the progressives.

Mr. McCORMICK (Cook). I will not speak for them now, as it is rather an attenuated lot left. This is fusion on this side. (Laughter.)

The charge was made that the republican state civil service law and its administration was a "fake." Since the inauguration of the democratic administration, this law has been assailed in the Illinois courts. It has been attacked by a democratic Legislature.

(Reading). "The republican party pledges itself, if restored to power, to work for the following reforms: Extension of civil service principles to all branches of the State service."

Mr. THOMAS CURRAN (Cook). The gentleman who put that in was the first one that violated the civil service law when it went into effect—Charles S. Deneen. (Applause.)

Mr. McCORMICK (Cook). You will not ask me to hold a brief for Mr. Deneen.

Mr. THOMAS CURRAN (Cook). No, but it was all "bunk" when they put that in.

Mr. McCORMICK (Cook). The two parties are on record in favor of the extension of civil service and not in favor of its restriction as contemplated in this bill. If this bill was to pass in this House as it is now constituted it would be a direct violation of the platform pledges of the two parties who constitute practically all of its membership.

Mr. MERRITT (Sangamon). May I ask the gentleman a question?

Mr. McCORMICK (Cook). Yes, certainly.

Mr. MERRITT (Sangamon). If it is in direct opposition to the platform of the republican party, how does it affect the progressive party?

Mr. McCORMICK (Cook). It is a direct opposition to the platform of the progressive party.

Mr. MERRITT (Sangamon). I am glad to hear it as it don't amount to much then.

Mr. BROWNE (LaSalle). House Bill 716, did that meet with your approval and does it now?

Mr. McCORMICK (Cook). Not the whole bill, I would say.

Mr. BROWNE (LaSalle). If you are in favor of civil service, why shouldn't this bill have been reported out with a blanket covering all of the employees in the service in the city of Chicago and the county of Cook?

Mr. McCORMICK (Cook). Most of them did not secure their places as the result of an examination.

Mr. BROWNE (LaSalle). Do you think those that were put on at the midnight session by Brother Deneen secured them by any such process?

Mr. McCORMICK (Cook). I don't want to be asked to shrive Brother Deneen.

THE SPEAKER. The question is on the motion of the gentleman from Sangamon (Merritt) that the House do not concur in the report of the Committee on Civil Service, and on that question the Clerk will call the roll.

Mr. TURNER (Cook). (On roll call.) As a member of the Civil Service Committee I would like to be consistent, but I was not at the meeting when this bill was taken up. I regard Mr. Merritt as a man of education and extreme discretion and if he is for a bill of this kind I am sure that it is a good bill.

I also ran on a platform opposing civil service and was elected, and when it comes to whether a person is a blonde or a brunette or has red hair, or different shades of complexion, before they can be put on the pay roll through civil service, I am against any such proposition as that.

There is a young lady down in the game warden's office and she was the head of the list and the present head of the commission kept her out of employment for one year until the matter was brought to the attention of an executive in Chicago and the matter was taken up and she was given employment when she should have been given it a year before.

I vote "aye."

THE SPEAKER. On this question the "yeas" are 63 and the "nays" 53 and the motion is tabled and the bill goes on the calendar. (Applause.)

The Clerk will read the report of the Committee on Rules, reporting out Senate Joint Resolution 17 with the recommendation that it do pass:

SENATE JOINT RESOLUTION No. 17.

WHEREAS, For almost a quarter of a century at every session of the General Assembly bills have been introduced and passed providing for or relating to the payment of pensions to superannuated, retired or injured public employees and in many cases to their widows and children at an expense to the public now aggregating millions of dollars annually; and,

WHEREAS, The Legislature has heretofore provided for the contribution of public revenue for this purpose without making or causing to be made any investigation of the present and future cost or value of such pensions, of any plan or procedure by which economies might be effected in the administration of the various pension funds, or of consolidating, revising and making permanent the many unscientific "make-shift" laws now in force relating thereto; and,

WHEREAS, There are now pending in the Legislature several pension bills affecting various classes of public employees in the city of Chicago, each designed either to extend the benefits of the present laws or to secure the contribution of further public revenues to such funds; and,

WHEREAS, It is desirable in order that the Legislature may act intelligently upon these matters to obtain further information upon the operation of these laws, and upon the present and future cost of the administration thereof; therefore, be it

Resolved, by the Senate, the House of Representatives concurring herein, That the Governor is hereby authorized and requested to appoint a commission of four members, one of whom shall be a representative of said pension funds, the other three of whom shall be persons not interested in any of said pension funds and one of whom shall be a person versed in financial affairs, one of whom shall be a person of actuarial experience, and another of whom shall be a person of legal attainments, who shall be chairman of the commission, to investigate the operation of all pension laws heretofore enacted in this State, together with the present and future

cost thereof, and to collect information as far as possible in regard to the operation of similar laws in other states, and countries, and to make recommendation upon this subject to the next General Assembly.

The commission shall have power to call upon the insurance department and other departments of the State government for such assistance as it may require, to employ one or more actuaries, a clerk, a stenographer and counsel, and such other assistants as may be necessary.

The expense of said commission, including a reasonable per diem to the members thereof, not to exceed ten dollars per day, for time actually spent in such investigation, shall be paid out of funds to be appropriated therefor upon vouchers drawn upon the Auditor of Public Accounts properly itemized and certified to by the chairman of the commission and approved by the Governor.

The commission shall report its findings, together with any recommendations it may see fit to make, to the Governor not later than December 1, 1916, for transmission to the Fiftieth General Assembly.

THE SPEAKER. This matter was taken up in the Committee on Rules on two or three different occasions and was postponed until there was a full meeting of the committee. This morning there was present all but about two members and this joint resolution was thoroughly discussed and it was decided by the committee to report it to the House with the recommendation that it do pass, without prejudice to any of the bills pending in the General Assembly, and such information as might be gathered by that commission would be valuable for us at any time.

Mr. BROWNE (LaSalle). While this resolution does not prejudice any pending legislation, it does prevent any legislation in the future if it is passed.

Mr. ROTHSCHILD (Cook). This resolution was passed by the Senate and one pension bill has been passed by the Senate and come over to the House, and there was no opposition.

Mr. BROWNE (LaSalle). I understand that it does not interfere with any pending legislation, but I am asking if it does not prevent any pension legislation at future sessions.

THE SPEAKER. It gives information for future General Assemblies regarding pension legislation that might come up.

Mr. ROTHSCHILD (Cook). There are a number of pensions now for employees. In order to be on a proper basis they must be financed. I can show you the figures regarding the teachers' pensions as I have them in my desk.

Mr. BROWNE (LaSalle). The purpose of this bill is to appoint another committee to investigate for the information of the House and Senate?

Mr. ROTHSCHILD (Cook). That is right, and get some information so that we can get our pension bills upon a permanent financial basis that has something to do with the scientific status of pensions. We have to raise funds to pay the pensions and we want to know how much that will be. You will find if you read these pension bills that they all have a different scheme.

Mr. THOMAS GORMAN (Peoria). This resolution came from the Senate and at that time the school teachers bill was pending in the Senate and it didn't prevent legislation on that. They have passed it. As a member of the committee I feel friendly to this resolution and feel it should be concurred in, and it will not stop any pending legislation. I am in favor of the pending pension legislation. This resolution does not interfere in any manner with pending pension legislation or future legislation.

Mr. PURDUNN (Clark). I want to know if this should not go to the Appropriations Committee. It carries with it an appropriation.

THE SPEAKER. No, the resolution don't carry any appropriation. The appropriation will have to be made by a bill.

Mr. MULCAHY (Cook). I have spoken to some of the gentlemen who are representing the pension bills which are before the House now. They tell me that they have hired experts and worked on the bills for the last six months and they have had enough experience to know how to draw a pension bill by this time. I don't see the necessity of having another commission of experts employed to draw up a pension bill.

Mr. GORMAN (Peoria). That is not it.

Mr. MULCAHY (Cook). It is to report back to the next General Assembly.

Mr. IGOE (Cook). As I understand this resolution, it merely seeks to provide an intelligent manner which will be followed in pension legislation in the future. I have a pension bill which I introduced here for the park policemen of Chicago. It was introduced at the last session and passed and it provided that certain of their funds should be taken from fines and forfeitures in Cook County. They went home thinking they had a good pension bill. Two years has gone and they find that they cannot get any fines or forfeitures and they have no pension fund. They now want to amend the law. If a commission could have investigated this matter as this commission will investigate other similar matters they would have advised those men that they could not have received the fines and forfeitures. This bill does not in any wise affect pending legislation. As far as the future is concerned, I believe that it ought to be concurred in so the people who seek pensions and act intelligently and who haven't the money to go and get high price actuaries may have the result of that investigation and may know whereof they speak and may be informed so that they may ask intelligently for the things they seek.

Mr. DONAHUE (McLean). These gentlemen who favor this resolution say it will not affect pending legislation. I notice by this resolution that it provides for expenses and payment of the members who might serve on this commission. Now, gentlemen, two years ago we had created by this House an institution called the Legislative Reference Bureau. That institution I believe has cost the State before we get through with this session in the neighborhood of \$50,000. That is for the actual expenses of that institution alone, to say nothing of the printing that is being done by that bureau.

This resolution does affect pending legislation as we will have to make an appropriation to carry out the purpose of the resolution. The same class of gentlemen that are advocating this resolution thought we could be saved thousands of dollars, millions of dollars in the State if we had this Legislative Reference Bureau. What good is the Legislative Reference Bureau if we have to appoint a commission for every bill that comes up before the Legislature? I say, gentlemen, that we are running away with these commissions and boards and creating expenses. It is no wonder the taxes will go up to 50, 60 and 75 cents on the hundred dollars. We will soon have it 100 cents on the one hundred dollars. We are not honest and we are not square with the people of the State when we keep on piling up these commissions. Let us practice a little economy and get down to a real business basis and quit this buncum game we are playing on the people. I am against this resolution for those reasons.

Mr. BURRET (Champaign). Does your auctioneers' bill create another commission?

Mr. DONAHUE (McLean). Yes, but it will bring in revenue to help out the other commissions that are not self-sustaining.

THE SPEAKER. The question is, shall the House concur in the Senate Joint Resolution before the House.

(Rising vote taken: "Yeas," 67; "nays," 48. The House concurs in the Senate Joint Resolution.)

Mr. SMEJKAL (Cook). I desire to move that the House do not concur in the amendments by the Senate to Senate Bill 415.

(Motion prevailed.)

Mr. BROWNE (LaSalle). I think we ought to hear what the Senate amendments are before we non-concur.

THE SPEAKER. The House has already concurred. Do you wish to reconsider the vote?

Mr. BROWNE (LaSalle). I move that the House reconsider the vote.

Mr. SMEJKAL (Cook). I move to table that motion. I would have been glad to have explained them to the gentleman from LaSalle (Browne) had he asked for them.

Mr. BROWNE (LaSalle). There was no chance as your railroad was working too fast.

THE SPEAKER. There is no desire to railroad anything.

Mr. SMEJKAL (Cook). I desire to say that the figures did not come through the proper channel and the House knows nothing about them.

Mr. BROWNE (LaSalle.) Is it just a question of figures?

Mr. SMEJKAL (Cook). Yes, and they didn't come through the regular channels of the Live Stock Board and the Federal authorities. I get my information from the sub-committee.

Mr. BROWNE (LaSalle). We can shorten this. Is it purely a matter of figures in the amendment?

Mr. SMEJKAL (Cook). Yes, to take care of two claims that the House knows nothing about.

Mr. BROWNE (LaSalle). If that is it, I will withdraw my motion.
(Motion withdrawn.)

Mr. THOMAS CURRAN (Cook). I offer the following resolution:

HOUSE JOINT RESOLUTION No. 18.

WHEREAS, The Forty-eighth General Assembly of the State of Illinois, pursuant to the request of the Governor of the State of Illinois, adopted House Joint Resolution No. 36; and,

WHEREAS, The committee appointed under said resolution entered upon the discharge of their duties and have made an elaborate report of their acts and doings; and,

WHEREAS, The committee believe that it is essential and expedient in the interests of the public and in the furtherance of the good government of this State to continue a most researching, scrutinizing and careful examination and investigation; therefore, be it

Resolved, That a joint committee of five Representatives and five Senators be appointed respectively by the Speaker of the House of Representatives and the Executive Committee of the Senate to continue the investigation and inquiry into the methods and actions of such charitable institutions and organizations and of all persons, societies, institutions and corporations handling, caring for or disposing of children in any manner, whether licensed or chartered, or unlicensed or unchartered so to do, and to investigate their accounts, receipts and expenditures and to investigate all charitable organizations to ascertain if they are engaged in the name of charity to traffic for gain; and, be it further

Resolved, That the said committee be, and it hereby is empowered and fully authorized to take any and all steps that may be necessary to make full and complete investigation of the above specified matters; and in the doing of this, said committee is specially authorized and empowered, to summon before said committee as witnesses any and all persons who may, in the judgment of the committee be possessed of any information deemed valuable by said committee, this to include the power of summons by subpoena *duces tecum* all persons possessed of, or in any way in charge of books, documents and papers desired as evidence by said committee and said committee shall have, and it hereby has the same power or powers possessed by the General Assembly, to enforce its orders, and to compel the attendance of witnesses and the production of books, documents and papers; and, be it further

Resolved, That the said committee shall have the power to employ any assistants, a stenographer and clerks; and, be it further

Resolved, That the said committee shall continue its inquiry and investigation and report to the Fiftieth General Assembly, and that said committee shall receive no compensation but shall be paid its actual expenses and that an appropriation be made for the sum of fifteen thousand dollars to meet the actual expenses of the said committee as well as such assistants as may be necessarily employed by them, and that an appropriation in said sum be made by the General Assembly and that all expenses necessarily incurred shall be paid on voucher certified to by the chairman of the said committee and approved by either the Speaker of the House, or the Lieutenant Governor.

THE SPEAKER. It will be referred to the Committee on Appropriations.

Mr. DEVINE (Lee). I offer the following resolution:

HOUSE RESOLUTION No. 81.

WHEREAS, There is a bill pending before this General Assembly, which provides for increasing the number of judges in each circuit outside of Cook County to four; and,

WHEREAS, This General Assembly is wholly without official information of the condition, requirements and needs of the said courts and circuits as to additional judges; and,

WHEREAS, The Constitution of the State of Illinois in section 31, Article VI, provides that, "The judges of the several circuit courts shall report to the next General Assembly the number of days they have held court in the several counties composing their respective circuits the preceding two years;" and,

WHEREAS, The said circuit judges with few exceptions have neglected and wholly failed to make such report in accordance with such provision although the House of Representatives of the Forty-sixth General Assembly on February 18, 1909, unanimously adopted a resolution calling upon the judges of said court to do so; and that this Legislature may be sufficiently advised and informed in the premises and be enabled to act intelligently on this important subject, proposing an additional expenditure by the State of eighty-five thousand dollars (\$85,000.00) per year in salaries; therefore, be it

Resolved, That the Legislative Reference Bureau be directed to request of every circuit judge in the State of Illinois, an immediate compliance with the provisions of said section 31, chapter 6, of the State Constitution with reference to their reports to the General Assembly and that said bureau collect and tabulate such reports for the use of the General Assembly; and that said judges be directed to report whether an additional judge is necessary to properly transact the business in their respective districts.

THE SPEAKER. The resolution is referred to the Committee on Judicial Department and Practice.

Mr. SMEJKAL (Cook). I move that the House take a recess until 4 o'clock this afternoon.

Motion prevailed, and the House recessed until 4 o'clock p. m. same day.

Four o'clock p. m., re-convened.

The Speaker in the chair.

Whereupon, House Bill 118 was taken up on the order of second reading, being a bill to provide for a fireman's pension fund, and permitting the levy of a 7/10 mill tax, etc.

Mr. R. E. WILSON (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 1.

Insert after the word "Act" appearing in the eleventh line of section 6 of the printed bill, the words, "and subsequent to the date when this Act shall become effective."

(Amendment adopted.)

Mr. BIPPUS (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 2.

Insert after the word "retirement" in line six (6), section five (5) the following: "*Provided, however,* the maximum of said pension shall not exceed the sum of \$900.00 per annum."

Mr. R. E. WILSON (Cook). I move that the amendment lie on the table, and I wish to briefly state that this is an agreed bill by the firemen of the city of Chicago after about three or four months' deliberation. The amendment that I introduced did not change the bill, except that some lawyers thought the bill might possibly injure one person coming under this bill and that is a man who is now on the pension list and who was in the World's Fair fire and has since married and under the provisions of this bill it was suggested that his widow might not come under this Act and this amendment covers that proposition. I am not so much against the gentleman's amendment, but if we change the bill we are getting away from a bill that has been agreed upon.

Mr. ROTHSCCHILD (Cook). Who made this agreement?

Mr. R. E. WILSON (Cook). Mr. Grossman of the corporation counsel's office, who is attorney for the fireman's board drew the bill. The corporation counsel also agreed on the bill, and Mayor Harrison agreed to this bill.

Mr. BIPPUS (Cook). The object of the amendment is to prevent the payment of exorbitant pensions to certain members of the fire department. I have been waited on personally by a number of the firemen of Chicago and at their request I am presenting this amendment. As the bill is at the present time the chief of the fire department after serving twenty years would be pensioned at the rate of \$4,000 a year. That assistant chief would receive \$2,750 a year. This amendment is simply to reduce the heads of the departments who have for years been earning a good salary. All pensions are not based upon the question of dollars and cents, but a question of necessity to take care of these men under altered conditions. The amendment does not in any way affect the pensions to the widows or orphans of the firemen.

Mr. R. E. WILSON (Cook). I move that the amendment be tabled.

THE SPEAKER. All those in favor of tabling the amendment will please rise.

Mr. BROWNE (LaSalle). Just a moment. I don't believe the members of this House understand that this amendment cuts the pensions practically in half. That pension will not be good enough so far as maintaining self and family is concerned. It will enable them to eke out a miserable existence but it will not be a pension. It is not a kindness to them and it is not what they want and whoever has offered an amendment of this kind has not done it in the interest of the firemen of Chicago.

I think that it is a shame that an amendment of that kind should be considered for a moment upon the floor by anybody that has the interests of these men at heart. If anybody on top of God's earth is entitled to a pension, it is a fireman in a city like Chicago. More of them place their lives in danger from that hazardous occupation than the men who shoulder a gun and go to war. They don't know the day or the hour that they will meet with some fatal accident. They only see their families once or twice a week. It is a shame for this thing to be considered at all. It ought to be voted down.

Mr. LYLE (Cook). This amendment goes to the men that receive \$10,000 a year?

Mr. BROWNE (LaSalle). It goes all down the line until you strike the rank and file. Those men have been from the bottom to the top. He is entitled to it. Would anybody deny Marshal Horan's family what is coming to them under this law?

Mr. LYLE (Cook). I am for the bill as introduced without the amendment. A lot of these men that enter the ranks as common ladder men work up more or less and they hope to become chiefs some day, and they should receive a proper pension. There would be no incentive otherwise. If there were no incentive to the men for advancement, you would get fewer men to enter the service.

Mr. ROTHSCCHILD (Cook). These pension bills have given me some concern and I have been studying them to some extent. I am not in full accord with them but up to the present time I have not made any motion to stop them. This limitation will not affect any fireman that receives less than \$1,800. The only men that it will affect are those that get more than \$1,800.

In all of these pension bills with the exception of the firemen pension bill there is a limit and that limit is \$900.

Mr. Browne makes a very touching appeal for the poor fireman up in Chicago. He is asking no charity from the gentleman from LaSalle or anybody else.

Mr. BROWNE (LaSalle). He would not get much from you.

Mr. ROTHSCCHILD (Cook). He might not, but I will treat him in better faith than the gentleman from LaSalle.

Mr. BROWNE (LaSalle). Possibly.

Mr. ROTHSCCHILD (Cook). Possibly I will and possibly I will not, but I will leave that to the House to judge. The theory of a pension is to take care of the man who has grown old in the service. Personally, I don't think it is right after twenty years service in the police and fire departments

for a man to retire. The earliest enter at the age of 24, just think of it, and at the age of 44 the men can retire. Most of the men in this House, not most of them, but a good many of them are past 44 and they are pretty well able to take care of themselves yet. It is the big fellow that is hurt. It is the little fellow we want to look out for. These proposition are not financed properly. I don't think there is anything unreasonable that some limit should be placed on the firemen as on other employees, including policemen. That is not taking away our respect and admiration for the fire department of the city of Chicago. I think the amendment should prevail.

Mr. LIPSHULCH (Cook). If it were not for the sad truth that lies before it, it would be a laughable matter to hear some of the members crying for the defence of the people and if we were to investigate these gentlemen who try to harp upon the strings of sympathy you would find that they have not touched a single chord in the right direction, some of these men try to pose as guardians of the public treasury. Probably some of the pensions are not what they ought to be, but the gentleman from Cook (Rothschild) calls our attention to the fact that this only affects the big fellow. The big fellow does not tell that they have spent their entire lives in getting to that position. They have started from the bottom of the ladder, and worked up. They have served the people all those years and endangered their lives, and when they reach the age of life when they need a pension, you deny it to them. I am against the amendment.

Mr. BRUCE (Cook). I don't know whether there is any connection with fires and the two speakers who just spoke on the question. I am in hearty accord with the statements of Dr. Lipshulch. I don't think the people of Chicago care to deny the fireman who has risen from the bottom, as the gentleman from LaSalle (Browne) has said by hard work—deny him his pension. I believe if this bill carried a referendum clause it would meet the hearty approval of the people of Chicago who admire and I might say adore the firemen who constitute the fire department. This is an agreed bill by the parties who are familiar with the conditions there and I believe that the motion to place the amendment on the table should pass.

Mr. LIPSCHULCH (Cook). I want to say simply that there was no occasion for the remarks of the gentleman from Cook who just spoke. I have never been connected with a fire except one, and that was the gentleman who asks the question, and I burned my fingers with him quite a while ago.

Mr. BIPPUS (Cook). Just a word in closing. No member of the department drawing less than \$1,800 a year will be affected. We have one chief who draws \$8,000 a year. One assistant at \$2,750 and a third assistant at \$2,220, three men at \$1,925. The men that are drawing less than that sum are 30 at \$1,500; 175 at \$1,000; 13 at \$924; 420 at \$696 to \$834; 1,272 draw a salary of from \$450 to \$687. This amendment affects none of those people who are drawing a salary of less than \$1,800 a year.

We have here five different pension bills. House Bill 259 is below \$900; H. B. 37 also provides for a pension below \$900; H. B. 231 has the same clause in it and House Bill 346 is less than that. House Bill 119 also provides for a limited pension. There is no bill covering any pension fund that I have seen that pays a pension in excess of \$900. There is no reason why the chief of the fire department should receive any larger pension than the chief of the police department.

Mr. IGOE (Cook). In answer to the statement just made by Mr. Bippus that there is no reason why a chief should draw a greater pension than an ordinary member, I want to say that at no time under the law governing the fireman's pension fund has there been a limit placed upon the pension that might be drawn by the members. In that wise this law differs from the other. Someone has said why should a man who has gotten up in the rank and who gets a greater salary than some others get more pension than the man who is in the department and who draw less money. The answer to that is this: These men have gone up from pipe men and from engineers all along the line, always with the light ahead of them held out to them and to their wives and families that after they have gotten along toward a higher position they will get more money and be better taken care of.

The man who has become an officer has gone on and educated his children and perhaps he has made conditions that surround his family in accord with his salary and when he has served as an officer of that department his retirement should not be in the nature of a penalty and he should not have his income reduced to the sum of \$900. There never was a chief or assistant chief who retired voluntarily. Everyone of them was made to retire. They should be given a pension commensurate with the salary that they are drawing at the time they retire.

(VOICES. Roll call.)

THE SPEAKER. On this question, the motion of the gentleman from Cook (Wilson) to table the amendment of the gentleman from Cook (Bippus).

(Roll called.)

THE SPEAKER. The "yeas" are 60 and the "nays" 46 and the motion to table prevails.

If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. GREGORY (Moultrie). I would like to have the House concur in the Senate amendments to House Bill No. 42. It was reported back this morning. It changes the terms of certain circuit courts.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" none, and the House concurs in the Senate amendments.

Mr. MORRIS (Perry). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 82.

WHEREAS, Hon. John J. Higgins, of DuQuoin, Illinois, was a Representative from the Forty-fourth Senatorial District in the Thirty-third General Assembly and State Senator in the Thirty-fourth and Thirty-fifth General Assemblies.

He was born in Bloomfield, County Cork, Ireland, on November twenty-fifth, A. D. 1845, and died at DuQuoin, Illinois, January 10, 1914. A widowed mother brought him to this country at the tender age of five years. From a very early age he took an active part in the questions that were uppermost around him. He was an active member of various Irish Patriotic Societies and an enthusiast for the liberty of his native country.

He came to DuQuoin in 1866 and cast his first vote there. He lived there continuously all the rest of his life. In politics he was a Democrat. He believed sincerely in the Jeffersonian principles. There was no influence on earth that could sway him from his convictions or tempt him from the paths of rectitude.

He was an orator of ability. He had character, a prepossessing personality and a persistency of purpose seldom equalled. He was recognized as one of the strong men of his party in his time.

He did not consider himself above his trade. His business was that of a jeweler. It was his pleasant remark that he sold many families all their jewelry for three generations. The men who labored in the mines, on the railroads, and farms recognized in him their co-worker.

In religion he was an ardent Catholic, a true disciple of his church, a pillar of it morally and financially. He performed his full duty with pleasure and pride in doing good as he saw it. No man exerted a profounder influence in his community for the right than he.

As a man he was aggressive, but kindly considerate of the rights of others. He had stern qualities, but child-like sympathies. He was loyal to his friends as he was to his beliefs. He was true as steel and more exacting of himself than of any friend. He was a great man in a humble place; a humble man in a great place; therefore, be it

Resolved, That this body express its appreciation of the services of this strong member now dead, and further, that we should extend to the members of his family our sincere sympathy in their loss, and ours.

And that this preamble and resolution be spread upon the Journal; that a suitably engrossed copy thereof be forwarded to the family; and as a further mark of respect to his memory, that the House do now adjourn.

Resolution adopted, and the House adjourned.

FRIDAY, APRIL 23, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Dr. Haughton.

The Journal of the previous day being read. Upon motion of Mr Mulcahy (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. WATSON (Hardin). There is a special order for this morning and it is a matter on which the Governor desired to be heard, and he is out of the city, and I move that this special order be postponed until Tuesday of next week.

THE SPEAKER. If there are no objections, it is so ordered.

Whereupon, the House proceeded upon the order of presentation of petitions, reports of standing committees, reports from select committees, messages on the Speaker's table, introduction of bills, and House bills on first reading, all without debate.

Whereupon, House Bill 516 was taken up on the order of second reading, with the amendments offered by the Committee on Education.

Mr. O'ROURKE (Cook). I move to lay the amendments offered by the committee on the table. That was my bill and I was not present when the committee took action on this bill.

Mr. PIERSON (Cook). That is true, Mr. O'Rourke was not present, but there was a gentleman there who said he had authority to act and was in favor of these amendments and the committee adopted them.

THE SPEAKER. The question is on the motion of the gentleman from Cook (O'Rourke) to lay the committee amendments on the table.

(Motion prevailed.)

Whereupon, House Bill 319 was taken up on the order of second reading.

Mr. BOYD (Henry). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 319, as printed, in line four (4) of the enacting clause, by adding the letter "s" to the word "Act."

(Amendment adopted.)

Mr. BOYD (Henry). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 319, as printed, by striking out the word "being" in line twelve (12) of page one (1), and by inserting in lieu thereof the word "is."

(Amendment adopted.)

Mr. BOYD (Henry). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 319, as printed, on page two (2) in line thirteen (13), by striking out the word "commissioners" and by inserting in lieu thereof the word "treasurers," and also on said page in line fifteen (15), by striking out the word "of" after the word "or."

Amend section one hundred and forty-four (144) as shown on printed House Bill No. 319, by adding after line 14, page 2, of said printed bill the following:

"No extra or additional compensation or salary shall be allowed or paid the county treasurer over and above his salary fixed as county treasurer but the county board shall provide for such extra or additional assistants or clerks as shall be necessary to enable the county treasurer to properly attend to the additional duties."

(Amendment adopted.)

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of this bill. I am willing that the bill should go over until there is a full House for discussion. This is one of the most important bills for the country members at this session.

THE SPEAKER. The gentleman from LaSalle (Browne) moves to strike out the enacting clause.

Mr. BOYD (Henry). I move that this bill go over until next Tuesday.

THE SPEAKER. Does the gentleman from LaSalle (Browne) withdraw his motion?

Mr. BROWNE (LaSalle). Yes.

THE SPEAKER. The bill will go over with the amendment pending.

Whereupon, House Bill 57 was taken up on the order of second reading, with an amendment from the Committee on Agriculture.

Mr. BROWNE (LaSalle). There is a provision in this bill which I would like to call the attention of the lawyers of the House to, which I believe renders it a bad bill. The last clause reads: "All damages shall be proven by not less than two witnesses." I think that renders it all constitutional as you cannot say by what testimony or how much testimony a man may prove his case. You might as well say he must have ten or twelve witnesses. If he can prove his case by one witness he is entitled to do that.

Mr. SHURTLEFF (McHenry). I was in the Committee on Agriculture when this bill came up and this provision as to the method of getting their damages, not in a court, but in an administrative way through the supervisors or holders of the fund. As long as it goes to the mere administrative method of getting the money, I think it would be proper to fix the manner and the method of the evidence to be presented upon which the holder of the funds would pay out the money. I am not interested in this measure.

Mr. BROWNE (LaSalle). I am not either, but I think you would agree with me that if it were in a court proceeding that it would make the law unconstitutional to provide how the proof should be made as to the number of witnesses.

Mr. SHURTLEFF (McHenry). Yes, but this is a mere administrative method of getting at that without going into court.

Mr. BROWNE (LaSalle). That is all.

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon, House Bill 228 was taken up on the order of second reading.

Mr. MOORE (Henry). I would like to call the attention of the House to the fact that several of these bills contain no new matter shown in italics. It is a rule of the House that new matter and amendments is to be in italics. It makes it rather difficult for a member to study all these bills and find out just what is new matter.

Mr. IGOE (Cook). They made a second print of this bill to comply with the rules. The change that is proposed is this; it seeks to put all offenders in the reformatory in Pontiac up to 25 years of age and take that institution the boys under 16 years of age and place them in St. Charles. It was approved by the judges of the State and by all interested in prison reform.

Mr. MOORE (Henry). I was only objecting to the fact that the changes were not shown in italics.

Mr. IGOE (Cook). They made a second print of the bill to comply with the rules.

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon, House Bill 550 was taken up on the order of second reading.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of this bill. This applies to farm drainage under what is known as the farm drainage act. I call your attention to a part of the language used in this proposed amendment. Under the farm drainage act where you are going

to make either an improvement or where you are initiating the process, you have to go through a certain proceeding. You initiate it by means of a survey and the filing of an estimate and you are confined to that estimate either in putting the proposition through or of the improvement. That is for the protection of the property owner so that these drainage trustees cannot go on *ad libitum* and pile up a bill at their own desire, will and caprice. The average man when placed in that position is liable to forget his duty to the individual land owner and is prone to regard himself as the sole judge of these matters. The only protection the land owner has is the estimate that is filed and his right to object to it and there is a proceeding that gives him a semi-protection.

Supposing that has been done and supposing that the proceeding to put through a drainage district has been initiated and the estimate has been furnished and filed by the surveyor, or suppose there is an improvement and the commissioners have in no way complied with the law, but they go ahead and proceed just the same as if they did, and then the court holds that it is illegal and they have not proceeded properly and they cannot compel the property owner to defray the expenses. This applies to that kind of a case. It says, "No such special assessment shall be held void because levied to pay for work already done or contracted for." They can back up and make another assessment to pay for work that they have done illegally and to which the property owners had no opportunity to object and which these men had no right to make. Further, "if it appears that such work was done in good faith under a contract duly made and executed." It is the contractor's business to know whether the law has been complied with and ignorance of the law does not excuse any man. If he goes ahead he takes his own chances and he puts in his own work along that line on his own chances and when he gets through and finds out that he has worked when he had no right to it is his own lookout.

In my county, and I represented a drainage trustee afterwards, they didn't comply with the law and they put through a big drainage district. The contractor went in and took his own chances and did a lot of work. The court simply declared the proceeding null and void and then they took it up and tried to fix it so that this contractor could get his money. They failed, and they went through the Supreme Court and they said you cannot do business that way. The statute prescribes how you shall do it.

Mr. DE YOUNG (Cook). The proposition is well stated and the basis well taken by the gentleman from LaSalle (Browne). This bill is for the protection of property owners. If drainage commissioners can levy assessments after debts have been incurred, you are violating a principle at the bottom of farm drainage legislation from the beginning. This bill ought to be defeated and the enacting clause stricken.

Mr. BROWNE (LaSalle). To show you that if you pass this bill, I will say that I can get about \$500 fees that I cannot get now; but it is wrong and should have the enacting clause stricken out.

Mr. MORRASY (Bureau). I would like to have this bill put over until we can have a full hearing upon it.

THE SPEAKER. Does the gentleman withdraw his motion?

Mr. BROWNE (LaSalle). Yes.

THE SPEAKER. The bill goes over until next week.

Whereupon, House Bill No. 695 was taken up on the order of second reading.

Mr. ROTHSCCHILD (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 695, as printed, by striking out in line 14 the words and figures "two (2)" and substituting in lieu thereof the words and figures "five (5)."

Mr. ROTHSCCHILD (Cook). This bill is supposed to enact a new limitation. The purpose is to clear up abstracts of title and I have changed these figures from two to five for the reason that the ordinary time mortgages run in Chicago is five years. There may be some mortgages over twenty years which have not been released. I think this bill will wipe out some valid existing mortgages. As long as we have waited this long we

can wait five years longer and be certain we are not wiping out a substantial right of some citizen. I think this amendment is proper.

Mr. ELLIS (Kane). The amendment offered by the gentleman from Cook (Rothschild) almost kills the virtue of the bill.

Mr. BROWNE (LaSalle). It ought to do it completely.

Mr. ELLIS (Kane). At the present time I understand there are only three mortgages in the county of Cook to which this will apply.

Mr. ROTHSCCHILD (Cook). Who told you that?

Mr. ELLIS (Kane). It has been looked up and those are the mortgages of insurance companies. As the bill is drawn they have two years in which to come in and re-record their mortgages and I think that is ample time. As it was originally drawn they had one year, but the committee changed it to two years. I move that the amendment be laid on the table.

Mr. ROTHSCCHILD (Cook). I don't know where the gentleman (Ellis) got the information that there are but three released mortgages. In my own practice I have had one, and perhaps there are two others. They are not unusual.

(Motion to lay on the table lost.)

(Amendment adopted.)

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of this bill. I regard this as a very dangerous measure. The gentleman (Ellis) must know that there are today in existence, all over the State of Illinois, numerous mortgages that have existed for as long, or longer periods than twenty years. A man buys a farm of one hundred and sixty acres and he has a little to pay down, two or three thousand dollars, and he gives a mortgage for the balance, we will say of twenty-five or thirty thousand dollars. He starts in to pay that off and he pays something every year and he pays the interest every year—

Mr. ELLIS (Kane). I would like to have this go over.

THE SPEAKER. All right; the bill goes over pending discussion.

Whereupon, House Bill 624 was taken up on the order of second reading.

Mr. PROVINE (Christian). House Bills 624 and 625 are bills relating to changes of procedure in courts of record. They are important bills and almost at the top of the list of the bills on second reading and I would ask that they be taken up first on the order of second reading next Wednesday.

THE SPEAKER. If there is no objection, House Bills 624 and 625 will be special orders for next Wednesday. It is so ordered.

Mr. SMEJKAL (Cook). I move that when we adjourn, we adjourn until 5:30 Monday evening.

(Motion prevailed.)

Mr. SMEJKAL (Cook). I move that the House do now adjourn.

(Motion prevailed.)

THE SPEAKER. The House stands adjourned until 5:30 Monday evening.

MONDAY, APRIL 26, 1915.

5:30 o'Clock P. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Duggan.

The Journal of the previous day being read. Upon motion of Mr. Ellis (Kane) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's desk, introduction of bills and House bills on first reading, all without debate.

THE SPEAKER. House bills on second reading.

Mr. IGOE (Cook). Are we going to take up second reading bills?

THE SPEAKER. If there is any objection, we will not have any second readings tonight.

Mr. IGOE (Cook). I think, in view of the very small attendance here tonight, that it is hardly right to take them up on second reading.

THE SPEAKER. If there is any objection, we will not.

Mr. IGOE (Cook). I object.

Mr. HOLADAY (Vermilion). I move that the House do now adjourn.

Motion prevailed, and the House adjourned until 10:00 o'clock Tuesday morning, April 27, 1915.

TUESDAY, APRIL 27, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Duggan.

Journal of previous day being read. Upon motion of Mr. Devine (Lee) further reading was dispensed with, and the Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, all without debate.

Mr. IGOE (Cook). As regards any report from the Committee on Rules, I think, on account of the telephone free service having been discontinued, an explanation should be given the House by the speaker as the chairman of the Committee of Rules, on account of some persons blaming the Secretary of State for the discontinuance of that service.

THE SPEAKER. For a number of years the telephone company extended its courtesy to the members of the House as regards free telephone service both in the city and long distance service within the State of Illinois. That continued up to the beginning of the Forty-eighth General Assembly and in the early part of the last session the service was discontinued, stating that they were not allowed to give free service under some ruling of the Interstate Commerce Commission as the Western Union was also directed.

An arrangement seemed to have been made by the then Secretary of State to give service and have the individual members sign slips agreeing to pay for the service if provision was not otherwise made.

Little attention was paid to it until the closing days of the session, when the Secretary of State, and his chief deputy, appeared before the Appropriations Committee with a large telephone bill. It was too late for discussion and it seemed a hardship to send the bills to each of the individual members, and an item of \$1,500 was inserted in the omnibus bill to pay for the service.

After the adjournment of the Legislature it was supposed that the bill was paid. At the opening of this session and during the continued deadlock it was a question as to what was to be done about the telephone service, and the Secretary of State, Mr. Stevenson, was fearful that he might be put in the position of having to pay for the service out of his fund and he talked with various members of the Assembly and an arrangement was made with the telephone company to have the members sign for each call, with the understanding that they would pay for the calls unless an appropriation was made by the General Assembly. What instructions were given to the individual members by the operators at the booth, I have no knowledge, but about a month ago the telephone company sent a bill to the Secretary of State for this telephone service and the Secretary of State transmitted the bills to the speaker of this House. It was then a question as to what was to be done and who was to pay the bills. I immediately summoned the Secretary of State and the manager of the telephone company, and the latter gentleman insisted that his company should be paid for the service and that if the State didn't pay it, and no appropriation was made, that the individual members were responsible. The bills varied from forty-five cents to \$130 a piece. There was no way of equalizing it. Some members telephone once a week, and some members once a day, and others three, four and five times a day and it was even reported that employees went out and called up and signed members' names stating that members desired such and such a long distance number.

The matter was presented to the Rules Committee, and that committee decided that there being a misunderstanding, among some of the members at least, that the thing to do was for the General Assembly to pay the bill up to date and discontinue the free service and have all members pay their individual bills for any calls that they might put in.

There is a bill now in the speaker's room amounting to \$2,400 for this service up to April 15, when the free service was discontinued. If there are any questions, the speaker will be glad to answer them.

Mr. HOLLADAY (Vermilion). I move that the House go into a Committee of the Whole to consider the special order of the day, being House Bills No 58, 67, and 68, abolishing capital punishment.

(Motion prevailed.)

THE SPEAKER. I will ask the gentleman from Vermilion (Holaday) to take the chair.

COMMITTEE OF THE WHOLE HOUSE.

Honorable William P. Holaday, chairman.

CHAIRMAN HOLADAY. Will Judge Cleland and Doctor Lyons please come to the platform.

THE DOORKEEPER. His Excellency, the Governor of the State of Illinois.

CHAIRMAN HOLADAY. Admit the Governor—the House will please stand. (Applause.)

The committee will take up for consideration House Bills Nos. 58, 67 and 68, anti-capital punishment measures, and I have the pleasure of presenting the first speaker, His Excellency, the Governor.

GOVERNOR DUNNE. Gentlemen of the House:

I appreciate very much the courtesy that you have extended to me in inviting me to be present and express my views upon a subject that I think very nearly concerns not only the Governor of this State but every citizen in the State of Illinois, and, indeed, I think not only the citizens of Illinois, but the citizens of every civilized country on the face of the Globe.

We have today in this State, and in most of the states of the Union, have had for a number of years a law fixing the penalty of death for certain crimes in this State.

Some years ago, when I was judge of the Circuit Court of Cook County, and ex officio judge of the Criminal Court of Cook County, I became a convert to the view that that punishment ought not to be insisted upon in any civilized community.

While sitting on the bench in the criminal court a man was tried before me for murder. Prior to his being placed on trial before me as a judge of the criminal court, this same man had been placed upon trial in the same court before another judge and another jury, and after a trial given to him under the forms of law and a fair trial so far as I could see, this man was condemned by his fellow men sitting upon the jury, to death, and sentenced by the judge of that court to death, and were it not for the fact that his friends were able to take an appeal and present it, with the record, to the Supreme Court of this State, that man would have been executed, and any mistakes that might have been made by the judge or jury could never have been recorded. That man, subsequently—I have sent for the reports so that the lawyers of this Assembly can read the record—was placed on trial before another jury and before myself, and was acquitted after fair trial, and I believe, after a careful consideration of that report, that the probabilities were very strong that that man was absolutely innocent. I refer you to the case in the 188 Illinois—Michael J. Synon v. State of Illinois, opinion filed in the Supreme Court February 20, 1901.

The case was reversed, not because of the admission of evidence contrary to law; not because of the exclusion of evidence contrary to the law; not because of faulty instructions, but reversed because of certain statements made by the judge on the bench to the prisoner while the prisoner was a witness upon the witness-stand. That was the only thing that prevented his execution; and a fair jury and, I believe, a fair judge, afterwards acquitted that man, and I believe to this day that he was innocent—Michael J. Synon. That is my personal experience in one case.

Last year in this State a young man named Pfanschmidt, was tried for the murder of one of three persons, whom it was claimed he killed for the purpose of getting possession of their property. I believe one was his father, one was his mother and the other was his sweetheart. That man was tried under the forms of law and I believe that both the judge and jury were conscientious in giving him that trial. He was found guilty by a jury and sentenced by a court to be hung. Fortunately for him he had means enough to appeal that case to the Supreme Court. The court reversed the finding. That man within the last six months, I believe in two trials, has been acquitted by a jury of his fellow men, the opinion of these jurors being that this man was innocent.

This illustrates to you the terrible danger that society runs into in convicting men and sentencing them to death.

Cases have been cited by English judges of standing and integrity, of known cases where innocent men have been strangled under the form of law, and this, in my judgment, is one of the reasons why capital punishment ought to be abolished—at least in all cases of murder.

The advocates of capital punishment point to the cases of the assassination of Abraham Lincoln and of James A. Garfield, and say, would you abolish capital punishment in cases like that? There may be some room for argument there. I believe it should never be inflicted. But even in those cases, my friends, it was more than murder. That was treason against the State, and there may be some possible justification for taking the life of a citizen who is a traitor to his country and attempting to subvert the law of man by murdering its executive.

The only logical argument in favor of the retention of this awful penalty is that it is a precaution to society and acts as a deterrent against the commission of murder. If that were true, there might be some force in the position that the penalty ought to be retained, but I have carefully had the statistics of the Federal Government, which are known to be reliable, examined within the last few months and I have had them verified from different sources and know that they are correct, and here is the result, my friends: Does it act as a deterrent? Statistics carefully preserved show that it does not.

The 21 states of the United States that have the greatest percentage of capital punishment have laws upon the statute books that have been rigidly enforced for over a century in most of them, and they have the greatest number of homicides per capita in those states where that penalty has been retained.

On the contrary, these same statistics show that among the 20 states having the lowest percentage of capital punishment in the United States, that five of the six states that have abolished capital punishment are in the number of those having the lowest number of homicides per capita, and that the one state where they have abolished capital punishment, has exactly the same percentage of homicides per capita as the State of Illinois that has had that penalty upon its statute books for over a century. Capital punishment was enforced in the Territory of Illinois before she became a state, and has been on the statute books ever since Illinois was admitted to the Union, in 1818 down to the present time.

It is because of the recognition of these facts by civilized communities throughout the world that legislation is gradually tending towards the abolition of capital punishment.

There was a time in the history of England when 160 offenses were punishable by capital punishment, and during the reign of Henry VIII, 72,000 people lost their lives judicially as the result of violation of the law. In recent times the tendency has been away from this capital punishment.

I am reading from a pamphlet issued by Brand Whitlock, a former mayor of Toledo, Ohio, and now consul for the United States in Belgium—a man whose integrity, whose humanity and whose veracity will not be questioned by any man in this House:

Capital punishment was abolished in Egypt for 50 years during the reign of Sebacon; in Rome for 250 years; in Tuscany for more than 25 years; in Russia for 20 years of the reign of Elizabeth, and substantially during the reign of her successor, Catherine, and has been abolished at the present time

in Russia for everything excepting violation of the military code. There is no capital punishment today in Russia for murder.

Again: Under Sir James Mackintosh it was prohibited in India for seven years; the state of Rhode Island has done without it since 1852; Michigan since 1847; Maine since 1835; Holland since 1860; Saxony since 1868; Belgium since 1831; it has been abolished in Italy, Switzerland, Sweden, Norway, Denmark, Portugal and elsewhere. Its abolition has not produced lynchings in those places.

Within the last two months capital punishment has been abolished in the states of Tennessee and one of the Dakotas. It is also now in force in Washington, having been adopted in the last year or two.

In other places in his pamphlet he goes on to say that those states in which there are the greatest number of lynchings in the United States, are the states that have retained capital punishment.

Six states of the United States up to the present year, have abolished the capital punishment. Of these six states, five of them are among the states that have the least number of homicides. Minnesota recently abolished capital punishment. Governor Eberhart, on February 11th of this year—1915—stated:

“The death penalty in this State was abolished four years ago, with the result that there has been no increase of crime, but on the other hand, there has been an increase of about 50 per cent in the number of convictions.”

We refer to lynchings as the result of the abolition of capital punishment. Let me read from statistics compiled by another authority. Legalized murder has been proven wanting, in that it is an incentive to more violence. Those states in which there are the greatest number of legal executions are the states which also have the greatest number of lynchings. Thus, Georgia, in the last 21 years, has had 216 hangings and 314 lynchings; Texas, with 171 hangings, also had 235 cases of mob violence.

This ratio is continued in the north, so there can be no claim that it is the result of the negro danger.

Colorado, in the same time, has had 16 judicial hangings and 23 lynchings; Indiana has had 18 lynchings, showing a direct connection with its 14 judicial hangings. On the other hand, Michigan has not had a single legal hanging and has had but two cases of mob murder. Wisconsin, also, without any legal hangings, has had but two lynchings. These two northern states both have a rough population in their mine and lumber camps and have had but four cases of lynching. Ohio, Indiana and Colorado, with a total of 83 legal hangings, have had 65 lynchings. California and Wisconsin, have about the same population and both have a peculiarly agricultural community. California uses the noose; Wisconsin the life sentence. In the year 1910, as well as in the years 1908, 1909, 1911 and 1912, there were six times as many murders in California, where they hang people, as there were in Wisconsin, where they imprison them for life.

These statistics show, gentlemen, that the abolishment of capital punishment does not provoke mob violence.

Let me read a little further: Let us go back to our closely related states—Ohio, Wisconsin and Michigan, our neighbor states. Ohio has twice as many murders in proportion to the population as these other states without the death penalty. Ohio in the last 12 years has averaged one murder conviction in every 56,000 people, while Wisconsin only one to every 127,000, and Michigan one to every 206,000.

Gentlemen, while this awful penalty has been on the statute books, it must wrench and distort the sensibilities of every juryman who is called to sit upon a capital case, and every judge who sits as the presiding judicial officer, and to every governor to whom appeals are made for commutation of the sentences, and to every sheriff who executes the penalty, while it wrenches the decent sensibilities of that unknown human tool who cuts the rope. While, I say, that sort of penalty has been upon the statute books, it has been enforced by juries; judges and Governors of this State, and yet the result in the State of Illinois is that, as compared with Wisconsin, just across the line, where they have abolished capital punishment, we have nearly twice as many homicides or murders per capita, as they have in that state. This fails to prove that it is a deterrent and that is the only logical reason for retaining it upon the statute books.

Because of the fact that we have this law, many men are acquitted or escape being found guilty, because of the natural aversion in the natural human being, to the taking of the life of a fellow man.

It is because of these facts that I have reached the conclusion that it has ceased to be a deterrent in civilized society, and that it should be abolished, and in reaching this conclusion, I am glad to say that I do not find myself alone. I find in my company such men as Dr. Hirsch, Bishop Samuel Fallows—and let me read you a list of a few of the men in the present day and in the past, who have advocated the abolition of this awful penalty: Sir Edward Coke, Lord Bacon, John Bright, Sr., Samuel Romilly, the Marquis Becarris of Milan, Sir William Meredith, Sir James McIntosh, Basil Montag, Jeremy Bentham, Edward Livingston, Robert Rantoul, Jr., Sir Thomas More, Rev. William Turner, Lord Byron, the Duke of Sussex, Earl Gray, Dymond, Chief Justice Denman, Thomas Barret Lennard, M. P., Joseph Hume, M. P., Daniel O'Connell, M. P., J. Sidney Taylor, Lord Brougham, Lord Granville, Lord Hobart, Earl Russell, Thomas Jevons, Pastoret, Lafayette, Montaigne, Victor Hugo, Vattel, Oscar of Sweden, Benjamin Franklin, William Bradford, John Quincy Adams, Governor Edward Everett, Vice President Richard M. Johnson, Elisha Williams, Vice President Dallis, Father Mathews, Voltaire, Bishop Matthew B. Sampson, Robert G. Ingersoll, Rev. James Murphy, Professor T. C. Upham, Governor George Clinton, Governor Seward, Cassius M. Clay, Theodore Parker, Judge Benjamin F. Porter, Charles Sumner, John A. Andrew, Thomas B. Reed, William Dean Howells, and a host of other broad-minded men, humanitarians and believers in the preservation of society, and it is because of these objections to the law that I felt it my duty, as I have done, to advise this Legislature to abolish that dread penalty and replace it with imprisonment.

I thank you, gentlemen, for the opportunity of presenting my views. (Applause).

CHAIRMAN HOLADAY. The chair recognizes as the next speaker for fifteen minutes, Judge Cleland of Chicago.

MACKENZIE CLELAND. Mr. Chairman and gentleman of the House:

I have a double honor this morning in that I appear before this House and that I represent the Anti-Capital Punishment Society of America, whose president is Governor Hunt of Arizona. I want to confess to you that I have very little that is new upon this question. I have been talking throughout the State for several years on this general subject, and that fact, together with this subject, reminds me of a story that a friend of mine told me of a man that was about to be hung in one of the southern cities. As he mounted the scaffold the sheriff said: "Now, Bill, I will give you fifteen minutes if you have anything to say to the people here." "Well," said Bill, "I don't know Mr. Sheriff, that I have anything to say." Just then a man stepped out of the crowd, and he says, "Bill, you know I am a candidate for constable for this district, and if you don't want to take up this time, I would like to have an opportunity to talk to this crowd." "Well," Bill said, "It's all right so far as I am concerned, but if it's all the same to you, Mr. Sheriff, I would like to be hung first; I have heard this man's speech before." (Laughter).

I am afraid some of you gentleman here this morning may feel like Bill, because I have nothing new on this subject. I want to say, however, that on account of criticisms of those who differ with me on this proposition, I believe that they are absolutely sincere. Capital punishment of itself is brutal and cruel and no man could be in favor of it unless he were sincere. There are only two reasons which I have ever heard in favor of capital punishment which seems to have any basis at all. One is, of course, that it is announced by the law of Moses, but the law of Moses provides for capital punishment in thirty-three distinct offenses and if that law had been in force in every case there would be few of us here this morning to discuss it. I am sure I would not be here. We have repudiated it in the other thirty-two offenses and retain it only in one.

The law of Moses also authorizes slavery, and in most pronounced arguments in favor of slavery were based upon the law of Moses.

The other argument in favor of it has been referred to by his Excellency, the Governor, and that is that it acts as a deterrent. My friends, if that is

true then executions should be public; they should not be private in an enclosed jail yard.

We have had fifty-eight executions in Cook County and we have now an average of more than twenty homicides a month in that county.

A Chicago man was in New York and he tried to get an outlying station on the telephone. He had some trouble in getting his connection and kicked on the charges and he told central "Out in Chicago you can telephone to Hell for a quarter." "Yes, I know, but that is inside the city limits." (Laughter). My friends, if capital punishment would deter homicide it should not be abolished. The first execution in Chicago was a public execution. One John Stone was taken out on the prairie on the South Side and executed in the presence of a great company and it so shocked public sentiment for seventeen years there was not another execution in the city of Chicago.

I am opposed to capital punishment, gentlemen, because it is contrary to the spirit of this day. The spirit of this day and age is the spirit of economy and is the spirit of humanity and capital punishment is no longer humane, nor is it economical. Men live longer now than they have ever lived before. Men live longer now than they lived in the days of Methuselah and we must estimate that the time has gone by when anybody can successfully say that human life is cheap. Capital punishment is cruel and brutalizing and in my judgment it inflicts more punishment upon the executioner than it does upon the victim. Capital punishment is too good for the guilty; it is too severe for the innocent.

I have practiced law and been upon the bench for more than thirty years and I am willing to confess this morning, as every lawyer in this House will no doubt be willing to confess, that courts are not infallible; that courts do make mistakes in criminal cases as well as in civil cases; in capital cases as well as cases of misdemeanor and it is shocking to us, my friends, to even realize that innocent men have gone upon the gallows and died, and yet we know of cases where that has been done. Every judge will admit that it has been done. My friends, we cannot afford to take those chances.

A few months ago I stood by the open grave and over the cheap black coffin of a young man whose life had just been taken by the State of Illinois. He was thirty-two years of age, his mother had died before he could remember; his father was a drunkard and a criminal and he taught this boy how to steal. His father committed suicide and his step-mother died in an insane asylum. His only brother and his only sister took their own lives, and at the age of eight years this homeless, friendless orphan was turned over to the State of Illinois to be made a good citizen. We didn't give him that for which a boy's heart craved, sympathy and love; we never sent him to public school a day in his life; we didn't teach him any useful trade; we just subjected him to our penal system. He was arrested over and over again and sent first to one institution and then to another. He was taught how to read, but that is all. At the age of sixteen years he went down upon our lake shore and stole a suit of clothes that somebody had taken off in order to go into the water. He was again arrested and taken to our criminal court; he plead guilty and was sent to the penitentiary for ten years. He was near sighted. He couldn't tell two men apart a little distance away. He didn't know he was near-sighted. He thought everybody was that way. When he got to the penitentiary they gave him work to do which needed good eye sight; he didn't have it. If his work was not well done they punished him and after he had been punished a number of times the prison doctor looked into his eyes and said, "Why, you are near-sighted; you need a pair of glasses. Have you any money?" "No." So they wouldn't give him a pair of glasses. They gave him a bible when he entered there as they give all the men, but they wouldn't give him a bible spirit.

You haven't time to listen to all of his story but suffice to say that a year ago last fall he was arrested in our city and charged with the murder of a dancing teacher, Mrs. Rexroat. He confessed his guilt and he likewise admitted forty other murders all of which upon investigation were found to be untrue. From our standpoint it is impossible to understand why he did that. He had been in prison sixteen years; he had no reputation; he couldn't earn an honest living; he was absolutely without education. When he was out of prison he was constantly under the supervision and suspicion of the police; there was nothing in life for him. Everything was black

despair in the future, and when he was arrested again, he said, "I will not go back to prison again; yes, I am guilty here, give me the rope." They put him on trial. It was a very sensational case. He cursed the court before whom he was tried; he cursed the jury, and he cursed his own counsel. He was convicted upon purely circumstantial evidence. Two of the main points against him were that he had been seen in the company of the woman on the night of the murder. The other was that he had picked up a hammer with which he confessed the deed had been committed. Since his execution a woman has admitted that upon the night of the murder this woman was seen with a man taller than this man. Two newspaper men have since admitted that they themselves purchased the hammer and gave him two dollars to confess that this was the hammer with which he killed the woman in order to get a scoop for their paper. He was locked up in the death cell. They tried to hold religious services and he broke them up with his profanity and obscenity.

Living within two or three blocks of that jail is a kindly woman and one day she went to this jail to see this man. She said to him, "Mr. Spencer, I don't know why I am here; I never did a thing of this kind before, but I wanted to say to you that I am a mother, I have three boys. I understand you never had a mother; I am sorry for you." She stayed with him an hour and from that hour for more than eight months, until the State took his life, that boy was a kindly, Christian gentleman.

He sent for me. I had had no relations of any kind with him, but I went to see him, and I talked with him by the hour. He possessed one of the brightest minds I have ever seen. He never spoke a word of criticism of any man; he refused to blame the courts; he refused to blame the police; he blamed it only upon himself. He tried to do all the good he could during the eight months that he lived. They thought he was shamming. I have not the time, and you have not the time this morning to listen to the story of the way they took to expose his professed crimes, but when they told me, the hot blood stirred in my veins, and I offered to do all I could to help him and to make war on those men. He said, "Don't you do it; they thought they were right; they thought they would get me to swear and they got left; it was a good joke on them, wasn't it?" I volunteered time and time again to help him, but he said, "No, there is nothing for me in life; don't go to any trouble on my account."

On the morning of his execution, as he was taking the sacrament in his cell at eight o'clock newspaper men stood outside his cell and wrote this story, and I give it to you only that you may understand and not misjudge these terrible criminals whom we execute. This newspaper man wrote this story: "As Spencer got up this morning he rolled a cigarette, and as he blew the smoke through his cell bars, he said, 'Boys, we will have a necktie party in hell today.'" For months he had never used an obscene or profane word, or even touched tobacco. He sprang up the scaffold ahead of the sheriff, and as he stood upon the trap he turned to the newspaper men and said, "Boys, I am going to tell you why I have been so happy in this jail all these months. Boys, it is because I have found a mother." He said, "I never had a mother, boys, but since I have come into this jail, I have found a mother, and boys, that is worth hanging for." And then as the sheriff pulled the black cap down over his head, he said, "I have one other thing to say, and that is I am innocent of this crime for which I am to be hung," and then he stepped into the presence of his Creator.

I found a hope, gentlemen, that our State of Illinois, the State of Lincoln, Grant and Logan, found some satisfaction in what to me was an unnecessary and a brutal act, the taking of the life of that unfortunate boy who never had a chance and who, so far as I have been able to find out, accepted the first invitation that he ever received to be a better man and a better citizen.

How different was the spirit of that noble woman at the inauguration at the White House—I don't need to repeat the story here of Mrs. Wilson's death—I remember a few weeks before that there was living in one of our eastern states a helpless cripple, who had a consuming desire to see the President. His mother called upon Mrs. Wilson and asked her to arrange it if she possibly could. She did, and one day that boy was taken to the White House and carried into the President's room upon a stretcher, and

as the President of the United States stooped down to speak to him, the little fellow lifted up to Mr. Wilson his streaming eyes in happiness, and it seems to me, my friends, that never was the President of the United States a greater man than on that morning when President Wilson stooped down and spoke words of encouragement and comfort to this little cripple, and I want to say to you, my friends, that that is the spirit of this great nation, that spirit which will stoop down to an unfortunate man and say to him, "Now, my brother, let us go look into the face of God." (Applause.)

CHAIRMAN HOLADAY. I will next recognize Mr. Lyons, of the Central Howard Association.

Mr. LYONS. Mr. Chairman and gentlemen of the Assembly: My interest in all the bills concerning this question, of course, arises through my experience of 15 years in dealing with all sorts of offenders, and knowing the effect of the different kinds of treatment and different kinds of punishments upon the offender. The Central Howard Association has stood during these years as the mediator between the offenders and society in its dealings with them, and allow me to present first a brief statement, signed by Mr. Frederick A. Brown, Chairman of the Legislative Committee, and of which committee Judge Tuthill and Judge Magruder are the other members.

I hardly need in this brief time to read the statement, but most of you know Frederick A. Brown as a lawyer of breadth and of ability, who would make a statement not from the standpoint of sentimentality, but from the standpoint of broad sympathy, humane interest and remedial influence upon society. This statement is presented to the members of the Assembly, and my own experience leads me to realize that the statements that have been made to you by His Excellency and by Judge Cleland, are in accord with some things that I might have said, and that are not necessary to repeat.

I would call attention only to this fact: That these foreign countries mentioned by the Governor as not having capital punishment, are foremost among the nations of the world, with the highest character of citizenship, and it may be worth knowing that not any of them are at the present time engaged in the strife of war; and I have visited the various states in this country of the United States—Wisconsin, Michigan, Maine and others where we haven't had capital punishment for half a century, and if you are not already acquainted with the fact, I can assure you of the high character of the citizenship there. I did not fear that my life was in danger while in those states; that, as a matter of fact, as stated by the Governor, the percentage of homicides is smaller in all of them, than the percentage of homicides in all the states having capital punishment; that is absolutely true. I have reliable statistics with reference to the proportion of homicides in the different states, and it may be worth knowing that in 1904 the record shows 2 murders only in Maine, out of 100,000 population; Rhode Island had 6; Michigan 29, Wisconsin 16—all states not having capital punishment.

During the same period in New York State, there were 91 murders to 100,000 population; in Pennsylvania, 126; in Georgia, 146; in Mississippi, 138; in Louisiana, 138; in Washington, 17; in California, 75; and in Arizona, 25. In other words, the highest percentage of murders to 100,000 of the population in any of the capital punishment states was 1.3 per cent, while the smallest percentage in the states enforcing capital punishment was 1.2 per cent and the highest 18.2 per cent. The same applies in reference to the comparative number of lynchings in the states having capital punishment.

I think the point was not spoken of, that Georgia enforcing capital punishment for 100 crimes had absolutely the largest number not only of capital punishment, but of lynchings as well, and as regards the matter of its being a deterrent, my experience in dealing with 12,000 men who have come to the Central Howard Association in these fourteen years, and in interviewing and dealing with them before discharge and release—thousands of other offenders, and trying to understand the motives which prompted them—including life prisoners, including the capital crime, I will say to you that I have not in any single instance found that the consideration as to whether the State offered capital punishment or not was not thought of by the offender. Whether we can understand the psychology of it or not, the desire to impress by inflicting the highest penalty, has not impressed, because it is not the type of man that thinks ahead, or thinks of the consequences of his act, and it does not impress as it does upon what we call the more normal

mind, perhaps, and I think it is known to all those who have come into close touch with serious offenders that those who have committed the most overt acts have done so because they were not wholly normal men.

The fact has been mentioned of mistakes. There was a case in which the man was finally sentenced to life imprisonment and might have been executed, but finally the presiding judge, Freeman, was fully convinced that the man was not guilty of the crime committed, and it was discovered by him after he had lost jurisdiction of the case, and he has used all his influence to secure clemency, not alone himself, but I think all the judges of the Circuit Court as well have joined in that plea, and there are a great many other cases that have been given the very closest attention and study on the part of the State Board of Pardons, and in which they have been convinced that very much of the same thing is true, and we cannot help but feel that it would be an enormous crime on the part of the State if in the case of any of these men convicted of capital crimes, they had been executed and then it was discovered that they were innocent.

Another argument that has been mentioned, and it is certainly impressive to me, and I believe would be to any of you, is that of visiting capital punishment upon a member of society, society is violating its own law of self-defense. If a man is in a controversy with another man and he is able to overcome him and get him under his power so that he can endanger his life, he is not justified in going on and killing him. It is only when his own life is in danger that he is justified in taking the other man's life. Well now, we can't for a moment say that the great State of Illinois is unable to defend itself against a few irrational or possibly more or less irresponsible individuals. The State has its prisoner in its power, and it is certain that the State can retain that man in its power so long as it will, and it is therefore never justified in going on against the law of self-defense and taking this poor individual's life.

Gentlemen, the attitude of society towards the offender is in the consideration not so much of the offense as of the offender. The attitude of the public toward the prisoner is changing with the progress of the sun, and with the progress of the sons of man, and with the entering into society more and more of the spirit of the Golden Rule, and in this spirit I believe, as progressive, intelligent gentlemen, considering all these facts that have been presented to you, that you will want to give them careful consideration and I trust it will result in the passage of this measure. (Applause).

CHAIRMAN HOLADAY. The next speaker will be John Roberts, representing the association for anti-capital punishment.

Mr. JOHN ROBERTS. Mr. Chairman and gentlemen of the House: It was Voltaire who said, "The worst use you can put a man to is to kill him, and the worst thing a society can do for itself is to slay." It is useless to read figures and cite statistics, but they tell but one thing. The more cruel and severe the criminal code, the greater the number of crimes and criminals. The merchants of London Town, memorialized parliament to abate the death penalty to prevent thefts. They killed a man in those days if he stole two pounds. They hung a man if he was convicted of picking pockets. It was a demonstrated fact that the pickpockets plied their nefarious trade in the shadow of the gallows where one of their comrades was being hanged for the crime. Capital crimes in Italy have steadily increased since they abolished the death penalty. No man, no judge or no jury is wise enough to measure the equal and exact degree of guilt. Every man that lives knows he cannot himself tell just the shading line of difference between right and wrong. There is not a man that is big enough to say that he would not have done exactly as his fellow man had done, born in the same way, with the same antecedents and the same environment, and the same darkness and lack of opportunity.

Who do we punish when we kill a man? Not the man that goes upon the fatal trap. There is no power that can stay the force of that blow that it does not fall upon a wife or a mother or children. If we had any power by which we might limit it to the poor victim on whose face we put the black cap, it might be apologized for. You have read the story of Haynes in the Revolutionary war when he was condemned to death and his son said, "Let me die for you," his father said, "No, you must live to care for your older brothers and sisters and your mother." As the father went toward

the gallows, he said "Yonder tree is the boundary of life for me." He further said, "Be a man now, my son." The boy was crying, but when he saw his father swinging at the end of a rope, he ceased to cry, but he lived and died a maniac.

Who do these things? It is you and I, and it is every mother that rocks her baby. It is every man and every woman that helps make up society. Law is the execution of what you and I say. We are all executioners. That man that touches the button to release the electric current, or throws the lever that drops that damnable trap, we hide with evasion and secrecy, and we seek to relieve everybody from the immediate responsibility of this damned thing we do.

In other years they used to give in some of the European countries a condemned man his liberty if he would execute his fellow man. They gave a man a purse of money for driving the cart that hauled the condemned man to the gallows, and he was so hated that when the priest gave him the purse for his wage, he didn't hand it to him, but he flung it far away and the man would grab it and flee from the community a hated thing.

Every one of us stands behind that executioner and has his finger on that electric button and every one of us pulls that lever that drops the trap that sends the man into mid-air, until his life is strangled out of him.

Illinois is great for her first martyr in the interests of human slavery—Lovejoy in '37 and Lincoln in '65—and now the great thing for Illinois to do is to wipe out that damned thing, the gallows. (Applause.)

CHAIRMAN HOLADAY. The gentleman from Adams (Wilson):

Mr. WILSON (Adams). Mr. Chairman and Gentlemen of the House: I hesitate somewhat, as perhaps it is a rather ungracious thing to speak in opposition to the high-minded gentlemen who have appeared in behalf of this bill. I agree with the sentiments of Voltaire, that were expressed by the last speaker, and also with the statement of Sir Thomas Brown, who said, "Death is the disgrace and ignominy of man." I would be the last to speak in opposition if I thought capital punishment was cruel punishment. I would not be in favor of a law that made it obligatory on a jury or a court in every instance of murder to inflict the death penalty. I think the gentlemen who have argued on the other side of the question have rather begged the question. In Illinois a man who commits murder is not necessarily hanged. In the state of New York where a defendant is convicted of murder in the first degree, it is necessary that he be electrocuted. I would not be for a law of that character, but it seems to me that we have in the State of Illinois the most rational and the most humane and the most reasonable statute that could possibly be put upon the statute books. Murder, as defined by the laws of Illinois, is the killing of a human being in the peace of the people, with malice aforethought, either express or implied. Manslaughter is the killing of a human being without any malice at all. What is the punishment for manslaughter—that the defendant be confined in the penitentiary any number of years up to and including his natural life.

In Illinois under the parole system we have at the present time, the jury does not fix the punishment for manslaughter. He is sentenced for an indeterminate term.

If a man commits murder in Illinois, the law is not so inhumane to require in every instance if the defendant is guilty of murder that he must be hanged. He may be hanged, but there is a wide latitude of punishment, reaching from 14 years as the minimum, up to and including the natural life of the defendant, and again, he may hang. If the murder is such that it be a technical murder and be not an aggravated case, if it be not an assassination in the night, then, in that case, the jury can send the defendant up for 14 years or any number of years.

After a man is put in the penitentiary, he may feel that the punishment there is worse than death, and perhaps it is, but I am satisfied that there is no such deterrent of murder that could be so effective as the knowledge of the defendant that if he kills a man he may hang. If a man wanted to kill another on the line between Illinois and Wisconsin, and if he was in one of the counties where he could induce the defendant to go over on the Wisconsin side, you know very well in every instance, that the defendant would get his victim over on the other side of the line where he

knew his neck would be safe. Of course, the defendants are against this, and, of course, the murderers are against this. You will find instances time and again where the defendants in the state prison have stated that the punishment there is worse than if they should be hanged. The government goes back to Coke and Bacon, and into the dim and misty past. In that time they used to hang a man for anything. If a man were a petty thief, or committed a very small infraction of the law, then and in that event he was likely to be hanged. The result was that a criminal being liable to the death penalty for a small crime was not a deterrent. A man might steal a loaf of bread through misfortune or do a little poaching, as they did in those days; if he were liable to be hanged for that, he would be just as willing to be hanged for a goat as for a sheep. Then great lawyers were opposed to capital punishment that was inflicted in all sorts of cases.

This is a very respectable propaganda that is being agitated all over the United States. Some of my best friends are on the other side of this proposition.

There was this incident told so dramatically by Judge Cleland. I don't know where the merit lies. There may be now and then a miscarriage of justice. It is in accordance with the infirmity of human nature that that should be so. That is no reason gentlemen, why the law should be abolished. His Honor the Governor of the State of Illinois, in his remarks mentioned the Pfanschmidt case where the young man was sentenced to be hanged in my county and got a new trial. The new trial was not granted on account of the punishment, but because the Supreme Court held that blood-hound testimony should not be admitted in the State of Illinois, and there was certain other testimony admitted that was held incompetent. Then a change of venue to another county, and in this new county there was a process of education. The attorneys for the defendant sent their agents ahead to the small counties and they had a large number of the citizens in those counties believing that the defendant was one of our first citizens. I thought from the indications of the public press that they were going to admit this young man into the best circles of society before they got through with him. Go back into Adams County where the people understand the situation and there is a different belief in regard to the merits of the case. Suppose they were wrong, he wasn't hanged was he? He was granted a new trial by the Supreme Court. Suppose he had been convicted on the second trial, that is not the end of his rope as far as he is concerned. You could always appeal to the Governor for a reprieve or commutation of sentence to life imprisonment, or even for a pardon. Once in a while you may find in the books or in your experience, or you can imagine a case where it might be possible where there would be a miscarriage of justice, and where the defendant might be hanged and still be innocent. If you are looking out for the interests of the people, you should not abolish capital punishment in a state where you have a great city like the city of Chicago. One of the difficult problems of government in the United States is our great cities, as pointed out by James Bryce in his "American Commonwealth." You should not take this statute off the books. We do very well in the smaller communities, but where you have crime such as in the great city of Chicago, crime running rampant throughout the city, and where a great many people haven't the fear of God or the fear of the law before their eyes, then, in that event, I want to say to you that you need the protection and the sanction of the law, even to the extent of capital punishment if it be necessary in an extreme case.

You remember the case of *Spies v. People*, reported in the 122d Illinois. As far as I am concerned, I have no question in my mind that if it had not been for Judge Gary and the courts of Chicago, and if it had not been for the fact that the law was applied in that case that there would have been very much more serious disturbances on the part of the anarchists there.

The gentleman from Saline County (Mr. Kane) has some statistics and I will leave those to him. We have heard a great deal said about the State of Rhode Island. The Governor is not very logical. He is willing to admit that if you kill Governors or Presidents that a man should be hanged. He says that that is a very extreme case. A man would be guilty of treason against the United States or the particular state if he killed a President or

a Governor. So he is willing to stretch the law along that line. He would have a tender regard for the life of a chief executive whether it be of the state or nation. I don't think it is very logical to say that the law should be applied in one case and not in another.

We have the record from 1838 to 1884 of the murderers convicted in Rhode Island. All but two were sentenced to life imprisonment. Their life sentences were terminated as follows: One died in ten years; four were pardoned in nineteen, twelve, four years, and seven months respectively. Another died in four years; one went insane in fourteen years; one was pardoned in twenty-one years; one died in five years; two pardoned in twelve and fifteen years respectively; one died in three years; eight more pardoned in three, eight, seven, nineteen, eleven, two, six and twenty-one years respectively; one died in three years; one hanged himself in three months; another was pardoned in eleven years; another pardoned in twenty-one years, another pardoned in eighteen years, and another man is still serving his sentence after twenty-four years.

I am not going to make a very exhaustive speech; I did not know this was coming up until this morning. Note the difference in the situation between Italy, where they have the Cammora and the Maffia, and England. You find in 1908, in Italy there were 3,807 murders. There were hired bands of assassins there and they murdered on such a large scale that when one celebrated trial was on in Italy there were so many murderers come on trial that they had to put them in a bull pen. Some of you have seen the pictures of the defendants, and they were like so many wild beasts during the trial of that case that they didn't dare to let them out during the trial. Further than that, they came over to the United States and assassinated one of the most trusted officials in the state of New York, a detective of their own race who had been so diligent in sending back these murderers that they came over to New York and killed him; their machinations extended so far. This is Italy, which is the ideal of the gentlemen who would wipe out the death penalty.

How about England? You have heard of the White Chapel murders and the statement of some horrible murders that have occurred in London, but they occur very seldom there. In England you will find that the punishment is swift and sure. Take the case in England of Mrs. Maybrick. She was found guilty, and she petitioned the Home Office in England and her sentence was commuted, and she was afterwards pardoned. Punishment in Canada and England is relatively sure. In London in 1910 there were just 13 murders in that city of five or six million people. And in 1911 there were only 11 murders in the city of London.

There are a great many doctrines that are flying in the air. Doctrinaires pick them out and try to read them into the American government. They don't apply. There is nothing substantial about them. Germany tried abolishing capital punishment, and in 1872 she repealed the law. Austria repealed capital punishment, and in 1795 came back to capital punishment.

In France, you remember, during the Commune in the French Revolution there were many people who improperly went to their death. Some of you who have read the "Tale of Two Cities" remember the dramatic death of Sidney Carton. They abolished capital punishment in France in the nineteenth century, and in 1909, on account of the fact that crime in France increased by leaps and bounds, by 68 per cent over what it was before capital punishment was abolished, France again placed capital punishment among its laws.

So we find it throughout the United States. We find that there is a revulsion against this propaganda for abolishing capital punishment.

In 1915, there were 16 states that had this proposition of abolishing capital punishment put up to them. Out of the entire number it stood 16 to 1 for capital punishment. The record shows that Arkansas retained capital punishment by legislative vote, as did Indiana, Iowa, Nebraska, Nevada, North Carolina, Ohio, Wyoming. In the following states the majorities were overwhelming, such as Connecticut retained capital punishment by 25 to 3, Missouri 76 to 44, New Jersey 29 to 20, New Hampshire 15 to 8, Massachusetts 90 to 23; and in Washington, I understand, it has

been restored by 28 to 14. The one state that didn't retain it was North Dakota.

I would not oppose this bill if I didn't feel very deeply that while capital punishment ought not to be often inflicted and never except in extreme cases, that still capital punishment should be retained on the statute books in order that it may act as a deterrent and we may have the ability to inflict it and use it in extreme cases.

Mr. O'ROURKE (Cook). Aren't you more responsible than any other man in the State of Illinois in forcing an innocent man to go to trial for murder by having enacted a law in this body two years ago to extend the term of court in Adams County so it would apply to the Pfanschmidt case—didn't you do that?

Mr. WILSON (Adams). The gentleman is very witty and very able when he is talking about some things he understands, but when he gets into deep water he flounders a little. The situation was this, that there was an Act passed by the last Legislature providing that if a term of court ended before the expiration of a trial that it might automatically be continued, and there might not be a miscarriage of justice of a mistrial. It is understood by the lawyers of this House if not understood by the eminent gentleman from Harvey that after a jury has been impanelled that the defendant is in jeopardy. If you are going to inflict the very human punishment of putting the man in the penitentiary, if you don't go through that trial the defendant must be discharged and you can not convict him of anything.

Mr. O'ROURKE (Cook). What happened to the man?

Mr. WILSON (Adams). I don't care to answer foolish questions.

Mr. IGOE (Cook). Isn't it true he was convicted in Adams County?

Mr. WILSON (Adams). Yes.

Mr. IGOE (Cook). And he then sought a change of venue because of the prejudice existing in your county?

Mr. WILSON (Adams). Yes.

Mr. IGOE (Cook). And he was taken to Bureau County?

Mr. WILSON (Adams). Yes.

Mr. IGOE (Cook). And he was tried there?

Mr. WILSON (Adams). Yes.

Mr. IGOE (Cook). And the first jury disagreed?

Mr. WILSON (Adams). Yes.

Mr. IGOE (Cook). And the second jury acquitted him, is that true?

Mr. WILSON (Adams). Yes; are you making any argument on that?

Mr. IGOE (Cook). You answered the question, that is all.

CHAIRMAN HOLADAY (Vermilion). The chair will now recognize the gentleman from Cook, Dr. Lipshulch.

Mr. LIPSHULCH. Mr. Chairman, Fellow Members of the House, and Guests—Gentlemen: This prolonged applause I am sure was not intended for me because I do not ask for it. I am here to speak concerning a principle and trust that the plaudits were meant for that "Bill" anti "Capital Punishment."

Life itself has but one excuse and that is to dedicate all that goes to dedicate, all that goes to make life happier and more beautiful. If a supreme power were to ask me what I wished to do with the one day I have left I assure you I would give it gladly to the abolition of the most stigmatizing act of humanity, namely, capital punishment, with the reservation of an hour or two that I would like to devote to those I love most.

My father before me and your humble speaker have devoted many years of their lives to the thought at present under consideration and at present I can see an opportunity for a realization of a dream that belongs to every thinking person.

Those who would continue capital punishment are in the habit of citing Daniel Webster's speech in volume 1, page 456, which is, probably, the argument that comes nearer being logic than any other argument, and, yet, how miserably does it fail to convince the man who can think.

It says, "The humanity of law feels and regrets every pain it causes, every hour of restraint it imposes and more badly still every life it forfeits."

What a sublime height has Webster reached in this expression of mockery. He regrets the pain it causes and regrets the life it forfeits, and regretting as he does, he takes life because it causes pain and takes life as though

a sigh will compensate for the pain caused and the life taken. Poor Mr. Webster, thou has't a following.

He goes on to say, but it uses evil with a means of preventing greater evil, and while saying all that, he knew only too well, that every now and then an increase of crime occurs, you can trace it and trace it very clearly to a nearby-by execution, which has awakened the morbid desire in those who can and are influenced by every legal murder, and if for no other reason, this ought to be one that speaks volumes against the influence of capital punishment.

Again, he says, it seeks to deter every crime by the example of punishment. I would like to ask Mr. Webster, if I could have him here, if that is not equivalent to saying "Vengeance must be had, no matter where it comes from, or how it is performed and by whom."

Furthermore, close study and unbiased investigation prove conclusively, that punishment of this kind does not deter the man bent upon crime, because every time a life is taken by some individual, unless it is done during a fit of insanity, the individual had a predetermining reason and this reason took into consideration all consequences that might befall the individual should he commit the crime upon which he is bent, so that no matter what the punishment may be, the one, who is bent upon killing his enemy, or fancied enemy, would not be deterred from his performance.

This very same reason answers the argument, that it restrains the number of future offenders, so that the many who do not offend may enjoy the liberty, and he says that it forfeits the life of the murderer, that other murders may not be committed.

It stands to reason, that a man executed by the State will no longer commit another murder. It also follows, that those interested in the man executed, and should they perchance be criminally bent they, in turn, at the first opportunity kill if for no other reason than the very same reason that the State has, vengeance, so that in forfeiting the life of a man, who has committed a crime, in order to prevent him doing any further harm, we have created a number of probable murderers, who, out of the spirit of vengeance will go on as enemies to society until the opportunity presents itself to them.

We all admit, that in the average case, the murderer should be kept out of society for all time as a dangerous character. That can be accomplished by confinement in prison during a life time. After all, who is there that can judge a man's heart.

I venture to say, that the major portion of those who have committed a murder in life would never repeat it under any circumstances and, probably, never have occasion to do so were they allowed to be free and about, but as the argument wants it and man must be punished because of the desire of society and to satisfy that desire, he should be forever and all time removed from membership of society at large.

DEATH PENALTY.

It is to be regretted in this age of enlightenment, liberality and progress, that even clergymen should be found among the staunch advocates of this obnoxious doctrine. By their training and mission, it would be quite reasonable to expect from them something in advance of the religion of the fire and sword.

Thinking men now ask a better argument for revenge than the quotation of a text, or the literal interpretation of a scriptural injunction. Such conclusions are, to say the least, sorry comments upon the gospel, which for nearly twenty centuries has lent its best efforts towards christianizing humanity.

But, say the advocates of this doctrine, executions are highly beneficial. in, that the horror which attends them, acts as a direct preventive of similar crimes in others. This is at once the chief, if not only aim.

Let us, therefore, in all candor, investigate if this is really so. Let us inquire how much of truth and fact is on their side. Proceed in the direction of inquiry. We are, at once convinced that the death penalty in its broadest sense necessarily must be viewed from many respects.

What is the effect, for instance, upon a murder already committed. Does it cure the crime in question? That, of course, is beyond cure. The horrible

crime has been committed and the sufferer thereof beyond redemption. In other words, we cannot cure one murder by committing another.

The fact that murder has been committed under the protecting wing of the commonwealth, who, through its might, because of its numbers, indulges in the same violence, with a forethought and malice, does not alter the crime they commit in principle. "Thou shalt not kill" is fundamental in principle and no amount of argument, or material force can change the truth.

We speak of retribution. If it were not heart-rendering, horrifying and most serious a spectacle, I would be inclined to laugh, more than that, it would amuse me. Think of a man committing a crime and him sending some one else to expiate in his stead.

This is exactly the situation in which society finds itself in claiming that capital punishment is a retributionary act. Society would not expiate its sinful committment and retribute the cause by spilling the blood of the so-called culprit, and furthermore, society has no more right to take upon itself the punishment than has the individual, who is the nearest of kin to the victim.

Society only succeeds the nearest of kin, or any other individual in revenging the death. Everything in the human family has progressed from a crude form to a higher standard of perfection, everywhere we can feel the scale in the ascendancy, but we fail, however, to minimize, if not eradicate, that portion in our existence that we are pleased to term the animal portion and the highest expression, which is revenge. And still persist in demanding an eye for an eye and a tooth for a tooth.

According to our existing law, we recognize murder as an act of violence, wherein the participant commits or robs a life with malice and a forethought, and murder without these qualifications is oft-times regarded as justifiable, or in other words, accidental, and in such cases called manslaughter and is punishable by a term of years of imprisonment.

Society as a whole, surely never could be in a position that the individual is, or at least, never ought to be in that position by virtue of its bigness. It is not individual enmity that proceeds to prosecute and afterwards takes the life of the individual. To the contrary, it ought to be, if it is not the function of correction and not revenge.

Society has many days and oft-times months, in which to cool down its feeling for vengeance in that manner when it commits a legal murder, it has done so in a much fuller sense than an individual could ever attempt it. Society has had plenty of time to prepare and plan and at no time could be in heat of passion, so that when society makes out the retributionary act, it has robbed a life with malice and forethought and therefore, has in every possible sense committed cold blooded and undisputed murder.

ARGUMENTS AGAINST ABOLITION OF CAPITAL PUNISHMENT.

Adherents to capital punishments have a number of well-worn and easily competible arguments to offer. Their first and most constant claim is, that it surely acts as a deterrent to present, as well as future generations, that the fear of death is inherent and, therefore, scares the would-be criminals into obedience of the law, that when you take away this phase of punishment the ordinary highwayman and robber would soon be turned into a full fledged murderer, because he could kill without being killed himself.

A further claim is made, that capital punishment cannot be done away with until the negro race has progressed a good deal further, that thus far no punishment has been invented that adequately takes the place of, or substitutes capital punishment.

Another faction of the adherents to capital punishment, claim that capital punishment is just because it is sanctioned by the Bible and history, that it is reasonable that a murderer's life cannot be more sacred than that of his victim and that it is more merciful.

Further, that the objections offered against capital punishment are not sound, that very few mistakes are made in the long row of executions, that abolition of capital punishment has not proved satisfactory in a great many instances, that it has lead to lynchings and increase in crime.

Probably, one of the strongest arguments they give against abolition of capital punishment is, that life imprisonment frequently develops insanity and that life imprisonment does not reform criminals.

To the first argument, I wish to say that I have already given sufficient statistics to show that capital punishment has not lessened crime, that the percentage, under like conditions, if not lessened, was at least not increased.

That when a criminal sets out on a big robbery, he goes with the intent purpose to kill, or be killed if necessary, and that at no time during the entire process, does he give it a thought, that if he kills, he also must be killed if caught. He no more thinks of that phase in his risk than he thinks of the fact that he might be caught robbing and sentenced for a number of years, and if he does think of it, he goes prepared to stand the consequences, whatever that might be, should he perchance be caught in the net. Very few people kill except when put at bay, and the circumstances, as a rule, surrounding a murder, are of such character, that most ordinary individuals probably, would act in the same way if put to the test.

Furthermore, that those who are habitual criminals, or degenerate, are not influenced by the penalty prescribed, nor are they oftentimes capable of showing clearly reasoning that the prescribed remedy possibly could shape simply because of their habits.

As for the second argument, that the negro's progress, or the lack of progress, is good reason for delay of this measure, I want to say, that not only is it unreasonable, but it is absolutely untenable.

Think of the ridiculousness of such a statement. By this argument, you say, yes, capital punishment is wrong. It ought to be done away with because of the danger that a negro might kill some one, you must continue in force this law, even though it acts upon those, whom you do not wish to kill.

You are establishing a double standard and a double code of morals. It is right in one instance and wrong in the other. You are establishing, or, at least, you are hanging on to an argument for which this country has paid with many hundred thousands of lives during the civil war to settle the question once and for all time.

If the negro can be kept in check, only with the death sentence hanging over his head, then, why not hang them all at one time and rid ourselves of a threatening danger that continuously seems to hold us in a deathly fear, but that, you say, is ridiculous. I also admit that the fear of the negro too is ridiculous, and that he is given to the same moods, to the same desires and to the same control as is in other men that are right.

As to the claim that capital punishment is just, that it is sanctioned by the Bible and the history, that it is reasonable to think that a murderer's life is not worth more than the victim's, I wish to say that to be just only, is to be cruel, and I wish to ask in whose judgment is it just, in yours, or in mine. If you speak of justice, it must be just to all. As soon as it fails to be just to all, it cannot possibly be right. The very same Bible that justifies as an act of vengeance and atonement, also furnishes the chief and best principle upon which the argument of abolition of capital punishment is based, "Thou shalt not kill."

The Bible does not claim that killing by the individual is wrong and that if done by several combinedly, it becomes right. Wrong cannot be turned to right by numbers. If to assault any one is wrong, is it not just as bad if offered by a number. If rape is wrong when committed by one, would it be just and right if committed by several? Could any crime be justifiable because committed by numbers? In other words, will numbers right a wrong?

As for history, I think there is no need of discussing that. History corroborates every statement made by the friends of anti-capital punishment.

As to the question, whether a murderer's life is more sacred than that of his victim, I will say, No, and for this very reason, I ask, is the hangman's life more sacred than that of the victim's, or in this instance, called criminal. Why not hang the hangman? He is committing a crime and in a very cold-blooded practice. He does it for pay, not because he believes in it, not because he thinks he is justified, that he does it without a shudder, but because he is paid, he is hired to do a cowardly act by those who have not courage enough themselves to do it.

Because one life is as sacred as another is why we should cease forthwith any form of capital punishment and substitute therefor life imprisonment, and if it were possible in this State to obtain an amendment to the

Constitution, I would ask to abrogate the constitutional rights of the Governor to pardon capital punishment criminals.

Again, as to being more merciful. Perhaps, that is true in a great many instances, and because of this being true, I say that a punishment today meted out to the hardened criminal is all a joke, because it is merciful. It is not a punishment that he has to down. A moment of miserable strangulation, a quiver or two of the body, a blackening, damnable thought fleeting across the mournful and anguished mind of the hanged against the method of penalizing such conditions, and is oblivion.

I ask you, who are advocates of severe and comensary punishment; does it fulfill your expectations, is it cruel enough for you, or does it fall short of satisfaction?

(Applause.)

In conclusion allow me to ask you, in the name of humanity, in the name of the hundreds of thousands of children who are compelled, without their consent, to grow up amidst the government that recognized murder as a legal profession; in the name of the countless mothers whose hearts beat in unison for all that is refined and whose somberest and tenderest feelings are gradually hardened and stifled because of the outrage practiced by the government.

In the name of the innocent beings who survive the helpless victims, in the name of civilization, and to you who are Christian men, and in the name that is best in Christianity, I say give this bill a chance. Let it pass. Let you men express the part of divinity that is in you and let no barbarous pagan blood-thirst sway you. In the name of your own future conscience and in the name of God make this a law upon the statute books of Illinois, and may your record made in this instance remain immortal. (Applause.)

Mr. BERNARD P. BARASA, of Chicago, Ill. Mr. Chairman and Gentlemen: I desire to thank you for the opportunity given me to speak to you this morning. I am only going to speak to you five minutes. I am an Italian, born in this country. I just happened to be in this gallery here, and I heard a certain statement made that I want to answer, and that is why I asked permission to talk to you. The gentlemen said that in Italy there was some three thousand eight hundred murders some years back.. Why did Italy abolish capital punishment then? Italy has abolished capital punishment; it was abolished in Italy because they found it to be the fact that it is so easy, so very easy, to make mistakes in passing upon another man's life. For example, take a case of self-defense. The average man says, "Oh, well, he killed him, he killed him, the jury found him guilty, and he has appealed to the Supreme Court." Sometimes, the Supreme Court feeling that the jury has found a man guilty, they leave the case as it stands, and then it is up to the Governor. How many times have you found it, read it in the newspapers perhaps, that when the Governor pardoned anybody, although the Governor believed absolutely that he was guilty, he was censured for what he did, and on that account many governors do not dare pardon a man, although they believe from the evidence in the case that the man had some reason for acting as he did. They don't want the public censure.

Again, many of these murders are committed because of interference in the home, and in the relief of the family. The man is brought to trial, and many times the prejudice is there. I am sorry to say, gentlemen, that I have found in many cases that men because of their nationality, they have had prejudice against them, and many times a jury returns a verdict, not because of the evidence along, but many times because of the prejudice that arose on account of nationality, or because of the man's condition in life.

Now, then, I say that if you want to punish a man, do as they did in Italy, send him to the penitentiary for the rest of his life, if he is entitled to that, and let him stay there. I want to say to you that that is greater punishment, and it will do more to stop crime than all the hanging laws that you will ever put on the books. Hanging itself will not stop crime. When a man goes to the penitentiary and he knows that he has no opportunity of ever being out of it, that he will never have an opportunity of seeing his family, he will stop and think twice before he commits any criminal acts.

And also, gentlemen, I will say that when you do send him there, make him work there and make his earnings there go to his family, go to his family for their support. Don't send him down there to break stone just for pastime, but send him down there to break it for their families, and their wives and children. That will also help in a great measure to prevent crime. I have known many men; I have had clients say, "Hang me—yes, hang me, don't send me to Joliet for life." There have been cases that have been induced to plead guilty, and they have said, "I had rather hang than be sent to Joliet for the rest of my life." I want to say to you that that is greater suffering, it is greater punishment for him to send him to Joliet, and if the case warrants it, and it has been a premeditated murder, let him stay there for the rest of his life. It will do more to lessen and prevent crime than hanging. Hanging will not do it. Italy found that out, and they use the other and what is the result. Many, many of them die in those penitentiaries there and die by degrees, on account of the fact that they are confined, and they know there is no opportunity of ever getting out again and getting back to the family, and 75 per cent of them go crazy, if you please.

Now, then, that is all I have to say. I desire to thank you all from the bottom of my heart for your kind attention, and I sincerely hope that you will strike from the statute books of the State of Illinois that part of the law which makes the punishment hanging for murder. Let it be life and in a proper case let them stay there for the rest of their life.

Mr. KANE (Saline). When was capital punishment abolished in Italy?

Mr. BARASA. I do not remember the exact year, but it was shortly after the kingdom of Italy came into power in Italy.

Mr. KANE (Saline). When was that?

Mr. BARASA. About 1878—say about 1880.

Mr. KANE (Saline). Do you know it was in 1910 when the 3,807 murders occurred there?

Mr. BARASA. I don't know when that occurred, nor where you got your statistics from.

Mr. WATSON (Hardin). Mr. Chairman, I move you that these bills, Nos. 58, 67, and 68, be reported out without recommendation.

Motion prevailed.

Mr. WATSON (Hardin). Mr. Chairman, I move this Committee of the Whole now rise.

(Motion prevailed.)

The Speaker resumed the chair.

Mr. HOLADAY (Vermilion). The Committee of the Whole, Mr. Speaker, reports that House Bills Nos. 58, 67, and 68 are reported out without recommendation. Mr. Speaker, I move that those bills go on the calendar.

(Motion prevailed.)

Mr. HOLADAY (Vermilion). I move that the bills be placed on the calendar on the order of first reading.

(Motion prevailed.)

Whereupon, the House proceeded upon the order of introduction of bills without debate.

Mr. SMEJKAL (Cook). I move that the House take a recess until 4:00 o'clock this afternoon.

Whereupon, the House took a recess.

Four o'clock p. m., re-convened.

The Speaker in the chair.

Whereupon House Bill No. 50 was taken up on the order of second reading, being a bill which provides that the town clerk shall be the clerk of all drainage districts lying wholly within his town and all union drainage districts, the major portion of which lies in his town, and the drainage commissioners shall hold their meetings at his office or at any place in the drainage district.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause.

This amendment was made partially in committee, Mr. Kane had it amended in committee, and the amendment of the gentleman from Bureau (Morrasy) only partially corrects the evils found in this bill. It has always

been held by the Supreme Court, beginning as long as ten years ago that all meetings of the farm drainage district must be held within the confines of the drainage district. Where a considerable number of land owners have been gathered together and forced into a drainage district, they want to feel that the business of that district is being transacted within the boundaries of that district. They want to feel that the meetings are being held within the boundaries of that district, and they ought to be.

I know in my own country of two or three large drainage districts and the attorney who was handling the matter for the districts lived about twenty miles from the nearest boundary of that district. His office was in Ottawa. He had the meetings of the commission held in his office. This attorney was not regarded with a friendly eye on the part of a great many of the land owners of the district. Between them there wasn't too kindly a feeling. They would not go to his office if you would have eliminated distance to attend these meetings. It is a well known fact that the drainage commissioners are going to be governed by what the attorney, who organizes the district, says and advises. They are going to follow his lead. It seems to me that the land owner and the men that have to pay the shot and contribute the dollars that go into the district should have the assurance that the meetings will be held within the boundaries of the district. Even if a land owner don't want to go to the meeting he wants to know that the business is conducted within the boundaries of the district. He wants to feel that the business is done right where the cause for it exists and he can attend if he wants to.

Mr. Kane suggests that a person would drive twenty miles and nobody would attend the meeting and he would turn around and go back. What of it? This is a dangerous departure and it is going to open a way for getting away from the supervision of the men who are going to pay for the work. I think it is a bad proposition. I think this bill can be amended, but until it is I move to strike out the enacting clause.

Mr. KANE (Saline). I think it is due the land owners of this State and the parties who desire to transact the business of the district that the members of this House give attention to this bill. I don't think there is a bill here in this House that will more fully do away with confusion and create conditions that will aid more to the interests of agriculture and to the interests of drainage than this bill will, and I wish to call your attention to the importance of noticing what the conditions are and what this bill does .

Under the present law there are many ways to organize a drainage district. One is combined drainage and another is union drainage districts. The union drainage is one which is organized in two townships in the same or different counties. When it is in three or four townships it is called a special drainage district. The present law doesn't say anything about where you shall meet. There are two meetings which are held of which the land owners are entitled to notice, that is for classification and also for elections. This bill as now before the House provides that all meetings where the land owners are entitled to notice must be held within the boundaries of the district. There are nine meetings to one in which the land owners have no need of notice. They are not supposed to have any notice, and the law does not require any notice. It may be that the commissioners will want to approve a report of the treasurer or to have a meeting to go over other reports and matters in which it is not necessary to have the meetings within the boundaries of the district.

I understood that the gentleman from LaSalle (Browne) only opposed section two of the bill and that his motion would be to strike out section two, but he has made it broader than that. Section 27 that the gentleman from LaSalle (Browne) is in favor of, brings about this condition. In 1901 the Legislature struck out section 27 of the farm drainage act which allows the right of appeal by the land owners. They can appeal from the assessment and have a hearing in the county court. That right has been taken away from the land owner. The Supreme Court has held that that right has been taken away from them at the time of the assessment. This bill takes care of that feature of it.

Regarding the holding of meetings in the district I wish to say again that down in our country we don't pretend to hold these meetings in a

drainage district, there is no occasion for holding these meetings there. It is true that the land owners are entitled to be heard and where they must have notice of meetings, the meetings should be held in the drainage district, but where they meet to pass on matters of little consequence I can't see the necessity of driving twenty miles and adding this additional expense to the land owners.

Mr. BROWNE (LaSalle). If you will withdraw this bill or offer an amendment so that it doesn't apply to ordinary drainage districts or union drainage districts and only to special districts, I will have no objection to the bill.

Mr. KANE (Saline). The gentleman from LaSalle (Browne) knows that all courtesy was given him in the drainage committee. This matter was heard fairly and the gentleman from LaSalle (Browne) presented his arguments and after three or four efforts were made to have a hearing we finally had a hearing and every member of the committee voted this bill out.

I move that the motion of the gentleman from LaSalle (Browne) to strike out the enacting clause be laid on the table.

Mr. MAUCKER (Rock Island). I have an interest in this bill, especially in clause two. I think that the objection that has been raised by the gentleman from LaSalle (Browne) is not an objection that should be sustained. He speaks in the interest of land owners, and certainly they will be protected if this bill is enacted as it has been read than if that clause was taken out. I have had experience for ten years as a commissioner in drainage districts and I know of the serious trouble that has been had by the fact of having to hold the meetings in the district. The union drainage district is being discussed and attacked the most. The clerk of the union drainage district holds his office by reason of being clerk of the township in which the largest portion of this district is located. His records are kept at his office, which is his home usually. Time and again when the meetings are being held in the districts it necessitates the clerk bringing all his records four or five miles or more to get them within the confines of this district. We insist upon our clerk keeping those records in a bank or a safe as they are valuable papers. They are of such value that he cannot take them with him when he wants to attend those meetings. Most of the owners of this land are non-residents and they travel many miles to attend these meetings, and it is easier to find the home of the town clerk than to find the portion of land upon which this meeting is to be held. This land is cheap land and is not improved. There may not be buildings on it in which to hold the meeting.

I favor the tabling of the amendment offered by the gentleman from LaSalle (Browne) in the interests of the land owners and for all concerned.

Mr. GRAHAM (Mercer). I am not interested in any farm drainage district, but am a member of this committee that heard this proposition. All the districts that I have anything to do with are levee districts and I don't operate in this class, but I have given it some attention and know something of the conditions that are detailed by my colleague, Mr. Maucker. His country lies immediately north of mine and they have organized under the Farm Drainage Act. The country that we deal with is not a thickly settled country, and was subjected to the overflow of the Mississippi River and until the last few years that kind of territory has been uninhabited, with very few buildings on it. I know something of the hardships on the people to have their meetings in the country. There are times when it is entirely unnecessary for them to be held in the district. It is a formality that has crept into the law by judicial interpretation that requires these meetings in the district. Up in Mr. Browne's country his districts are thickly populated and there are plenty of residences. The country that we deal with is not that kind of country and I think the bill is a good bill because it permits the holding of ordinary meetings outside of the district. What is the use of going 30 miles down into a new, raw, unsettled country full of swamps with no buildings to have a meeting simply to pass upon some claims against the district. I believe the bill is a good bill and ought to pass.

Mr. BROWNE (LaSalle). You might just as well argue that the people would be satisfied in a judicial district to have sessions of the court held beyond the confines of the district simply because there happens to be a district here and there of such a wild character that there is no room or

buildings within it where they can hold a meeting, but it does not argue that you must legislate for that kind of a country against the other nine-tenths where there are such places and where the land owners would like to congregate and see what their representatives are doing.

I have offered these gentlemen an opportunity to make this bill apply to a special drainage district where the grounds don't exist for objection that they do here and stated that I would withdraw my motion, but they say no, and therefore I insist on the motion to strike out the enacting clause.

Mr. KANE (Saline). I just want to answer one or two points of the gentleman from LaSalle (Browne). He puts this on the same basis as holding court outside of which the court is organized. The records must be kept in the clerk's office and that is where the people must go and the clerk's office may be 10, 15 or 20 miles from the district. These clerks when they go to the drainage district meetings make little memoranda of what is done and the clerk goes back to the office and writes up his record. It is still held at the office of the county clerk, or within the district, so that the objections that the gentleman (Browne) cites does not pertain. Why not have these informal meetings at the county clerk's office? The land owner pays the bill anyway, and they will have to hire a team and drive 20 miles and there is no use of the triviality of the business to be transacted. Is there any use in that? I submit to anybody that there is no use in that.

I renew my motion to table the motion of the gentleman from LaSalle (Browne) to strike out the enacting clause.

(Rising vote taken; motion to table prevailed.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon, House Bill No. 218 was taken up on the order of second reading, being a bill which provides for the appointment for a State Board of Examiners of Auctioneers.

Mr. HUBBARD (Greene). I move to strike out the enacting clause.

Mr. HARRY WILSON (Perry). I move to lay that motion on the table.

Mr. HUBBARD (Greene). This bill presented is one of a great deal of importance to a great many people in this State. It is one of the worst pieces of class legislation in my judgment that has ever been presented to this House. It is purely and solely in the interests of a few auctioneers and in my judgment in the interests of a school in Chicago and a school in Peoria that turns out licensed auctioneers.

Mr. GORMAN (Peoria). We have no such school as that in Peoria.

Mr. HUBBARD (Greene). Well, there is one in Chicago. It means that if this bill should become a law that a farmer living in one corner of the county would have to hunt up a public auctioneer before he could sell his stock. If I want to sell my property and I want to employ a man to do it for me I should have a right to employ whoever I please. It is my property, and if he don't sell it for as much money as it ought to bring, it is my loss. I don't see why this House should take such an interest in me as to say, "You must employ a certain man, who has a certain license to do this certain kind of business." It ought to be killed right now.

(Motion to lay on the table lost.)

(Motion to strike out enacting clause prevailed.)

Whereupon, House Bill No. 319 was taken up on the order of second reading, an amendment pending to strike out the enacting clause, being an Act providing that the treasurers of counties under township organization and the sheriffs of counties, not under township organization, shall be ex officio county collectors and town or district collectors of taxes.

Mr. BOYD (Henry). This is a bill that if enacted into law will eliminate the tax collector and the taxes will be collected by the county treasurer in each county. This Act is in force in about eighteen states in the Union, some of them being Iowa, Nebraska, Minnesota, Ohio and Indiana, and it is giving perfect satisfaction. I trust you will give this matter consideration before voting to strike out the enacting clause. I want to say that Cook County is eliminated. This applies only to down State counties.

Mr. BROWNE (LaSalle). Why do you eliminate Cook County?

Mr. BOYD (Henry). They have a system there to pay their taxes into the county treasury.

Mr. BROWNE (LaSalle). So do we. This bill provides for the doing

away of all districts and town collectors of taxes. It is a further step along the lines of getting away from home. It is a further step of putting the matter away from the man that pays the shot, and whose land has to yield the return.

Mr. BOYD (Henry). Don't you think that is a good way when you will save in LaSalle County from \$18,000 to \$20,000?

Mr. BROWNE (LaSalle) How would it save it in LaSalle County?

Mr. BOYD (Henry). In the state of Iowa——

Mr. BROWNE (LaSalle). I don't care anything about that. How would it save any money in LaSalle County?

Mr. BOYD (Henry). I say in the state of Iowa——

Mr. BROWNE (LaSalle). I want you to answer my question or I will go on.

Mr. BOYD (Henry). You will have to put on in addition to your county treasurer one man to collect the taxes.

Mr. BROWNE (LaSalle). Does your county treasurer get anything additional?

Mr. BOYD (Henry). No.

Mr. BROWNE (LaSalle). Does your sheriff get anything additional?

Mr. BOYD (Henry). No.

Mr. BROWNE (LaSalle). They have to perform all the work.

Mr. BOYD (Henry). No. It is provided that the board of supervisors provide for additional help which would only be one or two men to help him.

Mr. BROWNE (LaSalle). In what way?

Mr. BOYD (Henry). To make out the tax receipts and attend to the collecting.

Mr. DAVIS (Knox). Doesn't it cut out the 2 per cent that goes to the township collector?

Mr. BOYD (Henry). Yes, it will save my district \$33,000 in three counties.

Mr. BROWNE (LaSalle). I don't believe it will do anything of the kind. If you will figure up at the end of a period by this method of collecting, I think you will find that you will be out a great deal of money.

In the first place the county treasurer hasn't got the time to devote to this matter, neither has the sheriff in a county of any size. The collectors in any little town knows everybody in that town. He is not going to miss any of the taxes. He will get it in many instances where the sheriff or the treasurer will not, as they may be well acquainted in their own immediate neighborhood, but where their district is of any size they will not be acquainted with the rest of the county.

Mr. BOYD (Henry). Can I ask you a question?

Mr. BROWNE (LaSalle). No. You can have all the time you want when I get through, and I will get through quick.

You will find you will not get the same amount of taxes by this system that you will with the present system and it will cost you more directly and indirectly and you will find that your treasurer and your sheriff will not like it and your people will not like it, and nobody will like it. There is nothing about it now except a theoretical proposition that is not going to satisfy anybody. If it is not a matter of economy, it will not be a success.

I understand from your remarks and from reading the bill that Cook County has been eliminated. I presume that there is some good reason for that, but you have not been eliminated in so far as it being your idea not to wish anything of that kind onto LaSalle County, Bureau County, Will and other counties in this State that don't want it. Simply because Cook County has a system which they like and are satisfied with, it is no reason and it is not proper to hand it to us. You did that on a commission form of government and we don't like it. We feel now that you ought not to try and do that in this case. This is not something that the State wants or we could have had it long ago. It is not a new idea at all.

Mr. MAUCKER (Rock Island). As a member of the Revenue Committee, and being present when this bill was discussed, I opposed the adoption of this bill as it prevents a pittance of money going to the men who earn the 2 per cent harder than any officer earns any money. I attempted to collect taxes in my county and the assessment was \$10,000, and I collected

\$7,500 and only got \$150 for my services. I called upon the taxpayers six or seven times and I did it for their convenience. The law stated that as part of my duties I had to call upon the owner that resided within the district and paid taxes, and if they resided outside of that township I mailed them a notice to their last known address. The sheriff must have deputies enough to call upon the taxpayers and he will have a corps of deputies with a big automobile bill, and it will cost five times as much as it does now.

Mr. BOYD (Henry). In regard to the sheriffs this doesn't take in any more of the sheriffs—I might say at this point that there are 17 counties in the State that are now under organization. In these counties the sheriffs do the collecting at the present time and they receive 2 per cent on the collections until they collect enough to pay their salaries. This bill provides that any personal taxes not paid by January 1st are looked after by the local supervisor. He will get his 2 per cent. The real estate tax doesn't need anything of that kind as it is secured by real estate. In Iowa they never had any other law and in Nebraska and Missouri the same. They are all in advance of us. It will save thousands of dollars to the State of Illinois.

Mr. FAHY (Marshall). Isn't it true that in the little cities down the State that you have two tax collectors instead of one, the bank collecting the county and State, while you appoint some official in the city to collect the city taxes?

Mr. BOYD (Henry). No, sir.

Mr. FAHY (Marshall). Don't they do that in Indiana?

Mr. BOYD (Henry). I don't know anything about Indiana.

Mr. FAHY (Marshall). And they charge you an extra 50 cents and \$1 for collecting your county and city taxes.

Mr. BOYD (Henry). The bankers will be glad to receive the money and deliver the receipt.

Mr. FAHY (Marshall). They will not do it in Indiana and why should you think they will do it in this State? Have you any understanding with the bankers that they will do that?

Mr. BOYD (Henry). Yes.

Mr. FAHY (Marshall). Then you must be working for the interest of the bankers of this State if you have that information.

Mr. BOYD (Henry). Not at all.

Mr. PURDUNN (Clark). There is an effort made on the part of some of the poorer class of counties to get rid of some of the office holders. In my county the question has been agitated for years, and the sentiment is strong for doing away with township collectors. In one township the collector goes to the county seat—we have a large oil production in our county—and in one day he collects the Ohio Oil Company's taxes, on which he receives 2 per cent, and that amounts to \$1,000. He gets that in one day. That \$1,000 will be of some service in the county as we need the money. I don't know what it would be in Rock Island or LaSalle, but in my county we would do well to save that amount of money. I regard the bill as a relief from what we are now having imposed upon us in the way of collection of public moneys.

Mr. DONAHUE (McLean). What I say has reference to my own district. In the twenty-sixth district we pay out to tax collectors in the neighborhood of \$50,000. That is a useless expenditure of money. There is no reason why the county treasurer should not collect all of those taxes. He is the man that makes the final collection. The county treasurer has nothing to do under the present law up to the time that the tax books are reported to the county treasurer, and that is the last of March.

In the city of Bloomington the tax collector don't collect the taxes. He has an office in the city and every tax payer is supposed to pay his taxes at the office. I quite agree with the gentleman that introduced this bill requiring the county treasurers to collect the taxes that it saves the people money in each county. There is no reason why the people should not be saved money in this State. This will be some relief to the people. They are demanding it in the central part of the State and this bill ought to pass.

Mr. SCHOLLES (Peoria). In investigating this bill I found that it was the unanimous opinion that the sheriff and treasurer could not collect the personal taxes as it is now being done in the townships. The expense would

far exceed the amount now paid to the collectors. The amount of business in the treasurer's office at or about this time of the year would be such that he could not take care of it. There would be a great mass of delinquent taxes, a great deal in excess of what we now have. A great deal would not be collected under the present bill. Representing the district of Peoria I will have to oppose this bill.

Mr. FLAGG (Madison). Are you aware of the fact that this scheme is now in operation in eighteen counties of this State.

Mr. SCHOLLES (Peoria). I don't know that.

Mr. FLAGG (Madison). The fact that there are so many counties that are now under this system proves its practicability.

Mr. LYNCH (Peoria). I want to say from my experience as being a member of the board of supervisors and knowing what the county treasurer has to do in that county, that I think it would be a very expensive proposition to turn this over to the treasurer and have him collect the taxes of the county. There would be a great loss of taxes and there would be a lot more delinquency. In our end of the county there would be many dollars that would get away from the county treasurer as the tax collector goes out every week and tries to collect these taxes. Our county board is tired of this body imposing more offices upon every county in the State, and therefore I will vote "no" on it.

Mr. BASEL (Fulton). In our county a few years ago the collector in Canton township gave a surety bond. His two per cent ran in the neighborhood of \$2,000. I have been informed that the township had to pay \$500 for the bonding of that man. If the township collector can get two per cent and get a bond for which the township has to pay, I am opposed to that proposition.

Mr. MAUCKER (Rock Island). The gentleman remarked that the people were demanding this change. When this matter came up I referred it to a meeting attended by more than one resident of each township in Rock Island County, and I was instructed by unanimous vote to oppose the passage of this bill and therefore I am conscientious in opposing it and in saying that our people are not asking for it.

Mr. BOYD (Henry). There would be a saving to your county and if you want to save \$18,000 to \$20,000 for your county you should vote for this bill, if you want to put \$20,000 taxes on your county, vote against it.

Mr. MAUCKER (Rock Island). I will vote as the people decided.

Mr. BOYD (Henry). You are voting against saving \$20,000 for Rock Island County.

THE SPEAKER. Is there any further discussion? If not, the question is upon the motion of the gentleman from LaSalle (Browne) to strike out the enacting clause.

(Motion prevailed.)

Whereupon House Bill 550 was taken up on the order of second reading, being a bill which provides for special assessments for work in special drainage districts after such assessments have been annulled, providing the matter in which such special assessment shall be levied.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause.

This is the same measure that I spoke to last week, and for fear that some of the suggestions may not have been heard at that time, I desire to call your attention to the body of the bill.

You who are at all familiar with farm drainage know that there are certain things necessary to be done, certain proceedings necessary to be gone through before the drainage district can be organized. There must be surveys, there must be an assessment made and there must be an estimate made by the engineers. All of that must be filed. There must be a meeting at which the property owners can be heard. There is a certain method of protection which the law prescribes must be followed in order to make it legal. This bill tries to make legal what has heretofore been illegal. A contractor has gone in and taken his chances, and he has said, "Well, if it is not all right, I will take a chance," and he goes ahead with the work. The commissioners have not attempted to comply with the law. Perhaps they barely had enough territory to go ahead with, and didn't have enough petitioners, but they went ahead and tried to railroad it through. There comes a day of settlement. That day of settlement is when they want the money

paid on the bonds. They find that they have proceeded illegally and they have nothing to stand on at all, and therefore, the contractor is out, just as he should be. He started in to help burglarize that district and to force it whether they had petitioners enough or not. Just listen to this: "The fact that the prior assessment may have been held invalid or annulled by the court for the reason that the meetings of the drainage commissioners in reference thereto were held outside of the drainage district or for the reason that the lands were classified before the right-of-way was procured shall not be a bar to a subsequent assessment to pay for the work done and for which such prior assessment was ordered to be made. The fact that the drainage commissioners have already made or attempted to make a subsequent assessment to pay for the said work done in contemplation of such prior assessment set aside, annulled, or held invalid by the court shall also be construed to prevent the application of this section."

If you pass this bill then I can go ahead in my country and organize a drainage district and I will not have to have the number of property owners provided for in the law. I can be shy a few and I can put it through. I can say to John Smith, and John Jackson, "You come in and help us pull this proposition through and it will be all right." He said, "All right, I will help you burglarize the county." We put it through and the bonds are no good, but if you pass this bill they will become good.

I know the source from which this bill springs and I know what particular contractor it is aimed to help out.

I told you last week that if you put this bill through I could collect \$500 that I otherwise couldn't get. It is rotten, and it ought not to pass.

Mr. MORRASY (Bureau). I introduced this bill and didn't introduce it in behalf of any contractor. This bill was introduced to rectify a case in a drainage district of 33,000 acres where one man escaped paying his assessment because the proceedings have not been just as the law required at a time after the work had been done. The Supreme Court ruled that we should get our right-of-way before we made the classification. That was a mere technicality. By resorting to that trick the man escaped paying his tax and got the full benefit of the drainage of that district. The rest of us paid it and he got the benefit. This bill is to rectify such a case as that. I speak of thousands of men where there is only one man that maybe specially benefitted by this present law and I class that as an unfair proposition. This applies only to special drainage districts, and I don't believe the gentleman from LaSalle (Browne), has one in his section of the country. I don't want to put through anything that is illegal or unconstitutional and I know that no other people that are interested in this bill wish to do so. I am sure the gentleman is mistaken when he says this is in behalf of any contractor. If it can be remedied so it will not be that way, I will be glad to amend it, but that is not the object of the bill.

Mr. BROWNE (LaSalle). I don't care what the purpose of the bill is. I find the bill as I read it, and I know that bill will legalize everything that has been illegal and wrong heretofore. While it may help this gentleman in some laudable purpose it will open the door to a lot of wrong in the hands of other people.

Mr. MORRASY (Bureau). It don't make one cent difference to me personally.

Mr. BROWNE (LaSalle). I didn't say it did.

Mr. MORRASY (Bureau). It will help the tax payers in a district of 33,000 acres as against a man who doesn't want to do what is right.

Mr. DE YOUNG (Cook). If this bill becomes a law then drainage commissioners can levy assessment after assessment without getting the permission of the property owners. This opens the door wide to all sorts of illegal proceedings on the part of the drainage commissioners. They exercise the highest power known to the law, that of taxation. Anybody who has had any experience with drainage districts knows they are prone to levy assessment after assessment if they can. The protection which the present law offers the property owner is the only thing that has stood in the way. If one property owner has been permitted to escape taxation, it is a very small point to make and certainly not sufficient to justify proceeding to pass a bill which will lead to an infinite number of cases where confiscation will result.

I have in mind a case where the property owners were told that the taxes

would not exceed 75 cents with a maximum of one dollar an acre and the property owners were forced to go into court objecting to a levy of \$27 an acre upon property that could not be sold for more than \$75 an acre.

If you pass this bill you permit that same thing to be done and the property owners will have no protection whatever. I know of no bit of legislation which strikes more nearly at the fundamental, that affects the property owners in drainage legislation and the enacting clause ought to be stricken out for the safety of drainage legislation in this State.

Mr. MORRASY (Bureau). Was that drainage district a district under the farm drainage act?

Mr. DE YOUNG (Cook). Exactly; under the act of 1885, where the property owner has no protection now until application is made to sell his property for delinquent taxes.

Mr. MORRASY (Bureau). I would not press this bill if I thought the statement was true. This bill was prepared by a drainage attorney who has had a great deal of experience.

Mr. DE YOUNG (Cook). I haven't the slightest doubt but what an attorney for a drainage district would ask for this kind of a bill.

Mr. MORRASY (Bureau). I believe this bill is all right.

THE SPEAKER. The question is upon the motion of the gentleman from LaSalle (Browne) to strike out the enacting clause.

(Motion prevailed.)

Whereupon the House proceeded upon the order of appropriation bills on second reading, being House bills numbered 641, 633, and 257, all without debate.

Mr. SMEJKAL (Cook). I move that the House do now adjourn.

Motion prevailed, and the House adjourned until 10 o'clock, Wednesday morning, April 28, 1915.

WEDNESDAY, APRIL 28, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Duggan.

Journal of previous day being read. Upon motion of Mr. Jacobson (Cook), further reading was dispensed with, and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports of standing committees, and reports from select committees, all without debate.

THE SPEAKER. The hour having arrived for taking up the special order of the day, the chair lays before the House for its consideration House Bills Nos. 624 and 625, and the clerk will read House Bill No. 624.

Mr. BROWNE (LaSalle). I move, Mr. Speaker, to strike out the enacting clause of this bill.

I don't know how the other members on the floor regard this and its kindred bill, which is to follow, being an Act in relation to actions in law, but to my mind, not only to the lawyer but to every citizen of the State of Illinois that either has or probably ever will have any litigation in courts of record in this State, these two bills are the most vital and important of any bills that will be considered at this session of the Legislature.

A number of years ago, when Governor Tanner was the chief executive of the State of Illinois, a practice commission was appointed by him that continued in existence for about three years after his term of office had expired. This commission was appointed to revise the then existing Practice Act and report to the next General Assembly or the Assembly after they got ready to report. That report was made. That was about eight years ago, or probably a little longer. A good deal in that report was stricken out necessarily. I didn't think at the time and I know there were a number of old fashioned lawyers that didn't think that there was any necessity for the revision that was then presented. Nevertheless, we swallowed our feelings so far as we could, and those presenting the report of the commission through the Honorable Samuel Alschuler, who was here on the floor looking after the matter, these people having agreed to enough amendments to make the thing possible, it was adopted by the House and became a part of the law of the State of Illinois. Only a few years have passed since then. At that time that Practice Act tore up and absolutely disorganized a great deal of the practice of the law of the State of Illinois. It put the lawyers at sea for sometime until matters could become settled and adjusted in, through and by decisions and by practice and by the practical working of the Act.

We have just about got settled down now into a condition where under that Act we know where we are. We have just about got settled down so that we know what the Act is and what it means, and how to practice under it. Now comes another Practice Act, but this time not only as to actions at law and which is so much more radical than the other and which will absolutely destroy all the knowledge that any now existing lawyer has of practice in the State, but every bit of case law relative to practice in this State. The first one under consideration is the bill in relation to actions in equity.

Now, gentlemen, if there is anything any better calculated or tending more toward simplicity of action and intent than the present practice in chancery or equity in the State of Illinois, I don't know what it is. I don't think the present Act can be improved upon very much and certainly not in many particulars, if at all. Here we come with these two Acts and we are asked to accept them now upon the floor of this House, not for ourselves, alone, but for the people in this great State, not only the practicing lawyers but all of the people who are either litigants or who are liable to be litigants or may be litigants in the State of Illinois during the years to come. Why?

Because anybody wants it? No. Because there has been any demand for it? No. Because there has been anything found in the present Acts as they exist which make a change necessary? No. Simply then because one man, an eminent legal gentleman, for whom I have the highest respect as a lawyer and as a man, has been down here persistently, in season and out of season, for six years trying to put through this Legislature these two Practice Acts, only in their original form they were larger than the statutes of the United States. Now they are boiled down to what you see. That is the only reason that there is for even an endeavor on our part to pass it, because of the appearance of this gentlemen here and his persistent asking and persistent effort to pass these bills through this House. I don't question the right of any man to come here and seek to pass through some law. Always when he does, I endeavor to find out two things. In the first place whether it is a good law and in the second place what his particular object in having it passed is, and who he represents. I have satisfied myself as to the first proposition relative to these bills, as to whether they are good law, and I have found an unqualified negative in my mind, that they are not only no good, but if you pass them—and I am not posing as a prophet but I have had a few of my prophecies come true on the floor of this House, gentlemen—if you pass them it will not be two years until you will all regret you have put them on the statute books of the State of Illinois. That is too late after you have anchored them on the statute books, as the taking of them off is a whole lot different. They will be with you whether you like them or whether you don't because it takes some one with initiative to get them off and nobody likes to undertake that burden.

What the reason for the persistence of this gentleman is in seeking to tear up the practice of my State and having placed upon the statute books **two** Acts that will absolutely destroy all the knowledge that I have or you have of the practice of the law, and make a start all over again and destroy all the case law that we have relative to practice in this State, I don't know. It is a little hard for me to believe that any man can be exactly that much of a philanthropist all through the years, but I am willing to concede that I don't know.

I want to call your attention now to this Chancery Act, section by section. I am only going to criticise those sections which I think extremely bad and vicious. I haven't time to mention those concerning which there is only a medium or mild or small objection. I will only criticise those that I regard as particularly vicious.

I made this proposition to the people interested in these bills this morning, that I have all of the vital objections to this first bill tabulated and inside of twenty-four hours I will have the other tabulated, and I offered to sit down with them if they would hold this bill back, and I offered the proponents of the bill and the other gentlemen here who have taken active interest in legal matters, notably Mr. Graham, to go through this section by section and try to straighten it out. We could not agree so the only recourse I had was to make the motion to strike out the enacting clause, much as I dislike to do that.

In section 2. (Reading.) "The judges of the Supreme Court, or a majority of them, may adopt all rules regulating the practice in actions in equity in courts of original jurisdiction which they may deem needful and which may not be inconsistent with this Act as to any matter of substance, and the judges, or a majority of them, of the several courts of record of original jurisdiction may adopt such further rules regulating the practice in actions in equity in their respective courts which they may deem needful and which may not be inconsistent with this Act as to any matter of substance, or with the rules adopted by the Supreme Court. All courts of this State shall take judicial notice of the rules so adopted."

What does that mean? In a way it doesn't mean much of anything. It is so confused and so mixed that really it doesn't have any fine-cut legal distinctive meaning. If it means anything, it means that instead of this General Assembly enacting the rules of practice in the State of Illinois as matters of law, that the power to make these rules and these regulations is reposed in the Supreme Court. It is not right to repose it in any court. It is too much power to place in the Supreme Court or any court.

At the last session of this Legislature the Supreme Court themselves lobbied through a bill known as the bill for certiorari on appeal and provided for the method of taking appeals from the Appellate to the Supreme Court. Those appeals were solely and absolutely optional with the Supreme Court and not fixed upon any rule and not fixed upon any cut and dried rule that they would have to adhere to, but it made it optional with them. Today every lawyer in the State of Illinois is crying out against the practice and seeking to have it wiped from the statute books. It is not wiped off and it will not be wiped, as nobody likes to take the initiative. This section gives too much power to the judges of the Supreme Court. Four judges could enact rules that will be clearly inapplicable in certain parts of the State and prejudicial to the rights of litigants. The reasonableness of these rules must be determined by the maker thereof; and there is no appeal. No matter what the rules are and no matter whether they are applicable or inapplicable, they are the rules and there is no appeal from them. They are like the laws of the Medes and the Persians—they are fixtures. That is not so now and it never ought to be so. It ought to be a matter of legislative enactment on the statute books.

I will pass over sections 1, 3 and 4, and want to call your attention to section 5. Section 5 reads:

"An action in equity shall be commenced by the filing, with the clerk of the proper court, of a bill of complaint which shall set forth the nature of the plaintiff's cause or causes of action and which shall be framed in accordance with the rules hereinafter specified."

Now, that may appeal to some of you as being a wise piece of law. I don't think it is. Under that section the party can join two or more separate or distinct causes of action in one suit. That never was intended in the world under any wise legislative intent. One cause of action in one bill is enough for that bill and all that a court or litigant can take care of.

I will pass by sections 6 and 7, and down to section 8.

"Upon the filing of every bill the clerk of the court shall issue and deliver to the plaintiff a summons to the defendant commanding him to appear in person or by attorney at the place of holding such court and file his answer or other defense to the action on the twentieth day after such summons shall have been served upon him, excluding the day of such service. Such summons shall specify the court in which the action is pending, the names of the parties thereto, and shall be issued under the seal of the court, attested in the name of the clerk thereof, dated on the day it shall be issued and signed with his name, and shall be returnable into the clerk's office within twenty days after its issuance. Whenever the plaintiff shall so request, the clerk shall issue as many such summonses as the plaintiff shall specify, not exceeding by more than three the number of defendants to be summoned, each of which shall have the force and effect of an original summons. In case any summons shall not be returned served upon the defendant within twenty days after the issuance thereof an alias summons may be issued and a subsequent pluries summons may be issued in any case when the previous alias or pluries summons shall not have been returned served upon the defendant within twenty days after the issuance thereof. Service of any summons shall be made by delivering a copy or one of the originals thereof to the defendant, or leaving such copy at his usual place of abode with some person of the family of the age of fifteen years or upwards, and informing such person of the contents thereof, or, in case the defendant is a corporation, whether a private or a public or municipal corporation, or a receiver of a corporation, or a trustee operating a railway, by leaving such copy with any person upon whom, under any provision of law, service of process may be allowed in any action brought against such corporation, receiver or trustee, or, in default of any provision of law with respect thereto, with such person as the court may by rule prescribe. Such service may be made by any sheriff, deputy sheriff, coroner or deputy coroner, or by any person over the age of twenty-one years not a party to the action. When service is made by one of the aforesaid officers the same shall be evidenced by his return endorsed thereon, and when the same is made by any person who is not such an officer such service shall be proven by the affidavit of such person indorsed thereon, which affidavit shall state

the name, place of residence, age and occupation of the person making such service and the date, place and manner of such service. When any defendant is an infant, a lunatic, or otherwise under disability, the court may, in its discretion, by special order, direct service of the summons to be made upon such defendant in such manner as the court may deem proper. The officer or other person serving any such summons shall, at the time of such service, likewise deliver to the person served a copy of the plaintiff's bill of complaint, such copy to be furnished to the officer by the plaintiff, if service is made by an officer: *Provided, however*, that in any action in which there are more than two defendants it shall be sufficient to deliver a copy of the bill to two defendants only, but in such case, when any defendant or group of defendants to whom no such copy has been delivered shall demand of the plaintiff or of his solicitor a copy of such bill, the plaintiff or his solicitor shall deliver to such defendant or group of defendants a copy thereof without charge. At the time of the delivery to the defendant, or other person for him as above provided, of the summons or copy thereof, the officer or other person serving the same shall endorse upon such summons or copy a memorandum specifying the date of such service and the date on or before which the defendant is required to file his answer or other defense. The court may also, by special order in any action or by general rule, enlarge the time within which the defendant is required to appear and file his answer or other defense to the action, in which case the summons shall specify such time in accordance with such order or rule. In actions in which public interests are involved the Supreme Court may also, by rule, provide for shortening the time within which the defendant is required to appear and file his answer or other defense to the action. Service of a summons by any person other than one of the officers above mentioned may, in the discretion of the Supreme Court, be regulated by rules thereof, and service by any person other than one of said officers shall not be made of a summons issued out of any court of record until the adoption by the Supreme Court of a rule or rules regulating such service."

Now, that section destroys the uniformity of service. That is the first thing it does. You can all see without any further explanation on my part that it would result in confusion and unlimited chaos. It makes it possible to take away from the sheriff much of the income which is necessary in every office to conduct the office. You say that it is a saving. I don't say so. This is improper because the sheriff must run his office on the fees actually collected. It is not a salaried office. He has to run it upon the fees collected. Furthermore, under the provisions of that section, the sheriff has to deliver to every defendant a copy of the plaintiff's bill of complaint, and upon demand to each other of the defendants or group of defendants. There may be fifty, and it must be delivered by the officer serving it. This would require lawyers, if it was a complaint of any length, and I can anticipate under this proceeding that you cannot write a bill in chancery on the back of an envelope, it would require lawyers to run a free printing shop in order to furnish copies of bills and cross-bills to opposite parties. It would be an endless amount of work on the part of the solicitors and those connected with them, to do that thing. Under the present practice, you go to the clerk's office and everything must be filed by copy and there you find your copy for your use and you can take it away for a specified length of time and read it and bring it back, or you can take the original copy and prepare your pleas in the clerk's office if you see fit. I would like to say more with reference to that section, but I find it is going to take too much time.

I pass sections 9, 10, 11, 12, 13 and 14. Section 15 is one of the worst sections in the entire bill. I cannot read it all without taking more time than you gentlemen would permit me to take and still be patient. It contains so many rules for pleading that one would be at a loss absolutely to know how to frame a pleading at all. The minute you think you have one framed, you strike a new rule of "don'ts," which changes the entire scheme, and when you get through you don't know how to frame a pleading, and you cannot know if you adhere to it. The present rules are clear and simple, and are understood by every practicing lawyer of any experience in the State of Illinois, and they don't in the slightest degree retard justice. There is not a thing about the chancery act that

does retard justice. This section will make confusing that which is now absolutely clear. This act does not provide any means of enforcing the requirements of this section. It is a misleading section and confusing, and it is a section which destroys absolutely any possible knowledge of pleadings in the State of Illinois, in chancery. That is in place of something that today is well settled, simple and plain, and something you are satisfied with, I am satisfied with and everybody is satisfied with, and there is no call for a change except upon the principle that it seems to be rather the order of the day to put off the old for the new.

I want to call your attention to the last part of section 16:

"When for the proper determination of any cross-claim it shall be necessary to bring before the court persons not made parties to the bill, or defendants to the bill who have not been summoned, the answer may direct the issuance of summons or the publication of notice to such persons, and in such case the rules applicable to the issuance of a summons or the publication of a notice to a defendant to the bill shall be applicable, as near as may be."

"As near as may be," what does that mean? That means a whole lot as a legal proposition—"as near as may be." I insist that nothing could be more confusing or more vicious than those five words, "as near as may be." It leaves you where you started, no place, and without any guide-post where to go or what to do when you get there. It is a free-for-all, go-as-you-please, "as near as may be."

I will pass over sections 17, 18 and 19, and down to section 20. This section provides relative to intervening petitions, and "the court may deal with an intervening petition in such manner as the court may deem proper for the adjudication thereof." It is not right to vest in any court that power. It should specify absolutely what the court should do in that instance and not say that he shall deal with an intervening petition in such manner as he may deem proper for the adjudication. Why not leave it wide open and say that the court shall make such rules and construe all matters in such manner as he pleases in each particular case as it is called up? If there is to be no anchor, and if there is to be no leeway, and it is merely a matter of discretion, then I want to say, bid good-bye to the law and all that it means, and deliver any theory as advanced by every particular judge who happens to get on the bench.

Section 21. Now, gentlemen, you that are chancery lawyers and you that are not ought to read that section with almighty care:

"ADEQUATE REMEDY AT LAW NOT GOOD OBJECTION.] It shall not be a good objection to a bill, or to an answer presenting a cross-claim or cross-claims, that the matters therein sought to be litigated, or some one or more of them, are matters with respect to which the plaintiff has a full, adequate and complete remedy at law; but as to any such matters the defendant, or the plaintiff, as the case may be, shall be entitled to a trial by jury, of the issues of fact presented with respect to such matters, if, at the time he files his defense to the bill or to the cross-claim, as the case may be, he files with the clerk a demand in writing of a trial by jury, and in such cases the court may order the pleadings to be reformed and the action to proceed as an action at law."

If you are a lawyer and you don't know the difference between a case in chancery or a claim at law, and if you have a half-dozen different claims of all sorts and don't know which is which, just throw them in a complaint and when it comes up it will not be dismissed, but the court will hold them as he sees fit—"as near as may be." This permits the joinder of any number of different causes of action in one suit regardless of whether they are at law or in equity. The section serves no useful purpose, but confuses and renders the practice uncertain and practically senseless. Perhaps that is the intention, I don't know. If that is the intention, then this Act ought to get a medal. It has accomplished that purpose.

I want to say now with regard to section 21, that it absolutely wipes out the line of demarkation between cases in law and suits in equity. Under this section any kind of an action would be cognizable in equity. Section 28 carries out this intent and completes it.

I have already commented on section 23 and I will pass on. I will pass by sections 24, 25, 26, 27, and down to 28. I have already commented on section 28, and now we come to section 29.

Some of you gentlemen have been interested heretofore in what is *res adjudicata* and what is not. If there is any principle in equity or proposition in equity that is more vital than that and that determines more frequently than that, I don't know what it is.

"In every action in equity the court may grant to the respective parties all such relief as they may appear to be entitled to, whether the same be of an equitable or of a legal nature, and the court may also upon application therefor, make binding declarations of right whether any consequential relief is or could be claimed, or not, and whether such declaration of right involves the determination of a question of law or a question of fact, or a question of both law and fact."

No matter how inseparable it may be from the thing under consideration, you are all at sea just the same as you were before you had your chancery suit. You don't know where you are at.

The present rule is that when a case is finally determined, all matters which may have been adjudicated are concluded by the judgment or decree. This section destroys the sanctity of the judgment. It would create endless litigation and no cause could be *res adjudicata*. If the record doesn't disclose what was decided, the whole matter would be open to the uncertainty of oral testimony. There would be no sanctity to any decree in chancery involving matters to any extent whatsoever.

I will pass over sections 30, 31 and 32, and down to 33. I don't want to read section 33, as it is long. It goes on with a long, rambling discussion of what the plaintiff or party to the action at the time of filing by him of his pleading shall not do or shall say. I have read it through carefully and after I got through I wouldn't know how to file a pleading. I am told it simplifies matters. After I got through, it so simplifies them for me that I, a lawyer of 25 years' experience, wouldn't know how to file a complaint under that section, and I am speaking earnestly and honestly in the matter. That is not the worst feature of it, however.

This and the next section puts it in the hands of the complainant to compel the defendant to disclose his hand prior to the trial. Admissions made by such defendants in such statement could be used against them by the complainants to a wrongful purpose, and there is no question about that. I don't mean it would compel him to plead what his defense was, but it would compel him to plead matters of evidence, and it would put him at the mercy of the complainant who hasn't had to file much of anything.

Now comes section 34:

"Whenever it shall appear to the satisfaction of the court that any party to an action has wilfully denied any material fact contained in any statement hereinbefore provided for when such fact was known to such party to be true, and has thereby compelled the opposite party to make proof thereof, the court may cause to be taxed as costs against the party denying such material fact and in favor of the opposite party such sum as the court may deem just and equitable and may enforce the payment thereof by attachment or otherwise."

I hate, gentlemen, a humble little worker in the vineyard like myself, to set myself up in a constitutional sense as against the gentleman who is largely instrumental in bringing this child into the world, but I want to say to him that that section is absolutely unconstitutional and I will leave it to any lawyer in this House. It deprives a person of his property without due process of law, absolutely and unqualifiedly, and it leaves that appeal to the judge at the time to say whether this party litigant has refrained from informing the other side of everything he knew about his own cause of action.

I will pass over sections 35, 36 and 37, also 38, 39, 40, 41, 42 and 43. Coming to section 44, this is short and I want to read it.

"All decrees given in actions in equity in this State shall be a lien on all real estate respecting which such decrees shall be made; and, whenever by any decree any party to an action in equity shall be required to perform any act other than the payment of money, or to refrain from performing any act, the court may, in such decree, order that the same shall be a lien upon the real or personal estate, or both, of such party until such decree shall be fully complied with; and such lien shall have the same force and

effect, and be subject to the same limitations and restrictions, as judgments at law."

By this Act, gentlemen, the court may create a lien upon real property or personalty where the decree requires the performance of an act other than the payment of money. There would seem to be no way of foreclosing the lien and no way of determining the amount of the same.

Mr. ROTHSCCHILD (Cook). You are speaking of section 44?

Mr. BROWNE (LaSalle). Yes.

Mr. ROTHSCCHILD (Cook). Isn't that section 44 in this bill word for word as section 45 of the present Act?

Mr. BROWNE (LaSalle). No.

Mr. ROTHSCCHILD (Cook). I will tell the gentleman that that is a fact. I have just compared them. You are talking now about this bill and criticising every section. Here is one section taken word for word from the Act.

Mr. BROWNE (LaSalle). This is the first time I have seen you bob up, and I know if it had occurred before, you would have been up.

Mr. ROTHSCCHILD (Cook). I was going to let you conclude your argument without interruption.

Mr. BROWNE (LaSalle). You don't need to bother about me. That don't worry me a bit.

I will pass over sections 45, 46, 47, 48 and 49. Section 50 reads as follows:

"The provisions of this Act shall govern all proceedings in actions pending at the time it shall take effect as well as actions thereafter brought, save that where in any then pending action an order has been made or Act done which cannot be changed without doing substantial injustice, the court may give effect to such order or Act to the extent necessary to avoid any such injustice."

I don't know just what it means, but I do know, as near as I can ascertain, that it will create confusion in cases now pending. It will leave it discretionarily open, with no anchor to the windward, and no fixity.

That is all the detailed criticism that I intend to offer to this Act at this time. I feel that the Act we now have on the statute books is simple, clear and plain and easily understood and thoroughly understood by the bar of this State. I think this Act will cause endless confusion and I think it is a mistake to adopt it. I don't know whether it will be adopted or not, but I hope not. I have no interest except that I have to make my bread and butter practicing law, and I like to be left alone to practice under a system which most lawyers today regard as pretty good and which I fairly well understand and under which I have practiced a good many years, and I don't see any necessity for changing it.

Mr. PROVIN (Christian). Mr. Speaker, and gentlemen of the House: The two bills that are before us are House Bill No. 624, which is an Act in relation to actions in equity, and House Bill No. 625, which relates to the practice and procedure in courts of record. The gentleman from LaSalle has taken up but one of these House Bills, No. 624, and I desire for the information of the House to state a little history in regard to these practice bills.

For about eight years there has been an agitation among the lawyers in this State for a revision of the Practice Act which would make the practice in courts of record and also on the chancery side more simple and more effective and more direct and more easily understood than it is at present.

There has been commissions appointed to revise the Practice Act and they have been discarded, a great many of them, because the lawyers themselves could not agree as to the best methods to pursue.

In 1907 occurred the first revision of the Practice Act that has been placed on the statute books in this State, I think, since about 1865, when the law was adopted—or it was adopted from that time on in piecemeal.

Now then, in 1907, we revised the Practice Act. At that time there was much opposition to the bill revising the Practice Act, but after considerable discussion the bill passed and no dire consequences or bad results ensued from it. It simplified the practice; it made it more direct, and tended to get the issues quicker before the court and before the jury.

Now then, in the Forty-seventh General Assembly a bill was introduced to revise the Practice Act, by a gentleman who was then a member of this

body and a very learned gentleman, but that was a bill in which a very few men agreed with the gentleman and that bill failed to pass, and in that General Assembly the Illinois State Bar Association had a Practice Act which conflicted with the one which was introduced by the member of this House at that time; consequently there was nothing done.

In the Forty-eighth General Assembly, which was the last General Assembly, the gentlemen worked together, and they succeeded in producing a Practice Act that the majority of the members of the bar and a great many members of the bench thought was a sane and sensible measure, and that it was a workable measure also. That bill was introduced in the House and also introduced in the Senate. It passed the Senate and came over here to the House and came up on the order of third reading and there remained for several weeks, and although promises were made for roll-call, we never had one. That is as near as we came to getting an expression of the House as to what it thought of a revision of the Practice Act.

Now, then, since that time the Illinois State Bar Association, which has a membership of between three and four thousand lawyers in the State, and the Chicago Bar Association, which also has a great many members of the bar residing in the city of Chicago, have taken up and considered the matter of revision of the practice in relation to equity and common law, with the result that they have placed before you these two bills, Nos. 624 and 625, and they represent the best thought that those gentlemen have been able to give to you, and I want to say to you gentlemen that these bills, if enacted into a law will not be revolutionary; they will not be blazing a new path and they will not be taking away our rights and setting us adrift on a sea of uncertainty, for the reason that these laws are in effect in other jurisdictions and they are having practically no trouble there.

Now, in regard to the bill before us, in relation to practice in courts of equity, this bill, as it lies before you, is practically the same thing as is embodied in the rules of the Federal Court, and that they adopted in 1912, and I have a copy of those rules of practice for the courts of equity of the United States here in my hands. They are not voluminous, and they have been compiled by the Judges of the Supreme Court of the United States, and if today any lawyer in the State of Illinois wants to bring an action in equity in the United States Court, he must follow these equity rules. There is no other way for him to do, and so I say that it is not setting anyone adrift on any sea of uncertainty or in a frail craft so that he doesn't know whether he will reach the shore or not. These rules are in practice now and in force and effect in the United States courts. So that matter in regard to putting something before the lawyers of the State of Illinois that is new and untried, is not an objection that is well taken.

Mr. BROWNE (LaSalle). May I ask you a question?

Mr. PROVINÉ (Christian). I would rather you would wait until I am through.

Mr. BROWNE (LaSalle). I want to know if you would be willing to exchange the style of action we have in Illinois for the style of practice that you refer to in the Federal courts?

Mr. PROVINÉ (Christian). Well, I don't know. I have had some practice in the Federal courts—some equity practice—and I haven't found it difficult to get along.

Now, then, I will take these matters up section by section as the gentleman from LaSalle has spoken in regard to them.

Now, in regard to these bills—further, before going into that, I desire to state that these bills have been gone over very carefully by a number of the most able lawyers and the most able jurists in the State of Illinois—not all of them have gone over them, but a sufficient number of them to show that these bills are well worthy of your consideration and your favorable action.

Judge Dibell, whom you all know and respect as a lawyer and a jurist, has gone carefully over these bills and endorses them. Judge Creighton, who has sat upon the bench of the Circuit Court of Sangamon County for over 30 years, and who is known as one of the best judges in the State of Illinois, heartily endorses these bills. Mr. Tolman, former president of the Bar Association, a very prominent attorney in Chicago, is also in favor of these bills.

Roscoe Pound, Professor of Law of Harvard University, says that if the Legislature of the State of Illinois will enact into a law these two bills, we will have the best system of practice and procedure of any state in the Union, and I think that we may safely be guided by the opinion of those eminent men.

Now, then, in regard to the criticisms that have been made, I am not going to take up much of your time, but will simply go through them briefly.

Section 1 simply changes the rule by taking the power from the inferior to the Supreme Court.

Now, as every lawyer knows, in matters of equity the courts of original jurisdiction, the circuit courts, have power to make rules that are not inconsistent with the rules of pleading and practice as laid down, and this simply changes the power from those courts to make rules and gives it to the Supreme Court, and it will also create uniformity.

Now there is the statutory law in regard to equity practice. It has grown up from time to time, and it has been centuries in its growth and development. We have originally the ten rules of equity, and as any law student in college or in a lawyer's office knows, he had to at one time commit to memory the ten rules of equity. We have very little statutory law, and furthermore, this bill doesn't make but very few changes in the law; it changes simply the matter of practice and procedure and puts that largely in the hands of the Supreme Court to make it uniform, not to make it discretionary as it is now in a great many courts of this State. In the practice in the chancery or the common law side in different counties of the State of Illinois, you will find the chancery rules of procedure are different in different circuits; you will find the common law rules in some instances different in matters of jurisdiction, law, and matters of practice, and if this bill is enacted into law we will have those matters of practice uniform throughout the State of Illinois.

Now, another thing, objection has been made here that all these rules should be placed upon the statute books so that every member of the Legislature and so that every lawyer and every other person interested could go to this statute book and find out what the rules were and how to proceed. Now I say, you gentlemen and you lawyers all know that the rules of practice in the Circuit Court of this district, in the Appellate Courts of the different districts and in the Supreme Court of this State are not to be found in the statute book. They are to be found in the Bar Docket of the Circuit Court; they are to be found in the Rules of Practice in the Appellate Court and in the Supreme Court, and the idea is to get all these rules uniform and they have them promulgated by one court for all over the State of Illinois, so that you may know the rules are uniform; and the inferior courts are allowed to make no rules that are different from the rules laid down by the Supreme Court.

Now then, objection has been made to section 2. Now I desire to state to the members here, especially to members of the legal profession—you all know that the Supreme Court and the Appellate Courts do not take judicial notice of the different rules of practice, and if you want to go up on a writ of error or any matter of that kind and you are relying on one of your points to win your case, as a rule you have to put that in your bill of exceptions or else you are lost. Now then, it is unnecessary if this is adopted, to put that in your bill of exceptions, because this law makes it mandatory for the Supreme Court, the Appellate Court, and all other courts, to take judicial notice of those rules. That is about the only change there is in that.

Now, criticism has been made also in regard to section 3. I think that is one of the best things that we have in this bill for the transaction of business. Many lawyers here know how much time you could save in closing up matters of partition or foreclosure and other things of that kind, if your courts were always open, where you could go in and get your decrees and have your commissioners appointed, get along with your work and have your sales closed up. Now that is all there is to section 3.

Now, I don't think there has been any objection made—well, section 5 is the next section to which objection was made. It says that actions in equity shall be commenced on filing with the clerk of the proper court a bill of complaint in which is set forth the nature of the plaintiff's cause or causes of action, and the form is specified. Now, gentlemen, I don't see any reason

why a man, or parties, should not come into court and litigate all their different causes of action in one suit. That is all that this means, that when you come into court you can litigate your cause or causes of action all at one time—bring into court at one time what differences there are between you.

Now, the next objection was made as to the number of summonses. I think that is one of the best sections there is in this bill. As the law is now, if you desire to bring action against a number of persons—suppose there are 20 different persons, you may have but one summons issued. Suppose they live in twenty different places. That sheriff or officer must take your original summons and with that one summons go to those twenty different places and serve every one with that original summons.

Now, as the gentleman says here, he knows of one case where there were 1,600 defendants. In that case he would have to take that one summons and go to sixteen hundred people and serve that one summons on them.

Mr. BROWNE (LaSalle). Did you hear me say sixteen hundred defendants?

Mr. PROVINE (Christian). I say this gentleman here said so.

Now, this change provides that you may have more than one summons. For instance, if there are a dozen men living in a dozen different parts of this county, you can have a summons issued here in Springfield and send that sheriff up to the northern part of the county to serve those there, and have another summons issued and sent to the southern part of the county and served there, and the same way all around, and you wouldn't have to take the same summons and make the circuit. Now, that is all there is to that.

Mr. BROWNE (LaSalle). That is not the criticism on the section at all; that doesn't come within a mile of it.

Mr. PROVINE (Christian). You said there would be another thing—the sheriff wouldn't get his fees.

Mr. BROWNE (LaSalle). You have forgotten what the criticism was. Under this new act the sheriff must serve at least two of the defendants with a copy of the complaint.

Mr. PROVINE (Christian). I beg your pardon, Mr. Browne, I am coming to that. What I have just touched covers one of the objections that you made. The other objection that you made,—you stated that it destroys the uniformity of the service of summons. Now when the Supreme Court makes a rule, then it will be applicable all over the State, and it will not be subject to that objection that you have just made.

Now, in regard to reducing the fees of the sheriff; I think that that is a matter that will be really welcomed by a great many litigants in the State of Illinois, because it has been repeatedly stated by men who are brought into court and are required to pay sheriff's costs, that they are burdensome and that it is hard upon them to have to pay such an amount of costs.

Mr. BROWNE (LaSalle). All right; that being true, what are you going to do to support your sheriff with if it is not a salaried office. Suppose it comes at a time when there is a riot or where there are no police officers, what are you going to do?

Mr. PROVINE (Christian). Why, there is nothing here to prevent service—

Mr. BROWNE (LaSalle). No, but there isn't any sheriff's deputy going to start out without compensation.

Mr. PROVINE (Christian). They can be placed upon a salary basis.

Mr. BROWNE (LaSalle). But they are not upon a salary basis.

Mr. PROVINE (Christian). They are in a great many counties.

Mr. BROWNE (LaSalle). In what county?

Mr. PROVINE (Christian). They are allowed fees and salaries both.

Mr. BROWNE (LaSalle). Oh, no.

Mr. PROVINE (Christian). They get fees.

Mr. BROWNE (LaSalle). They don't get any salary at all.

Mr. PROVINE (Christian). They get their salaries paid out of their fees.

Mr. BROWNE (LaSalle). Sure.

Mr. PROVINE (Christian). Well, what would be the harm, if you could get good service, have it handled quicker and with more dispatch, I

think it would be welcome to the people of the State of Illinois to pay them out of the funds.

And another thing: If any gentleman has had experience in bringing an action in the large counties,—take the county of Cook for instance, or St. Clair County, it is almost absolutely impossible to get service on defendants unless you go to the deputy sheriff and pay him something in addition.

Mr. BROWNE (LaSalle). I never heard of anything like that.

Mr. PROVINE (Christian). I have heard of it.

Mr. BROWNE (LaSalle). That is not the way we do in LaSalle.

Mr. PROVINE (Christian). Well, we don't do that way in Christian County either.

Mr. BROWNE (LaSalle). Some body told you that; you never had that experience.

THE SPEAKER. Proceed.

Mr. PROVINE (Christian). Now then, the third objection that was taken to this section was that there must be copies of the bill delivered to every defendant. Now the gentleman did not read that closely, else he would have found that copies do not have to be delivered to the defendants unless there are more than two. If there are more than two, then those defendants can call upon the plaintiff for copies of the complaint.

Mr. BROWNE (LaSalle). Well, there must be two delivered anyhow,—not to any of the rest unless they ask for them, but they would certainly ask for it wouldn't they, if they thought they could get it?

Mr. PROVINE (Christian). Why shouldn't they have it?

Mr. BROWNE (LaSalle). Why, certainly; but I am telling you that each lawyer would have to have a clerk to copy these things, that's all.

Mr. PROVINE (Christian). Now the next objection will be passed over until we get to section No. 15.

Now, gentlemen, sections 15 to 27, inclusive, change the system of pleading, and reduces the form of pleading to a brief and concise statement of every material fact that is relied upon for the plaintiff to prove his case. Now, the gentleman said that you must not do this; don't do that and don't do this. Now, if he had taken the time to investigate this he would have found that this section—he objected only to section 15, but they are all together, 15 to 27, inclusive, and they embrace practically the same things as are now in force in courts of equity in the United States, and so that matter of it being impossible to draw a bill accurately, or to state a cause of action in equity—the point is not at all well taken, because these rules are now in force in the United States Federal Courts.

The next objection was to section 21. Now, he makes the objection that if you would bring your bill into a court of equity and the court would say that you can't have any relief here, you must go into a court of law, and say that you have misconceived your remedy, this allows you to change your form of action from equity to the law, or vice versa, and the court can give you the relief that is asked for in this matter, and you also have the right to join as many causes of action as you desire.

Now, you all know that a misjoinder oftentimes defeats an action, and if you bring your bill in equity and find that you have misjoined certain parties that should not have been, then you get out of court. In this section it is provided that the court may, by his decree, remedy that and seek to give justice to the persons who are entitled to it, and that the bill should not be dismissed simply on account of a misjoinder of parties. That is all there is to that matter.

Now, then, it is all passed over until section 28 is reached, which allows you to get legal and equitable relief in the same action. Now, I will give you an illustration of how it works as it is now. Suppose I would bring an action to have a certain thing declared a nuisance, and that would be brought in a court of equity, and after a long hearing the court would decide that that was a nuisance, and he would then order that nuisance abated, and then you come into court and say, "I want damages. That man has not only put me to a great deal of trouble and expense, but he has damaged me and damaged my property." Under the present law you have to go to a court of law to get your damages. Under this Act the same court can take care of

the question of nuisance and the question of damage in one action. That is all there is to that section.

Then the next is section 33. That matter is just about as the law is now.

Section 34. This is intended to discourage vexatious conduct in the trial by imposing costs on the party that seeks to delay and cause the opposite party to go to a great trouble and expense in proving a certain fact which he knows is true, and which he knows that the opposite party can ultimately prove to be true, but still at the same time he doesn't admit it, and he will make the other party go to as much trouble and take up as much time and expense as possible in proving it. Now, then, under this Act, if the court is satisfied that the party is just simply holding off and doing all he can to keep the opposite party from gaining those facts, he can say that if these matters are not brought up and proved at once, that he will tax the costs against the party—if it is some trivial matter.

Now, the gentleman made quite a discussion in regard to section 44. As the gentleman from Cook, Mr. Rothschild, stated, section 44 in this bill is identically the same, word for word, as section 45 of the present Chancery Act, and I don't think there is any use in my taking any more of your time in discussing that matter.

Now, gentlemen, that disposes of all of the points that have been raised so far in regard to this bill. I don't care to take up your time any more in discussing it, but I do desire to impress upon your minds once more that this bill is not something that is new, that is revolutionary, or that is going to send all of us out upon the sea of uncertainty and cast us upon a shore that we know nothing of, but it is framed after the present practice in the United States courts in equity and it is working admirably there, and there is no reason why it should not be adopted in this State, and this bill should go up to third reading and there be passed. Of course, no one knows whether it will be amended in the Senate, but I trust that you will give us your support.

Mr. RODERICK (Cook). I will address my few remarks to the lay members of this House. Let me explain to you men who are not lawyers that pleadings in law are the documents you file in a lawsuit. We know that the old time practitioner has an advantage over the young practitioner in filing his papers. By the system we are now practicing under, which has been in vogue for a hundred years, it is full of technicalities as to the filing of pleadings and if you don't follow out the system as it is, they will throw you out of court and your client's rights are lost. This bill is aimed to correct that condition. Every profession has progressed with the exception of the legal profession, and no progress has been made in the law in the filing of documents. This bill is aimed to cure that evil. Judge Gilbert of Chicago came into the committee of Judicial Department and Practice, a committee composed of all lawyers, and that bill was talked over and amended in committee with the result that you have bills 624 and 625 before you today. If you pass these bills, the litigant will not have to have a lawyer that is old in the practice, and it is my opinion that this bill as drawn and presented, is in the interests of the people as well as in the interests of simplifying the present Practice Act. It is in the interests of all the people and it ought to pass.

Mr. ELLIS (Kane). I want to answer a few of the criticisms that have been made on this bill. Section 2 was criticised because the judges of the Supreme Court are allowed to adopt certain rules. Who are more competent in the State of Illinois than the judges of the Supreme Court, to adopt those rules? Who is there that knows more about what the rules should be, to simplify practice, than the judges of our Supreme Court. As is said by the gentleman from Cook, Mr. Roderick, in Illinois we are where we were practically a hundred years ago in our court procedure. It is not simple, but it is complex. It is a difficult science today. We have progressed in all other lines, in medicine and in everything, except in the science of pleading in our courts.

Objection is made to section 5. If there is anything that saves the costs, it is section 5, and it saves time and attorney fees. Objection is also made to section 8, as it takes away the income of the sheriff. It cuts some

of the deputies off. We all know that in a majority of the counties of this State, there are already too many deputies. There are too many of those men that are hanging around and doing nothing. Some statements were made by the gentleman from LaSalle (Mr. Browne) regarding tipping the different deputy sheriffs in Cook County. The gentleman's experience has not been my experience. I want to say in every case that I have started in Cook County, I have had to "see" the deputy sheriff, and "take care" of him, in order to get my processes served, with one exception and that exception occurred through the kindness of Mr. Pierson within the last sixty days. The litigants should have the right to make service of summons. That is the present practice in the state of New York.

Gentlemen, I believe that this bill as a whole is a great advancement and the next bill also. There may be some objections to some section, but on the whole it will certainly work for the good of the people of the State of Illinois.

Mr. PIERSON (Cook). I have been practicing law for a good many years. I was educated in the state of Iowa, where they have the code practice. When I came to this State I found things in the practice that I supposed had died in England a century or two ago.

I desire to ask the non-professional men in this House if they know what they pay lawyers for when they hire a lawyer. The first thing you pay for is what is called preparing a Narratio, commonly called Narr, which translated into English, means a declaration; then a plea, then a replication, and if it is necessary, a rejoinder and a sur-rejoinder and a rebutter and a sur-rebutter, and so on. Those are the things you pay for when you hire a lawyer under the common law practice, but in chancery you pay for a bill, answer, and replication. There is no reason in the world why the pleadings in a lawsuit or in a chancery proceeding should not be simple, straightforward narrations of the cause of action. We must have "whereas" and "whereas also," and the "also" cuts an important figure. In our Municipal Court in Chicago, all of that is abolished and we have a simple, straightforward statement of the cause of action. We don't have any trouble and we get our work done.

If a man should borrow your wagon and injure it or break it, you would have to bring an action against him under the common law practice, and your declaration would start out with "whereas" and with a long string of words recount the whole affair. That happened in Iowa and this was the declaration that was filed: "The plaintiff claims John Smith borrowed his wagon and in using it broke it all to hell," and he recovered his damages. We should make it straightforward as other things are in this age of progress. I am in favor of this bill.

Mr. BROWNE (LaSalle). Will you knowingly support and with your right hand stuck up in the air, recommend the Municipal Court Practice Act to the sovereign State?

Mr. PIERSON (Cook). I will recommend the legal part of it, but not the men who are trying to carry out the legal part of it.

Mr. BROWNE (LaSalle). You would like to get rid of it tomorrow.

Mr. PIERSON (Cook). I would like to get rid of three-fourths of the judges and get some real judges, but otherwise the practice is all right.

THE SPEAKER. The question is on the adoption of the motion of the gentleman from LaSalle to strike out the enacting clause.

(Rising vote taken and the motion to strike out the enacting clause was lost.)

THE SPEAKER. Are there any further amendments to this bill? If not, the bill is ordered engrossed and to a third reading.

Mr. BROWNE (LaSalle). I move that House Bill No. 625 go over until tomorrow for further consideration. I am not in condition to discuss that today. I am prepared to some extent but I am not able to do it today.

Mr. PROVINÉ (Christian). We can take it up immediately after the reading of the Journal tomorrow.

THE SPEAKER. House Bill No. 625 goes over until tomorrow.

Mr. THOMAS CURRAN (Cook). I move that we take a recess until 4:00 o'clock this afternoon.

Motion prevailed, and the House took a recess until 4:00 o'clock p. m., the same day.

Four o'clock p. m., re-convened.

The Speaker in the chair.

Mr. SMEJKAL (Cook). I want to call up House Bill No. 730 on the order of third reading. The office of the clerk of the Supreme Court has always been a fee office, but two years ago that office was put on salary, and there was no provision made for its maintenance and this appropriation is to take care of the clerk's services and supplies up until July 1st.

(Roll Called.)

THE SPEAKER. On this question the "yeas" are 133, and the "nays" are none, and the bill having received the required two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. VICKERS (McHenry). I rise to a question of personal privilege. A number of gentlemen in this House, together with myself this morning, received a communication from Ernest McCullough of Chicago, in which he states that two members of the License Committee have offered to sell their votes for \$2,500 each. As a member of that committee I feel that the honesty and integrity of every member is questioned. It is claimed the statement was made by F. E. Davidson. I don't know whether it is within the province of this House to cite him before the bar of this House, but if it can be done he should come and either prove his statements or apologize to the House. I will ask the clerk to read the letter

(Letter read.)

Mr. BROWNE (LaSalle). I think this matter is beneath the dignity of the House and we should pay no attention to it. It is either a joke or the work of some insane bug.

THE SPEAKER. I would suggest to the gentleman from McHenry (Vickers), that the letter be looked into very carefully and see what action may be taken. It looks like a rambling story from the reading of it and it might well find its proper place in a dime novel.

Mr. O'ROURKE (Cook). I think every member of the committee got a similar letter.

Mr. S. J. RYAN (Cook). I desire to say now that the gentleman is here in the House sitting in the gallery, and I know him for 25 years at least, and I don't think he would be guilty of any such thing. Mr. Davidson is a reliable and prominent citizen of Chicago and I believe if sent for now he would come before this House and explain himself.

Mr. VICKERS (McHenry). Let him come and say it is not so then.

Mr. SMEJKAL (Cook). I wish to call up House Bill 574 on the order of third reading. This bill provides for a deficiency for the Legislative Reference Bureau. Two years ago the Legislature created this bureau and appropriated \$25,000 for its expenses. Up until March 1st the money lasted, but there is now a deficiency. You all know what the bureau is.

(Roll called.)

Mr. McCORMICK (Cook). I rise to a point of order. I protest against the trembling falsetto of the clerk. I cannot hear him call the roll, as his voice is inaudible above the rumbling monologue of the Sage of Mazon.

THE SPEAKER. On this question the "yeas" are 126 and the "nays" are 3. The bill having received the required two-thirds' vote is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I want to call up House Bill 536 on the order of third reading. This is the customary bill of the Court of Claims, passed on by that board every two years for damages for overpaid claims or inheritance refunds.

(Roll called.)

THE SPEAKER. The "yeas" are 115 and the "nays" are none. The bill having received a constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 241 on the order of third reading. This is a bill making an appropriation to Alice A. Inghram,

executrix of the estate of the late George K. Inghram. She overpaid some inheritance tax and this refunds the money.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 126 and the "nays" none. The bill having received a constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 26 on the order of third reading. This bill provides for an appropriation for agricultural advisers for soil and improvement associations. This bill was before the House two years ago but didn't become a law.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 120 and the "nays" are none. The bill having received a constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. VICKERS (McHenry). I offer the following resolution and move its adoption:

WHEREAS, It has been stated in writing to a member of this House that one F. E. Davidson stated on the 26th of this month, at a meeting of the Board of Directors of the Western Society of Engineers that two (2) members of the Committee on License and Miscellany told him that they had been offered twenty-five hundred (\$2,500.00) dollars each to vote for a bill pending before this House, and

WHEREAS, It is of the highest importance that such a charge be fully investigated; therefore, be it

Resolved, That the said F. E. Davidson be cited to appear before this House forthwith to give testimony as to the source and substance of said charge.

(Resolution adopted.)

Mr. FIELDSTACK (Cook). I move that we adjourn.

Mr. BROWNE (LaSalle). I have a matter that we ought to give some consideration to, that is House Bill No. 474. It is on the order of third reading now and if that bill is not passed by the House and Senate by a week from Saturday it will not be any good for anybody. We gave Cook County the additional judges that they wanted and it has been signed, and I want to call up this bill on the order of third reading now.

THE SPEAKER. This matter was considered in the Committee on Rules this morning and it was decided that only appropriation bills on third reading would be considered.

Mr. BROWNE (LaSalle). This is an emergency matter that concerns the people down the State, and with a few exceptions they want it. There is no use in postponing it unless you want to kill it. It is either now or not at all with us.

THE SPEAKER. The gentleman from Cook (Fieldstack), moves that the House do now adjourn.

Mr. BROWNE (LaSalle). I would like to have the consent of the House to have this bill called up.

THE SPEAKER. If the House refuses to adjourn, you can ask unanimous consent to call it up.

(Rising vote taken on motion to adjourn, motion lost.)

THE SPEAKER. The House refuses to adjourn. The order of business is House Bills on second reading.

Mr. BROWNE (LaSalle). I ask unanimous consent of the House to call up this bill on the order of third reading.

Mr. DEVINE (Lee). I object.

Mr. BROWNE (LaSalle). I move to suspend the rules, Mr. Speaker. I only ask the consideration that anybody is entitled to on this floor.

Mr. FIELDSTACK (Cook). I move that we adjourn, but if there is any debate, I will withhold it for a moment or two.

Mr. BROWNE (LaSalle). I insist on my motion, and there is no debate on that.

THE SPEAKER. There is no debate on the motion to adjourn, but when the gentleman from LaSalle (Mr. Browne), desires to debate on it, it is all right.

Mr. BROWNE (LaSalle). Not at all.

Mr. DEVINE (Lee). There is some information which has been gathered

by the Legislative Reference Bureau that I believe that this House should have submitted to it before it votes on a bill which imposes \$85,000 upon the taxpayers of this State for something they don't absolutely need. I object at this time to this matter being considered. I will consent to it being taken up tomorrow when we have this information before us.

Mr. BROWNE (LaSalle). I move that the House suspend the rules for the purpose of taking this bill up at this time. If they want to vote this bill down, all right.

(Rising vote taken to suspend the rules.)

THE SPEAKER. The "yeas" are 44, and the "nays" are 53, and the House refuses to suspend the rules.

Mr. FIELDSTACK (Cook). I renew my motion that we adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed, and the House adjourned until 10:00 o'clock, Thursday, April 29, 1915.

THURSDAY, APRIL 29, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Duggan.

The Journal of the previous day being read. Upon motion of Mr. Brown (Cook), the House dispensed with the further reading of the Journal, and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees and messages on the speaker's table.

THE SPEAKER. Under the order of messages on the speaker's desk, I desire to state to the House that it has been the desire of the chair to carry out his pledge to this House that he would put before the House at the earliest possible date the so-called "Wet" and "Dry" bills in order that they might come to a roll-call and be determined so that no one could say that the "Wet" and "Dry" issue has been juggled. I have been trying for a month to have the matters cleared up, but have been unable to do so on account of visiting committees, etc., but the chair will ask the Committee on Rules to set next Wednesday, May 5th, as the date for the consideration of "Wet" and "Dry" measures and then let this House by a roll-call determine whether the bills shall be passed, whether they shall be postponed, or whatever consideration shall be given to them. I take that date as on the following week, one of the visiting committees will be away, and on the next following week other visiting committees will be out. Next Wednesday and Thursday are days on which all members can be here, unless it may be that some individual members for personal reasons cannot be present. I am giving this notice in order that both sides may know the date. I hope they will be prepared. (Applause.)

Whereupon, the House proceeded upon the order of introduction of bills.

THE SPEAKER. The special order of the day is House Bill No. 625 on the order of second reading. The clerk will read the bill.

(Bill read.)

Mr. BROWNE (LaSalle). I move to strike out the enacting clause of this bill.

THE SPEAKER. The gentleman from LaSalle (Browne), moves to strike out the enacting words of this bill. Is there any debate?

Mr. BROWNE (LaSalle). Mr. Speaker and Gentlemen of the House: If the matter which we discussed here yesterday on the floor, namely the equity procedure bill, was of importance to the State of Illinois, I regard the present bill, House Bill 625, as being even more important and vital, not only to the lawyers of this State, but to the people at large. I say that because, while the matters which I criticised in the bill yesterday, and numerous others, are vital enough in themselves, and in my humble judgment render the bill bad enough to insure its funeral, I don't think that they compare with the intentional faults incorporated in this bill. I am not going to be charitable with it, and I will call them mostly intentional wrongs.

This bill, if passed, will set us back 100 years in so far as the interests of the people of the State of Illinois are concerned, and in so far as the protection thrown around and about the ordinary citizen as against corporate influences and corporate encroachments are concerned. If I don't demonstrate that to you, then set me down for being simply a common disturber and without any honest purpose in view. With all due respect to the membership of this House, I desire to venture the assertion that no one man on the floor of this House outside of the legal fraternity, has read this bill

through. Upon an honest canvass I would win. I want to make the further assertion that out of the lawyers on the floor of this House not ten of them have read the bill through, or have a conception of its meaning, and still you are going to pass it, still you are going to change the law of the State of Illinois as it now exists and you are going to hand to the people an Act of this kind.

Now, gentlemen, this is a corporation product from one end to the other. I say that advisedly and I am going to call your attention briefly to some few passages in it, to indicate the truth of what I say. From one end to the other in its presentation in the House, I have failed to find discussed in committee or elsewhere—I mean from the outside—and nobody is advocating from the outside other than the gentleman whose life business has been in the service of corporations. With all respect for my friend, and I do regard him as my friend, the gentleman on the other side who has charge of this bill, and a more honorable gentleman does not sit on the floor of this House, but he is today largely in the employ of great coal corporations and perhaps railway corporations. There can be no question about that, not that that has anything to do with the bill itself, but whenever you find a corporation measure presented, advocated and urged, you will find it traveling along corporation channels and you will find it handled by corporation people and corporation friends, but you will find no friend of the people or of the common fellow having any part or parcel in it. They will say “But how about the father and the mother and the wet nurse of the bill, the gentleman that framed it and drew it, isn’t he helping the Attorney General’s office to fight the Illinois Central?” I don’t know, and not knowing, deponent saith not. I do know that he is doing something but in just what line or direction, I don’t know, and neither do you. It would seem strange that if he is representing the interests of the people and preparing a bill that he says is in the interests of the people and protecting the rights of the common people, in that it is simple and any man that runs may read, it should be prepared and handled by corporation people and have it presented by corporation men and run through corporation channels.

I want to put this so simply that in the first instance the gentlemen in this House who are not members of the legal profession, will be able to say to themselves whether Browne is right or whether he is wrong, so I am going to talk to you people for just a few minutes, irrespective of the fact that you are not members of the legal profession.

I want to call in the first instance, your attention to section 26 of this bill, and I want to preface my remarks by calling your attention further to the fact that when the Municipal Court Act, which is in force in the city of Chicago today and which every gentleman practicing law up there is willing to tell you that he would be glad if it had been wished on someone else, that when that act came into the Legislature it was prepared by the same doctor of legal science and protector of the people as this bill, and it contained the same provision, only a little worse, that section 26 contains, and it was endeavored to put it through. It could not get through at that time and it was eliminated from the bill.

To you gentlemen who are not lawyers, I want to say that there are two things on the statute books today—

Mr. McCORMICK (Cook). Will the gentleman explain to the humble laymen in the House what section 26 is?

Mr. BROWNE (LaSalle). I will explain it so that a layman or a lame man can understand it—either one.

There are two things on the statute books of the State of Illinois that the corporate interests would love to eliminate more than anything else that could happen, and which would be worth more to them than anything you could imagine, to eliminate either one and especially to eliminate both. One is the right of trial by jury and second, the protection of the Habeas Corpus Act. You eliminate those two and you have eliminated the last bulwark that there is around and about the rights of the people and you have made it possible for corporate interests to control courts and control the life and liberty of the people. They go a long ways towards it now, and there are a lot of corporation controlled judges in Illinois today, I am sorry to say. I have seen some of them and have had to do with some of them and

so I speak by the cards and not by hearsay. Today, gentlemen, you don't have to ask for a jury trial—

Mr. BUTLER (Sangamon). May I ask the gentleman to name them, as I think we ought to have the names here, and we ought to call a spade a spade.

Mr. BROWNE (LaSalle). Names of what?

Mr. BUTLER (Sangamon). The names of the judges controlled by corporations.

Mr. BROWNE (LaSalle). I wouldn't have the slightest objection to telling you some of them.

Mr. BUTLER (Sangamon). I think we ought to know them.

Mr. BROWNE (LaSalle). If you will come to my desk after we get through with this, and if it will furnish you any satisfaction to know, I will be pleased to tell you, and I will say further that if you have practiced law as long as I think you have, you ought to have met some of them yourself. (Applause.) They are not a rare bird. You take a man that is that way before he goes on the bench, and is subservient and a servant and a tool to corporations, you will find he is the same when he gets on the bench. The ermine don't change him any.

Mr. BUTLER (Sangamon). I am in favor of bringing them into the limelight and getting rid of them.

Mr. BROWNE (LaSalle). You can't do it, as there are too many others to take their places. The only thing you can do is to keep from passing laws like this that give them the power to do as they please.

Mr. BUTLER (Sangamon). We ought to know who they are and impeach them. I will vote for that.

Mr. BROWNE (LaSalle). Very well. I will now read section 26 of the bill.

"Every action at law, other than a criminal action or quasi criminal action, shall be tried by the court without a jury unless the plaintiff, at the time he commences his action, or the defendant, at the time he enters his appearance, shall file with the clerk a demand in writing of a trial by jury and shall pay to the clerk, as clerk's fees, in addition to those otherwise provided by law, the sum of three dollars (\$3) in a county of the first or second class, and the sum of six dollars (\$6) in a county of the third class: *Provided, however,* that no such additional clerk's fees shall be required to be paid by any party who has been admitted to prosecute or defend the action as a poor person, or when it is made to appear to the court that the pecuniary circumstances of the party desiring a jury trial are such that such advance payment ought to be dispensed with and it shall be the duty of the court to give a liberal construction to this proviso. Any demand in writing so filed may be withdrawn by the party filing the same at any time before trial."

If, when you file your suit your attorney either through inadvertance, ignorance or otherwise, fails to file a demand for a jury in writing, you don't get one. You are relegated to the one man sitting up there on the bench, and that is a provision that applies to every case at law that will be tried, except criminal and quasi-criminal cases. Tell me that the man that drew this bill had the interests of the people of the State of Illinois at heart! Tell me he was working in the interests of the common people; tell me that he didn't have his eye singled to the corporate interests and corporate employment! That is not all. Let us go a little further. Of course, they say and they will say to me, "Browne, there is no danger in this because in the first place a man has a right for trial by jury if he asks it." He shouldn't have to ask for it. It is a matter of right and should not be lost by inadvertance or carelessness and should only be obviated by agreement of the parties.

Further, today if a man is sued, he has the right to be sued in the county where he lives and tried in the county where he lives or where he may be found. That is a wise provision so that if he is sued, he has at least the opportunity of being sued at home among his fellow citizens and those that know him, and not in a strange land.

Section 2 reads as follows:

"Any action, whether at law or in equity, may be brought in any county

in which it might have been brought in pursuance of any law in force immediately prior to the first day of August, 1916, and a summons may be served upon any defendant in any county in which it might have been served upon him in pursuance of any law in force immediately prior to said date."

Now listen to the provision of the statute now existing which that thing takes the place of. I will read section 6, chapter 110 of the present Practice Act:

"It shall not be lawful for any plaintiff to sue any defendant out of the county where the latter resides or may be found, except in local actions, and except that in every species of personal actions in law where there is more than one defendant, the plaintiff commencing his action where either of them resides, may have his writ or writs, issued directed to any county, or counties where the other defendant, or either of them may be found: *Provided*, that if a verdict shall not be found or judgment rendered against the defendant or defendants, resident in the county where the action is commenced, judgment shall not be rendered against those defendants who do not reside in the county, unless they appear and defend the action, nor then if the action is dismissed as to the defendant, or defendants, resident in the county. Actions against a railroad or bridge company, may be brought in the county where its principal office is located, or in the county where the cause of action accrued, or in any county into, or through which its road or bridge may run."

That is eliminated and you cannot find it in this act.

Mr. McCORMICK (Cook). Is there any corresponding section?

Mr. BROWNE (LaSalle). No, and there is nothing to even help fix it. That is only a small thing. I have a lot more of this that is interesting.

Section 7 is also taken the place of by section 2. This is what section 7 says:

"The courts of record of the county wherein the plaintiff or complainant may reside, shall have jurisdiction of all sections hereafter to be commenced by any individual against any insurance company, either incorporated by any law of this State, or doing business in this State. And all process issued in any cause commenced in the county wherein the plaintiff may reside, wherein an individual may be plaintiff or complainant, and any such company defendant may be directed to any county of this State for service and return."

That is left out. Under the present law here is a poor mother residing here and she has an insurance policy and her husband has died, and she is entitled to \$1,000. She can bring suit in the county where she lives because that insurance company is not a local concern, but it is everywhere. The same way that a railroad is not a local concern but runs through many counties and you can sue in any county in which it exists. She can bring her suit against the insurance company in the county in which she lives. That is left out of this bill. You will not find that anywhere here. If there is any attempt to call up any provision or saving clause to assist that thing, I will reply to it and show you that it don't exist in the whole thing.

Section 3 provides as to the question of service of processes. To you gentlemen that don't understand the law and are not in the legal profession, if you begin a suit against a railroad company and you cannot find the president in your county, and cannot find the vice president in your county, and cannot find any officer, agent or other attache upon whom you can obtain service, you can nevertheless get service in the same way as is provided by the present Chancery Act, and that is by notice and publication and the mailing of a copy to their last known address or publishing a notice so you can get service on the corporation according to the present Chancery Act, where it is denied to you otherwise. That is left out of this bill and out of the chancery bill which you advanced to third reading yesterday.

Mr. ROTHSCCHILD (Cook). Where in the present Practice Act is it permitted to get service by publication in a lawsuit?

Mr. BROWNE (LaSalle). I will read it to you again. It is section 8, chapter 110 of the Practice Act of the State of Illinois:

"An incorporated company may be served with process by leaving a copy thereof with its president, if he can be found in the county in which

the suit is brought. If he shall not be found in the county, then by leaving a copy of the process with any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent, or any agent of said company found in the county; and in case the proper officer shall make return upon such process that he cannot in his county find any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent, or any other agent of said company, that such company may be notified by publication and mail in like manner and with like affect as is provided in sections twelve (12) and thirteen (13) of an act entitled, 'An Act to regulate the practice in courts of chancery.'"

You will not find it in the Act you passed yesterday to third reading, and not in this Act. I will show you what it does say about service here:

"Upon the filing of the statement of claim the clerk of the court shall issue and deliver to the plaintiff a summons to the defendant commanding him to appear in person or by attorney at the place of holding such court and file his defense to the action on the twentieth day after such summons shall have been served upon him, excluding the day of such service. Such summons shall specify the court in which the action is pending, the names of the parties thereto, and shall be issued under the seal of the court, attested in the name of the clerk thereof, dated on the day it shall be issued and signed with his name, and shall be returnable into the clerk's office within twenty days after its issuance. Whenever the plaintiff shall so request the clerk shall issue as many such summonses as the plaintiff shall specify, not exceeding by more than three the number of defendants to be summoned, each of which shall have the force and effect of an original summons. In case any summons shall not be returned served upon the defendant within twenty days after the issuance thereof an alias summons may be issued and a pluries summons may be issued in any case when the previous alias or pluries summons shall not have been returned served upon the defendant within twenty days after the issuance thereof. Service of any summons shall be made by delivering a copy, or one of the originals thereof, to the defendant, or in case the defendant is a corporation, whether a private or a public or a municipal corporation, or a receiver of a corporation, or a trustee operating a railway, by leaving such copy with any person upon whom, under any provision of law in force immediately prior to August 1, 1916, service of process might be allowed in any action brought against such corporation, receiver or trustee or, in default of any provision of law with respect thereto, with such person as the Supreme Court may by rule prescribe. Such service may be made by any sheriff or deputy sheriff or by any coroner or deputy coroner, in case the sheriff is disqualified, or by any person over the age of twenty-one years not a party to the action: *Provided, however,* that service by any person other than one of the officers hereinbefore mentioned, may, in the discretion of the Supreme Court, be regulated by rules, and that service of summons issued out of any court of record shall not be made by any person other than one of the officers above mentioned, until the adoption by the Supreme Court of a rule or rules regulating such service. When service is made by one of the officers hereinbefore mentioned the same shall be evidenced by his return endorsed thereon, and when the same is made by any person who is not such an officer such service shall be proven by the affidavit of such person endorsed thereon, which affidavit shall state the name, place of residence, age and occupation of the person making such service, and the date, place and manner of such service. When any defendant is an infant, a lunatic or otherwise under disability, the court may, in its discretion, by special order direct the service of the summons to be made upon such defendant in such manner as the court may deem proper. The officer or other person serving any such summons shall at the time of such service likewise deliver to the person served a copy of the plaintiff's statement of claim, such copy to be furnished to the officer by the plaintiff, if service is made by an officer: *Provided, however,* that in any action in which there are more than two defendants it shall be sufficient to deliver a copy of the statement of claim to two defendants only, but in such case, when any defendant or group of defendants to whom no such copy has been delivered shall demand of the plaintiff, or of his attorney, a copy of such statement of claim, the plaintiff or his attorney shall deliver to such defend-

ant or group of defendants a copy thereof without charge. At the time of the delivery to the defendant or other person for him as above provided of the summons or copy thereof the officer or other person serving the same shall endorse upon such summons or copy a memorandum specifying the date of such service and the date on or before which the defendant is required to file his defense to the action. In actions other than those brought for the recovery of money only, where delay in the appearance of the defendant might result in a denial of justice or great injury to the plaintiff, and in actions in which the public interests so require, the Supreme Court may, by rule, provide for shortening the time within which the defendant is required to appear and file his defense to the action. Any non-resident person, or any co-partnership the members of which are all non-residents of this State, having a place or places of business in any county in this State in which an action may be brought, may be sued by the usual and ordinary name which such person or co-partnership has assumed, and under which such person or co-partnership was carrying on business at such place or places, upon any cause of action arising out of or connected with the carrying on of such business, or the property used in the carrying on of the same, and service of summons may be had in such action upon any agent of such persons or co-partnership with the same effect as if service had been had in this State upon such person or upon the members of such co-partnership, which service shall, from and after twenty days from the date thereof, and upon the filing in said action of such summons with the endorsement or proof of service thereon, operate as a lien upon all the property of such person or co-partnership used in or connected with the carrying on of such business, for the amount of the claim of the plaintiff or plaintiffs for which judgment may be rendered in his or their favor in such action, until such time as such person, or the members of such co-partnership, as the case may be, shall have entered his or their appearance or appearances in the action. Any judgment rendered in any such action against any such person or co-partnership may be enforced as against any property within this State belonging to such person or co-partnership, or to any member thereof, to the same extent and with the same effect as if such person, or the members of such co-partnership, had been personally served with summons in such action."

You leave it to the court whether you get service or whether you will not. That is all it says and to cover all of those things that were left out, which are provided in the present Practice Act. It doesn't cover the situation and it intentionally protects the corporations and leaves them immune from service if they can get to the judge. You cannot get them by publication. That part of the statute is gone. This has no reference to it and is not contained herein, and that is gone. All those things that the wisdom of the ages and the knowledge that comes from practical necessity and brought home to lawyers and incorporated in that book has been intentionally eliminated from this bill in the interests of corporations.

This section provides that up to August 1, 1916, when this Act goes into force, you can leave the summons with any person that you can now leave it with. Supposing you cannot leave it with anybody, you are then deprived of the service that is given you in two ways by the present statutes in the State of Illinois. You can fool and quibble and juggle with it and try to explain it away, but you will not offer an explanation to an honest man that will go down on that proposition.

Let us see as to what the present statute provides. I have read to you one section which the assistant corporation counsel over there didn't think existed, but it is in the book. I will read section 9 from the statute:

"Process against a county may be served by leaving a copy thereof with the clerk or chairman of the county board, or clerk of the county court, in counties not under township organization, until a board of county commissioners is elected, as provided in the Constitution."

In case they cannot be found, then you have section 8, which gives you just as good service as if you found them and left the copy and that was what was intended by that act. Every phase is covered so there is no possibility of evasion. All of that which I have read to you is intended to be done away with and put in its place a lame duck in so far as the average citizen is concerned when he tries to bring a lawsuit. The same

thing was done in this Equity Act yesterday, and the same attempt at evasion was indulged in and the bill went through in that shape up to third reading.

I would like to ask the gentleman from Sangamon (Butler) why it is that corporate influences, corporations and those acting for them, are afraid of juries? Why is it they want the man on the bench? Does it need any explanation? Does it require any analysis? Does it need anything more than common sense to tell that twelve men coming from all walks of life and sitting in that jury box are harder to get to and more liable to be honest than the man who has been brought up under corporate influences and elevated by corporations to the bench?

I want to call the attention of the lawyers to one or two propositions here that may or may not interest you, I don't know. I will read section 5, which is entitled "Non-joinder—Misjoinder—Action against Wrong Persons."

"Whenever in any action the plaintiff shall fail to join as plaintiffs or defendants all the persons who ought to have been joined as plaintiffs or defendants, as the case may be, the court may, upon motion of any defendant, made prior to the trial or hearing of the action, require the plaintiff to join all such necessary parties as plaintiffs or defendants, as the case may be. No action shall be defeated by reason of the misjoinder or non-joinder of parties, and the court may in every action deal with the matters in controversy so far as regards the rights and interests of the parties actually before it. When an action has been commenced in the name of the wrong person as plaintiff or against the wrong person as defendant, or when it is doubtful whether it has been commenced in the name of the right plaintiff or against the right defendant, the court, if satisfied it has been so commenced through a *bona fide* mistake and that it is necessary for the determination of the real matter in dispute so to do, may order any other person to be substituted or added as plaintiff or defendant upon such terms as may be just. When only a portion of the defendants have been served with process the court may permit the plaintiff to proceed against those who have been duly served with process or have entered their appearances and to take further proceedings against any or either of the other parties subsequently."

There are one or two proceedings today on the statute books under which this can be done, one by attachment, and there is another seldom used, but in each one of those cases the matter is held in abeyance, and they only proceed in so far as those that are served, the original defendants, up to a certain point, but under this act all those that have been served may be proceeded against, judgments had and proceedings be carried on, and then, if some time or other they want to go against the rest, they can do that. It is a piecemeal matter. It may be wise, but I can't see it myself. It will result in confusion and it will result in different forms of judgments and in many things that are not intended to result in an action in a court of law.

The gentleman from Sangamon (Butler) has called my attention to the section in the bill of rights. If I had time, I would have called your attention to the matter—the right of trial by jury as heretofore enjoyed shall remain inviolate. This does away, so far as it can, with the right of trial by jury. They could not deny the right, but they have fixed it so you might forget it, forget to ask for it until it was too late. If you happen to forget it after a suit has been begun, then the time has gone by and your right of trial by jury has gone glimmering with it.

Now I will read to you section 6, called "Joinder of Causes of Action:"

"The plaintiff may unite in the same action, or the defendant may unite in the same counter-claim, as many distinct causes of action as in his opinion may be conveniently and expeditiously litigated in one action, subject to the right of any defendant or plaintiff, as the case may be, to apply to the court, as hereinafter provided, for a division of the action or counter-claim into separate actions or counter-claims, or for the separate trials of any such causes of action as, in the opinion of the court, cannot be conveniently and expeditiously tried and disposed of jointly with other causes of actions. Claims in respect of or arising out of the same occurrences or transactions, or series of occurrences or transactions, upon the trial of which a common question of law or fact will arise, may be joined, although

such claims are several claims in favor of one or more only of several parties on one side against one or more only of several parties on the other side. Claims against a portion of the parties as principals, the other parties on the same side being sureties, may be joined, although one or more of such sureties may be such as to only a portion of the claims. When any party to an action shall object to the court that the claims have been improperly joined therein the court, if it be of the opinion that such objection is well founded, shall not on that account dismiss the action or counter-claim, but may either require the action or counter-claim to be limited to such of the claims as may be properly joined, or may direct separate trials of claims which cannot be conveniently tried together, or it may order that the action be divided into as many separate actions as the case may require."

You can see what you do by that section. You throw them all in the hopper and go before the court and try them. You say, "Isn't that a way of expediting matters?" You will do that in all kinds of judgments, and different judgments in one and the same suit, and you cannot have the same judgment, the same kind of a judgment against two defendants if you haven't got the same cause of action in the same suit. You are going to have hodge-podge and chaos, and I don't care how you go about it when you do that thing.

I would like to go over the rules for pleading, but I don't feel that I have the time and I don't feel that I have the strength to do it today, to analyze it and argue it. Here is a comment that I have made at the end of them; what does this mean—can anybody tell, and can any lawyer plead in safety under these rules? You think they are intended to simplify and make things plain, but you read them over and each succeeding rule mystifies you as to what you thought you understood with regard to the preceding one.

Here is one of the rules. Here is rule No. 10 on page 8, at the bottom of the page:

"*Tenth*—When a contract, promise, or agreement is alleged in any pleading a bare denial of the same by the opposite party shall be construed only as a denial in fact of the express contract, promise or agreement alleged, or of the matters of fact from which the same may be implied by law, and not as a denial of the legality or sufficiency in law of such contract, promise or agreement, whether with reference to the statute of frauds or otherwise."

Now then, here is another: "No plea or defense shall be pleaded in abatement." Now, if you were to say no plea in abatement shall operate to destroy a cause of action or a right of action, then I would say there was some sanity in it. I had a client that didn't live in my county of LaSalle; he lived not in the adjoining county, but he came down into the adjoining county occasionally to a summer resort there where people go in the summer. A fellow living down there wanted to bring suit against him, so he took out a summons and gave it to the sheriff to serve. The deputy went over into that county and served the summons, but made the return that it was served in my county. You couldn't tell by looking at it that he didn't serve him in my county, but I knew he had not. But the deputy happened to be a new man and he made the return in that way at the dictation of the attorney, but the deputy told me the truth. All right. Now there is only one way to reach that. There was the return of the process, and service upon my man. There was only one way to reach that and that was a plea in abatements—just a plea in abatement—and that is what we did, and there was a hearing, and on putting the sheriff on the stand and showing the facts, the summons was set aside and the writ quashed, and, gentlemen, it could only be done by a plea in abatement and in no other way. That didn't destroy their cause of action, it simply prevented them from committing a tort. They afterwards got service in due time and in a proper way and in my county and tried their lawsuit and, whether it was the Nemesis of Fate pursuing them, I don't know, but they didn't win it.

This provides no plea or defense shall be pleaded in abatement. That is a far-reaching proposition, gentlemen, and will eliminate the avenue for reaching many a thing of that kind, and you can't afford to subscribe to it.

Mr. BUTLER (Sangamon). Mr. Browne, I would like to ask a question to see whether the pleading would cover this case: I had a client that they undertook to get service on; it was a corporation, and the sheriff's return was "served by reading and leaving a copy with the secretary, Mr. Blank." Mr. Blank was not the secretary and had no connection with the corporation. How would they reach that under this bill?

Mr. BROWNE (LaSalle). By a plea in abatement.

Mr. BUTLER (Sangamon). And this cuts out a plea in abatement?

Mr. BROWNE (LaSalle). Yes. No demurrer shall be allowed.

Now, you that are not lawyers don't understand it. You that are lawyers do. A man goes to work and brings suit against Smith and he files his declaration, commonly called "narr," and in that he states and states accurately, and if he doesn't state it accurately he doesn't stay in court long—I have gone out several times myself and I know. Now, that is the story of his case, and he has got to conform to the legal principles and to accurate statements. Smith's counsel comes in immediately after he is served with process, and he reads, this declaration. "Why," he says, "Smith, if all that fellow says is true he has got a good case against you." Under the law those facts don't constitute a cause of action at all. "Well," Smith says, "If that is so, go to court on it." "All right." Smith files either a special or a general demurrer; he serves notice on the other people to come into court on a certain day; they go in before the court and Smith's counsel says, "Your Honor, this is a case under the laws of the State of Illinois; there is no question but what we are entitled to have the demurrer sustained to it, or the thing stricken out of the files; they have no case." The court looks at it and finds it is so, and that declaration goes to the man's counsel and he has to either file a new declaration or a new state of facts if there are any, or he goes out of court then for good. If he has honestly stated the facts as they are, then he is through; that ends such litigation; that ends the expense and it ends the trouble for both parties. If the judge on the bench made a mistake, he takes an appeal to the Appellate Court and can go on certiorari to the Supreme Court for further relief. If the court is wrong, the judge below is told so. But in that way parties can have their litigation expeditiously and cheaply. The demurrer is an immense advantage in the State of Illinois and has been the savings of millions of dollars in lawsuits in the State of Illinois. They put in here, however, gentlemen, something that they think will do just as well.

Section 9, page 9—Section 3rd first:

"Third—The court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous, or which may tend to prejudice, embarrass or delay the fair trial of the action.

"Fourth—Any party shall be entitled to raise by his pleading any point of law, and any point so raised shall be disposed of by the judge who tries the cause at or after the trial, provided that, by consent of the parties, or by order of the court on the application of either party, the same may be set down for hearing and disposed of at any time before the trial; and if, in the opinion of the court, the decision of such point of law substantially disposes of the whole action, or of any distinct cause of action, ground of defense, set-off, counter-claim or reply therein, the court may thereupon dismiss the action or make such other order therein as may be just."

In other words, the method which is now safe, sure, accurate and clean-cut, is relegated to a condition of chaos, in which it is everybody's business and nobody's business, and leaves with the Supreme Court the power in the court to hear or not hear, or to consider or not to consider, dependent upon his feelings and how he happens to get up in the morning. But if it is on demurrer, that specifically states the ground; or upon an argument of demurrer, that specifically states the ground, carefully presented, he has got to hear it; when notice is served upon the other party he has got to hear it and to pass upon it, but this is chaos and nothing else.

Now, some of you lawvrs that have had considerable experience, just listen to this. This provides for just two pleadings—three pleadings, what they call a claim, abatement of claim and answer or counter-claim, and a reply:

"No reply shall be filed by the plaintiff unless the defendant sets up a set-off or counter-claim, in which case the plaintiff shall file a reply setting forth his defense thereto, or unless upon the application of either party, a reply is ordered by the court, or the court, of its own motion, orders a reply. No pleading subsequent to reply, other than a joinder of issue, shall be pleaded without leave of the court and then shall be pleaded only upon such terms as the court shall think fit."

Now, gentlemen, I don't know what your experience has been, but I have seen the time when it was absolutely necessary to file a pleading in answer to a reply. At present it is a declaration, plea, replication and then comes rejoinder, and I have seen the time that a suit was won on the rejoinder and the facts set forth in the rejoinder, the issue made by the rejoinder, and it could not have been determined that it would be so before the hearing either; no judge could have affirmed them as a matter of precedent, when the replication admitted the matter set up in the pleas, or a part of them, and denied their efficacy, and the rejoinder had to make this reply in order to make an issue.

Section 13. I think this is one of the worst sections in the whole bill, and what amazes me, the gentleman who framed this bill has for years condemned it—that the courts had too much power; that too much power was confided to the court, and that he thought the law ought to put them in a position where they would administer the law as they found it and do away with the court-made law, and be amenable to rules just as the attorneys practicing are. I know that he has been in favor of that for I have heard him say that time and again and repeatedly, and that was his slogan for years—in which connection I want to explain this.

Now you see, these sections of pleadings, gentlemen, are 4 to 12 inclusive, and a lot of sub-sections. Sections 4 to 12 embrace all the directions there are for pleadings—absolutely all. It is all you have got in place of the practice act relative to pleadings. It is your directions, and at the end you are told that the Supreme Court will publish forms between now and the 1st of August, 1916, for your use and you are to conform to them. Now let us see what he does with this:

The provisions of the preceding 4 to 12, inclusive, sections, shall be subject to such alterations, additions and modifications as the Supreme Court may from time to time by general rule prescribe.

Now, what in the name of God is going to be done? Why not say you will plead the old way until you get your instructions on the 1st of August, 1916? Simply because they wanted to throw us out; that's all.

Mr. MADSEN (Cook). I understand there were a couple of bills down here of this sort a couple of years ago, and that some of the sections that were in the bills heretofore have not been changed in any respect.

Mr. BROWNE (LaSalle). I will say that these two bills are all that are left of the bills that he has been trying to crowd through this House. The only trouble is that somebody could not have gotten to him and persuaded him to cut the heads off down to the shoulders.

Mr. MADSEN (Cook). Did you have reference to the act passed by this General Assembly two years ago?

Mr. BROWNE (LaSalle). I have reference to that act as passed by somebody, especially to the act as it came down here as written by him in the interest of the corporations, doing away with the jury act and the habeas corpus in so far as it could. It was changed here in the House so that it finally got through. Those things were eliminated, and a lot more; but that is the way it was when it came from his hands into this House.

Here is another beautiful provision, gentlemen, that I want to call your attention to, that was made expressly in the interests of corporations; made expressly to take some poor devil before-hand and tie him down—tie him down to a plank and anchor him so that he couldn't get away when it came court time.

Section 19, on page 12. This is a bill in the interest of the people, gentlemen. "In any action, the plaintiff or defendant by the leave of court, may file interrogatories in writing for the examination of the opposite party or any one or more of said parties." Yes, but they will say, "Why,

Browne, you can do that today; you can serve notice to take depositions," and so you can. But wait a little bit.

"If any party to the action be a corporation, or body of persons empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may, by leave of court, file interrogatories in writing for the examination of any member, officer or managing agent of such corporation or body. The further procedure with respect to such interrogatories may be as follows:"

Now I go forward a little bit to page 13 and No. 4 under this section 19, and in this connection—just bear this in mind now:

"The party filing such interrogatories shall not be concluded by the answers thereto if he shall elect to introduce the same, or any or either of them, upon the final hearing of the action."

Do you get it? Here is Smith; he is a fellow that is working every day around machinery and he is injured; he loses an arm; he brings suit against the railroad company; he doesn't happen to be an employee of that company; he is injured working around other machinery while not in the employ of that company, and he brings suit against the company.

Now then, Smith hasn't any money; the company has plenty of it for just such a purpose. They file a set of interrogatories. Those interrogatories not only ask for everything connected with the accident but his family history, his pedigree and everything that they can think of. Now he is compelled under this act to go in; he is a party to the suit now; he is compelled to go in and answer every one of those interrogatories, before a master, before a notary or other magistrate empowered to hear them. All right. That is before the case is called at all. All right. If he don't do it he is punishable for contempt of court and his suit is stricken out and thrown away, but he does go in and answer; his lawyer knows the law, knows he has got to and he does go in and gives answers as best he can. He is confused, he is twisted, and he makes some statements which he did not intend to make and which, as a matter of fact, are not true but they have got him on record. All right. Comes the trial. These fellows that propounded the interrogatories, the company, can offer those in evidence if they want to or they can leave them out if they want to and if they put them in evidence, if they do leave them in evidence, they are not bound by them. In other words, they have used him as their witness; they have tied him down, but they are not bound by what he says and can contradict it, but he is bound by what he says. Do you see? It is a good thing, isn't it? And this bill is in the interest of the people!

Section 22 provides in this connection:

"If any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, he shall be liable to attachment. He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defense, if any, struck out and to be placed in the same position as if he had not defended, and the party interrogating may apply to the court for an order to that effect, and an order may be made accordingly. Service of an order for interrogatories or discovery or inspection made against any party on his attorney shall be sufficient service upon which to found an application for an attachment for disobedience to the order; but the party against whom the application for an attachment is made may show in answer to the application that he had no notice or knowledge of the order. An attorney upon whom an order against any party for interrogatories or discovery or inspection is served as above provided, who neglects without reasonable excuse to give notice thereof to his client, shall be liable to attachment."

He is not confined to interrogatories but they can go in and they can get an order of court for the inspection of any document, any letter, any paper, anything that he has, not at the trial, before the trial, unless he happens to be a bank or a big financial institution and then they cannot do it; all they can get is a copy certified to by somebody that says he has read it. That is all. Now if he fails to comply with any order to answer interrogatories or for discovery or for inspection of documents he shall be liable to attachment. He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution and if a defendant his defense, if any, struck

out and to be placed in the same position as if he had not defended, and that would be awful hard on a corporation defendant.

Now going back a moment to section 20.

Now who is going to certify to it? Somebody that is disinterested? Oh, no. The cashier probably, or the superintendent, or the vice president.

I won't read all of that, gentlemen. I just want to show you how far they are going in the protection of the people.

Now I call your attention, you lawyers, to section 29 in which there is a general and special verdict discussed, and I find down in there where there has been a submission of questions of fact or a request for special findings on special facts from the jury and the result is that they have made a finding and a general verdict, I find this:

"In every trial by jury in a civil action the jury may render, in their discretion, either a general or a special verdict; and in any case in which they render a general verdict they may be required by the court, and must be so required on request of any party to the action, to find specially upon any material question or questions of fact which shall be stated to them in writing, which questions of fact shall be submitted by the party requesting the same to the adverse party before the commencement of the argument to the jury. The submission or refusal to submit a question of fact to the jury when requested by the party as above provided, may be reviewed on appeal or writ of error as a ruling on a question of law. When a special finding of fact is inconsistent with a general verdict the former shall control the latter and the court may render judgment accordingly. In any action at law tried before a jury, other than a criminal action, if any one or more of the parties thereto moves the court to direct a verdict on any point of law conclusive of the whole controversy, or of any substantial portion thereof, and if the court be in doubt as to any such point of law, such point shall be reserved and the verdict taken subject thereto and thereafter the trial court, and any other court to which the case may be taken by appeal or writ of error, may enter a judgment either upon the point so reserved, or upon the verdict, as its view of the law on such reserved point may require. In any action at law tried before a jury, if it appear to the court that a different measure of relief or measure of damages should be applied to the case, depending upon which view of a doubtful question of law is ultimately ascertained to be correct, the trial court shall have power and it shall be its duty to submit the case to the jury upon each alternative and to take its verdict thereon with power in the trial court, and in any court to which the cause may be taken on appeal or writ of error, to render judgment upon the verdict taken upon that alternative which is in accordance with the ultimate decision of the court in regard to such doubtful question of law."

Now, what does that mean? Does that mean that when the special finding of fact is inconsistent with the entire general verdict then the former shall control the latter entirely or only in so far as? Which does it mean? It doesn't say and they are both as broad, the one to the other, and can be so construed by the court. In other words, I hand up ten propositions of fact to be put to that jury. I am representing a corporation and I put up ten propositions of fact. They render a general verdict of guilty. They reply to every one of the propositions of fact. One of those propositions of fact is inconsistent with the general verdict; the others are absolutely consistent with it. This one that is inconsistent is not a controlling fact. Does that give the court the right to set aside the general verdict in the interest of the special finding? He can do it under this provision. It does not say, in so far. It does not say that the special finding must be a controlling fact. Every little bit added to what you've got makes just a little bit more. This is not very material but it simply shows the cussedness of the animal. That is all. It simply shows the general intention all through the book. Section 30:

"Every person desirous of suffering a non-suit shall be barred therefrom unless he do so before the jury retire from the bar, or, if the case be tried before the court without a jury, before the case is submitted for final decision."

That is not the law today. You can take a non-suit any time before the jury returns its verdict. Am I not right

Mr. ROTHSCCHILD (Cook). No.

Mr. BROWNE (LaSalle). I am not?

Mr. ROTHSCCHILD (Cook). No. You are not right.

Mr. BROWNE (LaSalle). All right. I think I would like to ask the gentleman from Cook if section 54 as found in this Act is the same as it is now? Do you find it to be just the same? How about it?

Mr. ROTHSCCHILD (Cook). It is my impression that it is new matter.

Mr. BROWNE (LaSalle). All right.

"Whenever in an action tried by jury the Appellate Court, or the Supreme Court shall reverse the judgment of the inferior court entered upon a verdict in favor of the plaintiff, on the ground that the verdict of the jury was contrary to the evidence or to the law and evidence, the action shall be remanded to the inferior court for a new trial by jury unless the evidence introduced upon the trial was such that it did not tend to establish each of the ultimate facts essential to support the verdict and the Appellate Court or Supreme Court, as the case may be, is satisfied that upon a retrial of the action the plaintiff will not be able to introduce evidence tending to prove each of such ultimate essential facts."

Now, I realize the fact that today as a matter of court holding the Supreme and Appellate Courts, especially the Appellate Court, can do certain things along that line. The Appellate Court can return a finding of fact and end the case right there irrespective of what the verdict of the jury below was. This legalizes that procedure and goes even farther. Now there is another section here, I don't want to take too much of your time, but I want to call your attention to it, anyway, without looking farther, this section of this Act; you will find it and if I am wrong I know you won't fail to hop on. This Act in one or two sections provides that when the trial court on a motion for new trial shall be of the opinion that the evidence—No, not upon a motion for a new trial, on a motion to direct a verdict, they make it better than the first proposition; on a motion to direct a verdict for the defendant, to take the case away from the jury, that when the court, on that motion, is of the opinion that the evidence would not sustain the verdict if found, he will take the case from the jury, and that is not the law today and never has been for ten years in the State of Illinois.

Mr. MADSEN (Cook). It don't change the practice however.

Mr. BROWNE (LaSalle). No, not with real judges, I will say to the gentleman from Cook (Madsen), but here is the law and you will find it in a case where all of the decisions were gathered together and a grand resume of all the law in this country and England was made along this line by the late Judge Scott, until recently a member of our Supreme Bench, and it is a decision that is the law, has stood as the law ever since, but which, unfortunately, is not adhered to by all judges and the law is that so long as the evidence was sufficient to stand by itself, the evidence for the plaintiff, so as to make it possible for a verdict to be rendered for the plaintiff, that the case shall not be taken from the jury. As long as there is any evidence tending to establish the claim of the plaintiff then the court shall not put himself in the place of the jury and render a verdict himself. That is the law. As long as there is any evidence tending to support the claim of the plaintiff then he has got to let it go to the jury, but this puts the court in the position of the jury and permits him as a second jury to say whether he thinks a verdict would stand or not and if he thinks it would not, to take it away.

Mr. WILSON (Adams). What section do you refer to?

Mr. BROWNE (LaSalle). I cannot find it right now. It pertains to directing a verdict. It is headed, "Directing a verdict." You will find it in here.

Mr. WILSON (Adams). I would like to have you read it.

Mr. BROWNE (LaSalle). I will try and find it for you, Mr. Wilson, if you cannot find it yourself but you haven't as much to do now as I have. You may have next Wednesday, but not now. (Laughter.)

Mr. WILSON (Adams). Will you kindly read to the House, beginning with line 14, page 19, section 29, and read about five lines and see if that sustains you?

Mr. BROWNE (LaSalle). That reserves a point of law; that applies to the reservation of a proposition of law. That is not this proposition at all. I am not going to go any further in this matter. If the matters I have pointed out are not sufficient to prevent the passage of this bill, then nothing that I could say would be sufficient. I have no interest in this matter. I have nothing but the feelings of kindness for the gentleman who prepared this bill. I am under some obligations for kindnesses in the past. My expressions have been called for the language of this bill which don't appeal to me, and don't appeal to me as being evolved by a man that had as a beacon light the caring for the interests of the people of this State but they appeal to me as being evolved by a man whose eye was single to the interests of the corporations. I may be wrong, but I judge a tree by its fruit. If I go through an orchard and find upon a tree big luscious apples, it is going to take more than long years of acquaintance-ship or friendship to convince me that those are either lemons or pears. I will trust my eyesight and not be like the person in the book that went to see an optician on the grounds of sentimentality.

Occasionally I have been on the side of the corporations, but that makes no difference in this particular matter. I feel that this bill is bad. I have done my best from the standpoint of a humble lawyer and worker in the vineyard to make myself clear as to what I believe honestly from the bottom of my heart and my soul, that this bill, if passed, will be a nightmare to every man on the floor of this House that votes for it. I believe that he will regret it in sack-cloth and ashes in the days to come, and I don't believe that any man on the floor of this House has any cause or excuse for signing a verdict of that kind as against the people of this great State. It is wrong and that is not the exposition or exhibition of mere words, but it is what I mean, it is what I feel honestly and sincerely and I will say to you now, that there is not a bill today before this House, not one, not even those in which Brother Wilson is interested, that I would not rather see passed and voted for than this thing I have been talking about this morning.

Mr. PROVIN (Christian). I would not prefer to talk in favor of the bill until those who are opposed to the bill are finished.

Mr. MADSEN (Cook). A few years ago we passed in this House a Municipal Court Act and I voted for that bill and all the eminent lawyers on the floor of this House told me it was a good bill and I was ready to believe it. That bill had a clause in it that provided it should be adopted by the people of Chicago, and when I got home and looked into it we found in passing that bill we had taken away from the people partially the right they now have, the right to a grand jury. We found that we had given the power to certain parties to arrest people on sight without taking the trouble to get a proper warrant first. Some good lawyers in Chicago, William Cunnea among others, took the trouble to go into that bill and find out what was really in it. I didn't know at the time; I didn't understand the bill. These people all told me, in whom I had faith, that it was a good bill, and I voted for it and when I came to Chicago I apologized to my friends for doing so; to those who had sent me down here believing I was a man of good judgment, in whom they could trust. I am afraid this is just that kind of a bill. There may be some things in it that are all right but I am convinced that there are a great many things in it that are not all right. I have got faith in Judge Gilbert. I think he came down to this General Assembly some years ago and wanted to serve the common people of this State and I think he found out it was not possible to do so in this body unless he made a good many concessions to the other side and he has been keeping on making concessions to the other side until we have got here a bill that is perfectly satisfactory to the big corporations of the State of Illinois and I am just one-sided enough to believe that when a bill gets so far that it has the support of the corporation lawyers of this House or the approval of big business, I am just one-sided enough to believe that when a bill gets that far it is the kind of a bill that the common people do not want. There are provisions in this bill that legalize practices in this State that my party has been fighting against for years. I am voting today to let this bill go on to third reading; I don't know yet whether I am right or wrong but I am going to try

to find out what is in this bill before I vote on it and it is going to take a great lot of argument upon the part of the friends of this bill to convince me that the gentleman from LaSalle (Browne) is wrong in what he has said this morning.

Mr. KANE (Saline). I would like to ask the gentlemen who are responsible for this bill as to what would be the condition under a circumstance like this: Passing through our county is a right-of-way, a roadbed, owned by the C. B. C. Officially on the records they are supposed to have an office at Cairo, Ill. In fact, they have no office there and no officer of any kind or character in Cairo, or anywhere else in the State. They, however, file their statements annually as they are required. The C. C. C. & St. L. are the lessees and operators of the road. They claim in the last year or so to have purchased it; I state the conditions as I know they existed up until a short time ago, we necessarily at times must sue the C. B. C. as well as the Big Four. Under those kind of conditions under this bill I would like to know how you can get service on the C. B. C.?

Mr. WILSON (Adams). In a preliminary way I want to say that this motion is unjust, that this is a motion or an amendment striking out the enacting clause; there are various features in this bill which may be subject to amendment; there is a great deal that has been said by Mr. Browne that he must as an able,—and I don't say it in an unfriendly way, arguments that he made as a lawyer that are absolutely untenable, but there was one point taken in regard to this bill that was well taken, I think, looking over this bill. I have no question in regard to the matter of service. I want to make some remarks somewhat at large after Mr. Provine's speech, who will make the principal remarks from our side. There are no changes in the forum in which a case may be tried. There is no change in this law in regard to the county in which the service may be had, making it different from the present law. However, this law does leave out that provision that Mr. Browne mentioned of getting service on a corporation by publication; it leaves that out. There is a provision in this law, however, that provides that, the court may prescribe by special order the manner of service. Then, on the objection of Representative Taylor from Southern Illinois, I forget his county, there was added to the original bill, which was House Bill 91, a provision for the service of non-resident persons or any co-partnership, the members of which are non-residents of this State, having offices or places of business in any county, so that you can get service on them in that manner, and I think it would be a very good thing, after this amendment is defeated, as I believe it will be, to put in those three or four lines from the original practice act in section 2. I think that is a matter that can be covered by way of amendment on second reading.

Mr. KANE (Saline). I just want to give you a little experience with this C. B. C. and the C. C. C. & St. L. to show the importance of this matter of service. As you all understand, if we file a suit against the C. C. C. & St. L., which is not an Illinois corporation, they might remove it to the federal court, if it is for more than three thousand dollars. The C. B. C. is an Illinois corporation and by legitimately joining them in the cases are retained in our local courts. Some four years ago I had a lawsuit by an administrator for the killing of a boy upon some newly constructed switches. The boy came from Missouri up there and had only been in town about twenty hours when he went down and got a job in the switching yards. These yards were on newly constructed tracks by reason of the reconstruction of the Cairo division of the Big Four line. The boy had had no experience whatever, and by the way, he was put in a crew of about one-half the required number that should have been put on to operate that train in the switchyard, and he had only been at work about three hours when he was killed by reason of the tracks being too close together. We filed that lawsuit, as the courts have held that we may, against the C. B. C. and the Big Four. We joined them because the lessor, being the party to whom the charter is granted, is responsible together with the lessee for such accidents and injuries as this. We joined the C. B. C. and the C. C. C. & St. L. together, and got service by publication; we had no other way to get service except by publication, and when we came ready for trial, not ready for trial, when court convened, a gentleman by the name of Van Winkle, I

believe it was, he was a high superintendent of the C. C. C. & St. L., here is the joke about it, he came in and swore by affidavit and removed the case to the Federal Court; he filed an affidavit that the Big Four didn't have a thing in the world to do with the reconstruction work and was not responsible in any way for the reconstruction work; that it was solely done by the C. B. C., and the Big Four didn't have anything to do with it, and they got it removed to the Federal Court. Now about two years after that I filed a suit for some land owners for overflow by reason of this same reconstruction done by the same construction men; done under the same contract as this reconstruction of the switches was done; just a little way apart. The same identical construction work, and a Mr. Culp, of Mount Carmel, their attorney, came down and filed an affidavit and removed it to the Federal Court, just exactly crossways to the one the other gentleman had filed. We had got service by publication on the C. B. C., and he came down and swore absolutely that the Big Four had done every particle of that work, that they alone were responsible for it and that the C. B. C. had nothing to do with it. Those two documents are on file in the Federal Court, the original on file in the Circuit Court of Saline County, and the copies are at Danville. We had got service again by publication, our Circuit Court refusing to remove those cases they went to the Federal Court and got an order of the Federal Court removing them. We went up to the Federal Court on filing a motion to remand the cases and presented those affidavits and other evidence and the Federal Court sent them back to the Circuit Court and we tried the cases; I said we tried them; we got ready for trial; there were some thirty or forty of them, and the railroad companies, both the C. B. C. and the Big Four, settled and paid the damages. Here is the point I make on that; if we had been unable to get service against the C. B. C. and get them both in court they could absolutely dodge the issue by their affidavits because when one was in it was 'tother' and when the other one was in it was 'tother, so we must have gotten service on them or we had no standing in court.

Mr. WILSON (Adams). I think the gentleman is entirely sound. Now will you prepare—it will take you about five minutes—a little amendment covering that point?

Mr. KANE (Saline). Mr. Wilson, I naturally have been inclined to drift along with the State Bar Association and the gentlemen who recommended this bill and really been passively for the bill in a half-hearted kind of a way, but there is another objection or two that I have; not only this one, but I have some other objections to the bill. I don't approve of changing a law of this character, if it does change the law, that the Circuit Court may weigh the evidence. We know now a trial judge has no power or authority to weigh the evidence. The jury must weigh the evidence, and I don't approve of the change in the law that now permits the trial court to set himself up as a jury and weigh the evidence.

Mr. WILSON (Adams). It is more liberal. The act in that regard is more liberal than the present law because in that case they don't take it from the jury, but the question is reserved until a verdict of the jury comes in. We will discuss all those points.

Mr. KANE (Saline). I understand there are to be some amendments made and there are some matters that will have to be fixed up here.

Mr. GRAHAM (Mercer). It is very evident to anyone who had heard this discussion or has examined these bills that there are many of them that must be amended and fixed up or the bills will not be advanced and I therefore move you as a substitute that this bill be recommitted to the Committee on Judicial Department and Practice.

Mr. PROVINÉ (Christian). Before that motion is put I desire—

THE SPEAKER. The pending motion is to strike out the enacting clause of the bill.

Mr. BROWNE (LaSalle). I will withdraw my motion in favor of the motion made by Mr. Graham. All I want is to have this bill in shape and it is not in shape now that it should be considered at all.

Mr. PROVINÉ (Christian). These bills were introduced on the 8th of last month; on the 8th of April, and went to the Committee on Judicial Department and Practice. The gentleman from LaSalle and the gentleman

from Mercer are both members of the committee, and they know—the gentleman from Mercer is not a member of the committee but the gentleman from LaSalle is. Those bills were taken up at length and discussed not only with members of the committee present but also other lawyers in this State and as a result two bills were substituted therefor and sent out as committee bills. Now then I think it is entirely unfair for any gentleman to make a motion to recommit these bills to committee until the persons who are in favor of the passage of these bills can be heard. I would like to answer the statements made by the gentleman from LaSalle (Browne) and take them up as I did yesterday in regard to the equity bill and I think it can be shown here that he is in error in most of the objections that he has made. At least we would like to have an opportunity to prove to the House that he is in error and that these bills are good bills and that they are not revolutionary measures and that it will not send us back into a chaotic condition and that they are along safe, sane and sensible lines. I don't object to amendments being made here on the floor of the House; that is what second reading is for, to have amendments offered and I don't object to it a particle and I would welcome anything along that line that tends to better these bills. Now in regard to the matter that Mr. Kane has brought up in regard to service; some of the lawyers think that point that he raises is covered in this bill. Now I don't want any doubt in regard to that; I want it fully covered and if the gentlemen here, the lawyers, believe that it is not fully covered then I want an amendment put in that is satisfactory to everyone here, that will cover it, and that will see that service is had on a foreign corporation and in regard to the matter of trial by jury that so much has been said about, I don't want to go into that now but I have my own ideas about it and I want to express them to the members here and as far as I am personally concerned it makes no difference to me at all if that section goes out of this bill; not at all. It is a question, as the gentleman says, of expediency and there are a great many other things and I would like to take these matters up in an orderly way, as the gentleman from LaSalle (Browne) has done and present them to the members of the House.

Mr. ROTHSCCHILD (Cook). Will the gentleman yield? Just a moment: To send these bills back now to a committee is too late. They have already been there for weeks and weeks and they have been discussed and gone over and it is not fair to the introducers of the bill or the friends of it, but the hour is getting late and I would like for this matter to go over until we recess this afternoon and I therefore move we recess until four o'clock this afternoon.

Mr. BROWNE (LaSalle). At four o'clock this afternoon there isn't going to be any House here, such as there is now and I make a suggestion that the place for an amendment, if amendment is to be made, that the place for amendment is not the floor of the House but the committee; therefore I think that Mr. Graham's motion ought to be put first.

Mr. McCORMICK (Cook). Will the gentleman from LaSalle let me ask him a question? (Leave.) He has convinced me that I cannot vote for this bill as it stands and he has departed from a practice common enough among lawyers in this House and has addressed his remarks to us unlettered laymen. If the bill go back to committee I dare say it will be cured of some of its faults but we will lose the education in its acquired virtues. That is only one point I wish to make.

THE SPEAKER. The chair would state there is no reason why there should not be a full attendance here this afternoon and tomorrow morning. The chair will make arrangements so that the Northbound Limited will be held again tomorrow for a half an hour so that the House can work until 12:15 and then catch the train for Chicago.

Mr. BROWNE (LaSalle). There is a crowd going at 2:20 this afternoon.

THE SPEAKER. That is only five members of the committee to visit penal and reformatory institutions. The gentleman moves the House take a recess until four o'clock this afternoon.

The motion prevailed and a recess was taken until 4:00 o'clock p. m. of the same date.

Four o'clock p. m., re-convened.

THE SPEAKER. The order of business upon which the House was proceeding at the hour of taking a recess was House Bill 625 on the order of second reading, and the question pending was the motion of the gentleman from LaSalle (Browne), to strike out the enacting clause.

Mr. PROVINE (Christian). Mr. Speaker, as I understand, the status of the record was at the time of recess, a motion to re-commit, offered by Representative Graham.

THE SPEAKER. There was a motion pending to strike out the enacting clause and the gentleman stated that he was willing to do it but did not withdraw it.

Mr. BROWNE (LaSalle). I am perfectly willing now, Mr. Speaker, to withdraw it and have this bill sent back to committee.

THE SPEAKER. The pending motion is to strike out the enacting clause.

Mr. PROVINE (Christian). This does not embody new revolutionary methods as has been stated. We are now practicing under the common law as amended by statute. We have no code system. We are following the old English common law system as changed by statute. They did that in Great Britain for centuries, and in 1874 the discussion became so acute and there was so much dissatisfaction with that practice that there was enacted the Adjudicature Act. It is the same almost as House Bill 625. House Bill 625 embraces practically the Adjudicature Act, and that has been in force in Great Britain, Ireland, Wales and Canada since that time and has been working successfully. We have here something that has been tried in other jurisdictions, and is now being tried and has been for over forty years, and is working successfully.

Now, I desire to take up the questions of objections raised by the gentleman from LaSalle. There are any number of good features in this bill. I will confine myself to answering the objections made by the gentleman from LaSalle.

The first was in regard to section 2. He talked about fifteen or twenty minutes discussing section 2, and I have prepared amendments, and will submit them at the proper time, that will meet his objections to that. I desire to say now that the amendments that I will offer I do not think change the meaning of it a particle, but in order to meet the objections he made and the play upon words, I have made a change. For instance, he makes objection to the word "may" and said actions may be brought most anywhere. Now, any lawyer in the State of Illinois knows that in judicial construction of statutes, the words "may" and "shall" are used interchangeably by the courts, and whether we use "may" or whether we use "shall" makes no difference, but in order to satisfy the gentleman I have prepared an amendment and used the word "shall."

Also he said that actions could be brought anywhere in the State of Illinois. I have prepared an amendment and will submit it, which inserts after the figures 1916. It will read this way: "Any action, whether at law or in equity, shall be brought in any county in which it might have been brought in pursuance of any law in force immediately prior to the first day of August, 1916." I have added after that, "and not elsewhere." Then, going along, "and a summons may be returned upon any defendant in any county in which it might have been served upon him in pursuance of any law in force immediately prior to said date," and I have added, "not elsewhere." Furthermore, I have added another section.

Mr. BROWNE (LaSalle). I would like to ask a question which I may forget, and I think it is as valuable to you as to myself. Don't you think that putting in that clause, as is done in several places in that Act, which can be done under any Act or provision of law in force immediately prior to the first of August, 1916, don't you think that that is a sloppy way to do business? Don't you think that it is illegal, that there is nothing proper or legal about it?

Mr. PROVINE (Christian). I don't so construe it, Mr. Browne. I would rather not engage— Mr. Speaker, I did not interrupt the gentleman from LaSalle and I would like to have the same courtesy extended to me. The way this is left, the venue is unchanged, and the law will remain the same after this Act is in force and effect as it is now. The reason the words

"August, 1916" were placed in there was simply because if those words had been left out, it would have been an almost interminable task to have gone in and written in this section venue laws in all of the different actions. A mistake might have been made, and in order to avoid any possibility of a mistake, those words and figures were put there, and if a lawyer wants to bring an action, all he has to do is to go to his statute, get his notations and he there can find it, and, furthermore, there isn't one lawyer in a hundred that doesn't consult the statute in regard to venue when he is bringing a lawsuit, and so that objection, I take it, is not a valid one.

The next objection that was made was in regard to service and when there might be some judgment rendered against a defendant that was a straw man, and in order to meet the objection that was made by the gentleman from LaSalle (Browne), I will offer, when the time comes, an amendment that is almost identical with the present Practice Act. It is changed only insofar that it will make it uniform with this Act.

The next objection that was made to this bill was as to section 5 on page 5 of the printed bill. If the gentleman will take the time to read that over, he will find that this section 5 is substantially the same as section 14 of the present Practice Act, and the last sentence is the law as it now stands. The gentleman from LaSalle (Browne), had a great deal to say in regard to that last sentence, and in reply to that I shall simply say to the gentleman of the House that that last sentence to which he made so much objection is a copy, word for word, of section 14 of the present Practice Act.

Now, in regard to what change is made in section 5. I desire to give you an illustration that I think will show that this is a good section. Suppose that a suit is to be brought against a traction company or a railroad company, and you are not certain as to what the legal or the technical name of that railroad company is that you want to get into court and you cannot find out by the information that you have at hand whether you are suing the person by his right name or not, but you go ahead and file your declaration, have your summons issued and returned into court, and the defendant comes up and says, "I am not that corporation." What is there to do? Nothing but dismiss your case and start in again. Under this section, if there has been a non-misjoinder of parties or a non-joinder or if you have sued the wrong person, that matter can be adjudicated and the court can then determine who the right party is, and you can go along with your lawsuit and not be required to back out and start in again. That is all that section is.

Now, the next section that is objected to by the gentleman is section 6. It relates to joinder of causes of action. If this section is allowed to become a law it will enable one hundred or more or any number of suits that are based upon the same state of facts to be tried together.

Now, I can best give you an illustration as to what that means by the Cherry disaster, which, you will all remember, occurred a number of years ago, and some 268 men lost their lives. Under the present law, if the coal company or the company owning that mine would require it, they could have 268 separate and distinct suits tried against it, and so many judgments would be rendered under this Act where the transactions all come out and arise from the same thing, the court may order those suits to be combined and one judgment will affect all of the suits.

Another thing, in regard to eminent domain, we know now that it is a matter of discretion with the courts when you file a suit for eminent domain against a number of property owners, seeking to take property for a railroad right-of-way, the court has a discretion there to join as many different property owners as he desires in one suit and have one jury assess the damages for all of the property owners, and the same thing can be said in claims in a county court. Whenever there are a great many claims in county court that have the same general facts to be proven, the court can order all of these cases consolidated and have one trial settle them all. That is all there is to that, to which so much objection was taken.

Another thing, I desire to state to the members here that one of the gentlemen on the Democratic side of the House within the last two days has introduced a bill that he is very anxious to have passed, and I think it is an excellent measure, but the matter that he desires is covered here. He told me that he represents several men who have claims against insurance companies. They had quite a loss on some twenty or thirty policies of insurance.

The insurance companies have demanded that there be a separate and distinct trial on every policy of insurance, and they have been from a year and a half to three years litigating those matters, and they have proven that these insurance companies have chipped in and gone together, and it is an agreed proposition with them that there will be as many different suits as there are policies. If this was enacted into a law, the court could require the insurance companies to all come in and submit their claims and have the matter decided by one jury. That is all there is to that.

Now, the next objection made is as to sections 8 and 12, and in regard to that I desire to say that that relates to the framing of pleadings. As you know now, we have a declaration. That is the first paper that is filed. In your declaration you declare what you want to recover from the defendant. Then he files his plea. Then you file your replication, and then there is a rejoinder and a sur-rejoinder, and a rebuter and a sur-rebuter, to say nothing of the demurrers and motions to strike that come along. Now, it is well known that if a lawyer wants to procrastinate and keep a case from coming to trial, all he has to do when he is sued is to file his plea of general issue. Then in addition to that he can prepare and file twelve or fifteen or as many special pleas as he desires, and then the opponent comes and he files his demurrer or replication to those special pleas, and each one of those special pleas is set down for a hearing, and you can, if you desire, hang the man up for an indefinite time to get your pleas disposed of. This bill does away with that. There are only three pleadings. First, the statement of claim. You come into court and make a statement of claim, which corresponds to the declaration, and you state your cause of action against the defendant. Then he must come in and answer, and he must, with that answer, set up everything that he has for a matter of defense, and if the plaintiff thinks that he has avoided something, he can require the court to make that answer more specific. There are only three of these so-called pleadings in this new Act. I will leave it to any gentleman of the House to say whether or not this is a simpler method than the present method. These pleadings that are set out from sections 8 to 12 inclusive are pleadings now in force in English speaking countries, and they have been in force, as I stated, in Great Britain, Ireland, Wales, Scotland and Canada, since 1874, and the people in those countries are enabled to get their matters at issue settled and settled promptly. Now, so much for that. The only matter that he called attention to was rule 10. I will read that:

"When a contract, promise, or agreement is alleged in any pleading, a bare denial of the same by the opposite party shall be construed only as a denial in fact of the express contract, promise or agreement alleged, or of the matters of fact from which the same may be implied by law, and not as a denial of the legality or sufficiency in law of such contract, promise or agreement, whether with reference to the statute of frauds or otherwise."

In other words, if a man would come in and deny a contract, then he could not be permitted to set up matters in excuse to avoid it that the contract was invalid because of gambling or the statute of frauds and other things. If he denies a contract, he must state upon what grounds he does deny it. That is all there is to that section.

The next is rule 16. "No plea or defense shall be pleaded in abatement."

The gentleman told some story in regard to a writ having been served outside of his county, and that if this bill was put into effect and became a law, that it would be impossible to remedy a matter of that kind, and I want to say in regard to that that if this bill becomes a law, there will be no plea in abatement, but in its stead you can get the same thing by a motion. You can make a motion to quash without service or the return of the writ just the same as by the plea in abatement. It is the same thing only by another name. That is all there is to that.

Now, there was a great deal said in regard to the power of the Supreme Court to change rules of pleading. In this act there is nothing that gives a Supreme Court the right to change any matter of substantive law. I have prepared an amendment that will strike out entirely section 13, and that will leave it so that the Supreme Court cannot interfere with these rules of pleading to which I have just referred. If that section had been left in

there, then there would have been ground for the objection as claimed by the gentleman from LaSalle, but I have prepared an amendment by which this section 13 will be stricken out, and that will give the Supreme Court no right to change these rules of pleading.

The next objection he made was in regard to section 19, which is discovery by interrogatories. Now, gentlemen, I have prepared an amendment that will strike out this matter in regard to interrogatories, and it will be submitted here to you, but I do not think it is a good thing to strike out that matter of interrogatories, but nevertheless there are gentlemen who think it best to strike that out. Now, we have interrogatories in our chancery practice, and why should not we have the interrogatories in our law practice? I don't know of any good reason why we should be allowed to have them in chancery practice and not have them in our law practice.

Now, I will give you an illustration as to why I think these interrogatories should be in there. I know a lawyer who has a case against a railroad company. He sued a railroad company for the death of a man while he was engaged in switching. Now, this man does not know whether, at the time the man was killed, the train was engaged in inter-state business or intra-state business, and he cannot tell until he gets in the lawsuit. He has got to start in the trial of his lawsuit and then develop and determine whether that train was engaged in inter-state business, that is, business from state to state, as between Indiana and Illinois, or intra-state business, simply in Illinois. If it is inter-state the federal act applies and if it is intra-state the workmen's compensation act applies, and that man cannot find out until he goes ahead and gets into that lawsuit.

I know another case where a man was killed where there were a number of tracks running parallel at a station here in the State of Illinois, and three different suits have been brought against railroad companies, and the attorneys as yet have been unable to find out what railroad company killed that man, and they have been knocked out of court three different times. If you had these interrogatories, you could make the railroad companies submit their propositions in writing, and the attorney could find out before he started into his lawsuit just what railroad company had killed the man and then he would be safe in going along. I have prepared the amendment that strikes out these interrogatories, and it doesn't make any difference to me personally whether they go in or stay out, but I think it is a good thing for them to stay in. The objection has been made that they will get you to go out on a fishing expedition. Sometimes it is a good thing to go out on a fishing expedition and see what you can get, and if you don't get anything that suits you, there is no harm done, and you don't have to notice that unless you desire.

The next objection that was made was to section 22. Sections 20, 21, and 22 relate to the inspection of documents, and there will be an amendment to strike those out. This goes with the interrogatories, and that is a matter that lawyers may well differ upon, but in going over those with the other gentlemen of the committee some thought it was a good thing to let these matters stay in, and some thought it would make a better bill for them to go out, and we have accordingly prepared an amendment for them to go out.

The next objection that was made by the gentleman from LaSalle (Browne), is to section 29. Now, I spent a great deal of time on section 29.

Mr. GRAHAM (Mercer). I want to ask you something about these interrogatories. It is your purpose to present the amendment and support it to strike out those clauses?

Mr. PROVIN (Christian). Yes, sir.

I was just giving you my views on the matter of interrogatories. A number of the gentlemen seem to think that you could have the interrogatories stricken out, and personally it doesn't make any difference to me. I think we have a better bill with the interrogatories in, but a number of the gentlemen are of a different view, and I don't care about setting my opinion up in opposition to them, and consequently I prepared an amendment to strike out the interrogatories and I will support that amendment.

As I was saying, section 29 is the next matter that was made objection-

able by the gentleman from LaSalle (Browne), and in response to that I desire to say that down to line 14 it is the same as the present section 79 of the Present Practice Act. I do not intend to go into a long winded discussion in regard to the merits or demerits of that when that is a part of our present day law and has been since 1907. Now, beginning with line 14, that is new matter, and to give you an example of that, first I want to say that is in regard to special findings by the jury and a special and a general verdict. Now, the gentleman from LaSalle (Browne), condemned the power of a court to set aside a general verdict when the special findings are inconsistent with the general verdict.

Mr. BROWNE (LaSalle). No, sir. That is not the proposition. There might be ten special findings or five special findings and there is only one general verdict. Four special findings or nine special findings might be consistent with the general verdict, and one, while inconsistent, might not be a controlling fact at all, and still, under that provision, the court would have the right to make it control the general verdict and set it aside. A man can present a half a dozen questions of fact for a jury to answer and the court may put them to the jury, but the answer may not be controlling facts or things which would in any way invalidate or impinge upon the validity of the verdict.

Mr. PROVINE (Christian). Then it would not be inconsistent.

Mr. BROWNE (LaSalle). It would be inconsistent and not a controlling fact.

Mr. PROVINE (Christian). Now, beginning with line 21. The other new matter takes care of a case of this kind. I can best give it by a concrete illustration. Suppose that a telegraph company is sued for damages by reason of the failure of the telegraph company to deliver a death message, and it is desired on the trial of the cause to produce evidence as to the pain and suffering and mental anguish of the person that failed to get the message. Some courts in the United States hold that this is an element of damages; that you can recover for mental anguish and pain and suffering by reason of a failure to deliver a message of that kind. Other courts hold that you cannot. Now then, under this section of this law it provides that two verdicts may be had—one upon the ground if it is the law that you can recover for pain and mental anguish and the other if you cannot. That is all there is to that.

The next that the gentleman took objection to and said it was stuck off in one corner was section 30, and all I care to say in regard to that is that it is section 70 of the present practice copied word for word.

The next was section 54. That abolishes finding of fact by the Appellate Courts. I don't think there is any question about that. You gentlemen all know if a case is tried in a Circuit Court and an appeal is taken to the Appellate Court that the Appellate Court may reverse the case with a special finding of facts and say that the plaintiff was not in the exercise of due care and caution and consequently cannot recover, and there is no way for him to get relief. I think that is a bad practice and it should be remedied. Now, this section 54 takes care of that.

Mr. BROWNE (LaSalle). How?

Mr. PROVINE (Christian). But as the gentleman seemed to think it was not specific in that, I may read what I am going to have here? I don't care to argue the matter. The gentleman thought it didn't take care of that proposition. I think it does from the reading, but so there can be no dispute, I have prepared this argument which reads: "In no case shall any Appellate Court or the Supreme Court upon the review of an action at law tried by the jury be permitted to enter a final and conclusive finding of fact or facts contrary to such verdict." Gentlemen, those are all of the objections that were made to the bill in a specific manner as given by the gentleman from LaSalle.

Oh, yes, in regard to the jury proposition. That is section 26. Now, objection was made in regard to the jury trial. Personally, I think that that would be a good thing to leave in this bill, but it matters not a whit to me whether it is in or out, and I have prepared an amendment which entirely eliminates that provision from this bill, and the law will stand in regard to jury trials as it does now. I could go into an argument in regard to that matter as to why I think that it is proper that this should stay in, but I don't deem it desirable. There are states in the Union

that have such a provision as this, but I don't want to take up your time to discuss that proposition. That is a matter upon which the committee disagreed when they framed this bill, and it ought not to make any particular difference to them. They inserted it and it has been a talking point. That is all there has been to it, and I have prepared an amendment to eliminate it.

I think that I have covered all the points made by the gentleman from LaSalle (Browne), and I am satisfied that if this bill is enacted into a law that it will not be disastrous in its results and that it will not result in a chaotic condition and that it will be a benefit to both lawyers and litigants, and that is what is desired in the State of Illinois, and there are a number of sections in this bill that are the present practice law and under which the lawyers and the people of the State of Illinois are now working and governed by.

Mr. KASSERMAN (Jasper). I don't understand what change you made in section 2. Are you now re-enacting the present statute that covers the issuance and service of process?

Mr. PROVINE (Christian). Yes, sir.

Mr. KASSERMAN (Jasper). You are going to include this as a part of your bill?

Mr. PROVINE (Christian). It is not included in words, but it is included by reference.

Mr. BROWNE (LaSalle). I have prepared an amendment which does include it.

Mr. PROVINE (Christian). If the gentleman from LaSalle (Browne) is satisfied that it covers all those matters of venue, I am perfectly willing for it to go in.

Mr. BROWNE (LaSalle). It does if the present statute does, and it has for a long while.

Mr. PROVINE (Christian). That is all there is to that. It is a matter of venue. The only thing I want to be sure of that it covers them all.

Mr. BROWNE (LaSalle). These matters can be all taken care of in a couple of hours session or such a matter in a committee.

Mr. BUTLER (Sangamon). I would like to ask what is the effect of this bill, from your standpoint, on the jury and on the habeas corpus system?

Mr. PROVINE (Christian). It leaves the jury system absolutely unchanged and it does not affect habeas corpus a particle.

Mr. BROWNE (LaSalle). With your amendment?

Mr. PROVINE (Christian). It never did.

Mr. BROWNE (LaSalle). Never changed what?

Mr. PROVINE (Christian). Habeas corpus.

Mr. BROWNE (LaSalle). With your amendments it don't change—

Mr. PROVINE (Christian). This bill in any form never affected habeas corpus. It did the matter of trial by jury. That has been taken care of by amendment. It never did affect the matter of the grand jury.

Mr. BROWNE (LaSalle). I am not so sure about that.

Mr. KASSERMAN (Jasper). The gentleman from Christian (Provine), by amendment, as I understand, has stricken out the whole of section 13?

Mr. PROVINE (Christian). Yes, sir.

Mr. KASSERMAN (Jasper). I will ask if any changes have been made in sections 68, 69 and 70, which cover the same thing?

Mr. PROVINE (Christian). No, sir, for the reason that they don't cover the same thing, and the Supreme Court cannot make any rules that will be inconsistent with the rules laid down in this act.

Mr. WILSON (Adams). I don't care to trespass on the time of the House any longer than necessary, but there was a speech made this morning in opposition to the bill, of considerable length, and with the customary skill of the gentleman on the other side of the House, who spoke at large, and I want to address myself to two or three propositions that he raised.

His speech, by the way, as it occurred to me, was not an appeal to reason, but an appeal to the prejudice of this House. I think the idea of the gentleman on the other side is, as I have heard him express it time and time again, that it ought not to be made easy to practice law

so that anybody could come in and practice law without being educated at large in the profession.

Now, I venture to say that it does not make any difference to the litigant as far as that is concerned.

Mr. BROWNE (LaSalle). I will not stand here or sit here and permit you to tie any such statement as that to me, which I never made to you or anybody else. I have never advocated illiteracy nor ignorance. I have advocated simplicity of practice and the doing away of technical things, but I will not stand for any such statements.

Mr. WILSON (Adams). Very well, I am glad to hear the gentleman's death bed confession.

Mr. BROWNE (LaSalle). You are thinking of some fellow you have been prosecuting in your sleep.

Mr. WILSON (Adams). I see that the gentleman stands now, since the dinner hour, for simplicity in pleading and practice. That is just what this bill will do. Years ago it used to be the case that a litigant suffered if his attorney was ignorant and there was not any opportunity at all to amend any pleading in the practice at all, but latterly there has been more liberality along that line, and we have had the statutes in regard to amendments and jeofails, but this practice act extends that principle. We would not go back one hundred years, as intimated by the gentleman on the other side, if this act were enacted, but we would go forward perhaps fifteen or twenty or thirty years. Now, this act does a good many things. At the present time under the law in many of the counties, you only have two terms a year, and in some of the counties they don't have juries at all at certain terms. I know in our circuit in my county we have six terms a year, and at the June term they don't have any jury. It is merely a chancery term, or term where cases are tried without the intervention of the jury. This act provides that the courts shall be practically open all the time, just as it is in the Probate Court in all of our counties. Our Probate Courts are open all the time, or at least practically so, because we have a term for Probate Court once each month. That is the situation in this act. It enlarges the opportunity for litigation without requiring the plaintiff to be delayed for a term of court that is coming on in five or six months perhaps, and in that way authorizes a provision with regard to the service of process that the court shall provide return days within the term coming at convenient intervals, so that you can begin your lawsuits and these lawsuits will not be like the celebrated case of Jarndyce against Jarndyce, in the old English court, spoken of by Dickens in one of his works.

The defendant says that no demurrer,—I am almost calling him the defendant here. He objects to the fact that we have abolished demurrers. What objection is there to that? There is no sacredness about that form of pleading. The demurrer merely means that you shall delay, that you shall not be required to plead. By the framing of this bill, there is a provision that the demurrer shall be replaced by a motion to strike, and as far as I am concerned, as far as the practical nature of the pleadings is concerned, I don't care whether you call it a demurrer or whether it be a motion to strike, but that is the English practice, and one is just as expeditious as the other. I remember what Mr. Riddell, one of the Justices of the Supreme Court, I think, of Canada stated. He was amused a year or so ago when he was in this county that we were still using the old English common law that they have abolished for the last forty years, and still sticking in the bark, while in England they get to the substance of the thing. It has been shown how we pile Ossa on Pelion, and there is pleading after pleading under our form of pleading that is supposed to conduce to simplicity, but there are often so many issues and the pleadings so prolix and so involved that it would take a Philadelphia lawyer to explicate the matter and give the court or the jury to understand what is being tried.

Now, as far as those interrogatories are concerned, I don't care whether the interrogatories go out or in. As a matter of fact, I have been on both sides of this proposition. I have been for the plaintiff. I have had a sort of rough-and-ready practice for the last twenty or twenty-five years. Starting out as a young man, suing everybody, it was a long time before I had

any clients that retained me on the other end of the proposition. Once in a while now I am interested, you might say, on both ends of the proposition, but to say that those interrogatories are for the benefit of the corporation, that is the height of absurdity. What has the poor man with dusty feet, who comes into court, what has he to conceal? His life is an open book. He has no large books of account. He has no recesses within his mind that have to be dragged to the light of day. I will tell you the man who doesn't want the interrogatories, so that his business shall be uncovered to the merciless light of day. That is the corporation, and these interrogatories are for the benefit of the poor man who doesn't understand the situation. He doesn't understand the condition of the business of the man whom he is suing so that he may get the facts upon which to base his suit, and if I were for the poor man and were not interested on either side of the proposition, I would say keep your interrogatories in, but I want to tell you, friends, every new section that you put in your bill, every new section that you put in, every additional section, gives something additional to talk about. The idea of anybody who attacks a bill—he is not doing any constructive work. You can go around and nibble here and can nibble there and make an objection, and if, by any sophistical reasoning, you can get anybody to understand that there is an objection to your bill, then you lose a vote, and so for the purpose of simplicity of this bill I am willing to allow the interrogatories to go out, but it is the height of absurdity, it is comical, it is absolutely comical, from the position of the poor man, that that argument should be made for his benefit as against the corporations. That is one of the humors of this debate.

Now then, another good thing about this bill. There are a great many things that we won't have time to discuss, but it used to be if a man got into the wrong court they took him by the seat of the breeches and fired him out of court. He didn't have his day in court.

Section 25 provides that if a litigant, either on account of his own ignorance or on account of the ignorance of his attorney, gets in the wrong forum—brings a suit at common law when he should have brought it in chancery—in that event he does not lose the time. He is not put out of court according to this law, but he is permitted to amend, and the action is permitted to be transferred from the common law to the chancery side of the court, vice versa, and necessary amendments may be made and yet go right ahead with your lawsuit without any loss of time and without being to the expense of adding any additional fees or paying additional costs in bringing another suit in court.

This Act all through bristles, absolutely bristles with improvements along these lines, and with the simplification of pleading which so delights the heart of the gentleman on the other side of the House. Unless there is a set-off or practically a new suit within the suit brought by the defendant there is only the statement of the cause of action and then the answer.

Now Mr. Browne, the gentleman from LaSalle, very skilfully, and in the manner for which he is famous, would have you understand that section 25 is something new—something like Lot's wife, that is, fearfully and wonderfully made. That is to say, the provision in regard to the general and special verdict. Now, I want to tell you, that you have that in the law at the present time. I was engaged in a lawsuit just last week—I was out of the Legislature last week for the first time, for the first whole week since I have been a member of this body—and in that suit the defendant offered a special finding and submitted to the jury the question as to whether the plaintiff was in the exercise of ordinary care for his own personal safety at and just before the time of the injury, and so you have it under the law as it is at the present time, no change in any particular in that regard. It must be a question which reaches to the ultimate fact, and, by the way, I want to say this is a dangerous practice, even for the corporation, because if it gets the right answer it may help, but if it gets the wrong answer, the attorney for the defendant is hoist by his own petard and he is bound by the finding of the jury, and my experience has been I have not known of the attorneys for the defendant to offer any of these special findings, with the exception of the one case I mentioned just a few minutes ago. The law is just the opposite to what was intimated by the gentleman on the other side in

that section 29. There is no enlargement of the powers of the court to take cases from the jury and to substitute their judgment as to the facts for that of the jury, but it is limited here by the latter part of section 29, where it says, "In any action at law tried before a jury, other than a criminal action, if any one or more of the parties thereto moves the court to direct a verdict on any point of law conclusive of the whole controversy, or of any substantial portion thereof, and if the court be in doubt as to any such point of law, such point shall be reserved"—that is not in the law at the present time—"such point shall be reserved and the verdict taken subject thereto and thereafter the trial court, and any other court to which the case may be taken by appeal or writ of error, may enter a judgment either upon the point so reserved, or upon the verdict, as its view of the law on such reserved point may require."

Now, there is another thing. A poor devil gets into court under this situation. I have seen it done myself. The attorneys for the defense get around this poor party and capitalizing the necessities and want of the plaintiff, or the prospective plaintiff, get a release by fraud, practically for nothing. Then the plaintiff brings his suit and in that suit there is offered this release. Now, what is the law now? The law is now, if such a release is offered in a personal injury suit by the defendant, the plaintiff can only defend as against that on account of some fraud inhering in the execution of the instrument. That is to say, that the plaintiff did not know he was signing that sort of thing or some other instrument was substituted for it. But the law is now that if the plaintiff knew that he was giving a release, that he was signing a release, then in that event he cannot defend as against that release, but it comes as an absolute bar to the suit. He may have an excellent defense in equity. There may have been the rankest fraud practiced on him. Though he knew that he signed the paper, there may have been the rankest fraud practiced upon him, but no defense there. This Act enlarges that, makes it reasonable, and it says to the plaintiff or it says to the defendant, if you come into court and want to plead a release or introduce a release of damages as against the plaintiff, then the plaintiff can say that you defrauded me or practiced fraud on me in securing that instrument, and he can further say that while I signed it, there was undue influence or intimidation or duress used on me and offer defense. Why, in the name of the Lord, I would like to know, should not that be done, and it occurs to me that is one of the things that surprises a young lawyer. You take a young lawyer beginning the practice of law and he would think, like the man on the street, that you could make defense against a fraudulent release of that character. That is what is done by section 25.

I am only picking out a few of those things that are in this bill.

Another thing, I have seen case after case reversed and remanded where there wasn't any mistake in the judgment as to the law of the case, but the court was merely of the opinion that the judgment was too high, more than the actual damage suffered by the plaintiff. Section 31 provides that there shall not be a reversal on that account, but that the court shall require a remittitur of the amount that is unjustly assessed. Isn't that common sense? Has anybody any objection to a bill of that sort? Is that a feature of this bill for the benefit of the corporation? Well, I rather guess not, and I fancy they will have a great deal of difficulty in finding any other features of this bill that benefit the corporations, especially in view of the effect of one or two amendments that are to be offered to this bill.

I want to say, as far as the rights of the people are concerned, it would be a sad day for the rights of the litigant people in the State of Illinois if this bill should not become a law.

Another thing, this bill provides that you can appeal from interlocutory orders. That cannot now be done, with the exception, I think, at the present time in cases of injunctions and the appointment of receivers. There may be some other exceptions, but as a general rule you cannot appeal from an interlocutory order. If the court has committed any error against you, you have to wait until the case is concluded. This bill provides that there may be an appeal from an interlocutory order, and I want to say another thing, if you are looking out for the plaintiff in these cases—and I am pretty impartial on this line, as I represent both sides—if you have a personal injury suit,

and you appeal to the Appellate Court, that is, the defendant appeals to the Appellate Court, and the judgment is sustained—mind you it might be for \$5,000 say, according to this bill—then the defendant can appeal. He can go on up to the Supreme Court and appeal from the judgment of the Appellate Court, but if the judgment is reversed by the Appellate Court, then it goes back for whatever reason it may be. Then it goes back to the trial court again, is tried again, the plaintiff gets another judgment, maybe goes up to the Appellate Court again, sent back again, tried again, sometimes three or four times. This act provides that if the subject matter amounts to over \$2,000, I think \$2,000 or over, the defendant can appeal from the Appellate to the Supreme Court if the judgment is sustained, and also that the plaintiff does not have to wait for that case to go back to the trial court again, but he can directly appeal to the Supreme Court to have his rights adjudicated. Now, I fancy that this is something in the interests of the corporation.

I had a case reversed against me the other day at the last session of the Appellate Court where it was reversed—by the way, we represented the plaintiff in a suit against the C. B. & Q. Railroad Company—where that case was reversed by the Appellate Court with a finding of fact. I am a believer in jury trials. I have always been a believer in jury trials. I would rather trust a jury than the judge on questions of fact. That is the reason why I am glad that section 26 is out. It was not a component part of this bill. It is not a necessary part of this bill. It is not a part of the scheme of the bill, and I am glad to see that section out, because I think we ought to encourage jury trials, but under the law as it is at the present time—and this is for the benefit of some of the men who may be interested on the other side—why the Appellate Court can put itself in the place of the jury. Now, the jury has the atmosphere of the case; they see the attorney for the plaintiff on one side and the attorney for the defendant on the other side. There is the witness on the stand. There is the personal element there. There is often a delicate shade of meaning that the jury gets, that everybody in the court room gets, that you cannot convey to the blank printed page. What does the Appellate Court get? The Appellate Court gets a transcript of the record, an abstract of the record. The abstract is an abbreviation of the testimony of the witnesses. The Appellate Court does not hear the witnesses on the stand; it does not get the circumstances or the atmosphere of the trial, and so I have always felt that this was in derogation of the right of jury trial for the Appellate Court to substitute itself for the jury and to make a finding of fact, reverse a case with a finding of fact, and so, friends, we find in this case that that practice is prevented by this bill.

There is another thing that might not appeal to the layman in this regard, but a lawyer would understand it. The Supreme Court and the Appellate Court both have always the right to amend the record if they find the record is incorrect.

This bill is in the interest of justice, no question about it. The average lawyer is the greatest standpatter in the world, because he does not like to change. I have been studying these things since we have had this subject up in the Legislature, for three or four years. And you take the average lawyers who are opposing the bill, it is not because they think it is a bad thing, but because they will have to go to work and study a lot perhaps. I was not in favor of it at first, but as I have studied this I have become more liberal along this line. When it was first introduced I was absolutely opposed to the proposition, just as I have been opposed to the other propositions, but I have worked that sort of temper out of my system.

When the amendments that are to be offered are added there is no question, gentlemen, but this bill ought to go from second reading to third reading. If you assassinate this bill on second reading there is no chance to get it upon the statute books, but if this bill goes from second to third reading you will have an opportunity to study it, and in that event if the bill does not appeal to you then you do not have to vote for it.

Mr. MADSEN (Cook). Under section 20 of this act in the inspection

of documents—isn't it a fact that under the present law a corporation can be compelled to show the books in open court?

Mr. PROVINE (Christian). No.

Mr. MADSEN (Cook). It can not?

Mr. PROVINE (Christian). Not unless they are brought in under a subpoena *duces tecum*.

Mr. KASSERMAN (Jasper). The gentleman from Adams made the statement that in some of the counties of the State they have but two terms of court. I happen to live in one of those counties, and I would like to know for what reason I should file a reply, if I happen to be the attorney for the defendant within twenty days after the plaintiff may bring his suit.

Mr. PROVINE (Christian). Well, I don't quite get that?

Mr. KASSERMAN (Jasper). This bill requires that the defendant file a reply within twenty days after he is served with summons. We have but two terms of court in my county, six months apart.

Mr. PROVINE (Christian). In this bill your court would be always open.

Mr. KASSERMAN (Jasper). The court would be open, but wouldn't your suit have to be brought to some term of court?

Mr. PROVINE (Christian). No, sir.

Mr. KASSERMAN (Jasper). My question is, why should I file a reply within twenty days when there is still six months of the term of court?

Mr. ROTHSCCHILD (Cook). If you have no defense your pleadings will show that.

Mr. KASSERMAN (Jasper). I wish the gentleman from Adams (Wilson) will explain to me how a layman, who is not quite as familiar as I am, would know, or what difference there would be in calling it a motion rather than a demurrer.

Mr. WILSON (Adams). There would be no difference.

Mr. KASSERMAN (Jasper). Why not leave it in then?

Mr. WILSON (Adams). Of course there should not be any special demurrer which goes to the form and not to the substance, but if you want to distinguish between a general demurrer which goes only to the substance and a motion to strike, I don't think it makes any difference.

If you like the Latin name you can call it *narratio*, but it makes a great deal of difference whether or not it be the old-fashioned sort of a declaration.

Mr. KASSERMAN (Jasper). I would like to ask whether it is not your understanding of the law at the present time if a suit cannot be changed from one at law to one at chancery, or one at chancery to one at law?

Mr. WILSON (Adams). I think it can. I think the last Practice Act provided that.

Mr. KASSERMAN (Jasper). There is no change in that.

Mr. ROTHSCCHILD (Cook). There is a change. Under our present statute while you can change from law to chancery, or from chancery to law, you have got to try it as a pure chancery case or a pure law case. If the parties are in court and there is a judge sitting there with all the machinery of the court, what difference does it make if a man has a chancery right or a legal right? Why shouldn't he get justice and not those questions of fine technicalities, whether his remedy is legal or equitable?

Mr. KASSERMAN (Jasper). Do you believe in abolishing this?

Mr. ROTHSCCHILD (Cook). Yes, personally I do. This bill hasn't got the nerve to go far enough. We hope to get some votes on that side that we would not get if we went to that limit. I would abolish everything.

Mr. BROWNE (LaSalle). What do you mean by "we?"

Mr. ROTHSCCHILD (Cook). I used that editorially; that was the editorial "we."

Mr. KASSERMAN (Jasper). The bill as drawn does away with the plea in abatement. How would you raise the question?

Mr. WILSON (Adams). By motion, absolutely.

Mr. KASSERMAN (Jasper). When would you try it?

Mr. WILSON (Adams). Right away.

Mr. KASSERMAN (Jasper). What is the difference whether you call it a plea in abatement or a motion?

Mr. ROTHSCCHILD (Cook). We want to do away with the technical demurrer. As the law stands now if you don't say "Whereas" and "Whereas also," you are out of court. We want you to go right to the substance of the thing. If a man files a pleading that is not proper, we want to go into court in simple every-day English and state that the man has not set up a proper cause of action. I will read you some declarations and demurrers. Why should I go through a long rigamarole to state what everybody wants in plain English?

I want to say a word or two about this bill and will try to stay away from any fine technicalities that the ordinary members can't understand. If there ever was an argument or a day's proceeding that was an argument for the abolition of technicalities, the arguments on the floor of this House today are the best I could have given. We have before us a bill of 47 pages, and the lawyer looks through and finds a line that scares a man here and there and then he skips two or three pages, and he adroitly picks out a line in another place.

Mr. BROWNE (LaSalle). There is nobody scared except you.

Mr. ROTHSCCHILD (Cook). We are not scared. We have before us at this time the most important measure that is liable to come before this Legislature. The matter should not be treated lightly, but with all due consideration and seriousness.

Yesterday, when the chancery bill was presented here, the gentleman from LaSalle (Browne), started in and said, "Where is the great demand for this change in the practice?" If there is one thing that the public is demanding, it is that these ridiculous absurdities should be removed and that the litigants can get justice. That is what this bill proposes to do—that is, with every one except the old fashioned lawyer that the gentleman from LaSalle (Browne), is so pleased to talk about. You can read your newspapers and magazines and any place where men get together and discuss things, and if there is one thing that is before them, it is that these fine tools of the lawyers should be abolished, and let us get away from the time when men were waging wits, and it was a battle of wits between men and not a matter of justice between litigants.

The gentleman from LaSalle (Browne), is a very adroit debater and he has one main objection to this bill. I will hurry through my argument—

(A VOICE. Get through quick.)

THE SPEAKER. The chair desires to say that these side remarks are entirely uncalled for. The gentleman from Cook has the floor and he should be allowed to continue uninterrupted.

Mr. ROTHSCCHILD (Cook). I thank the speaker, but I am not disconcerted, and I want to make it short. The gentleman from LaSalle (Browne), in starting his argument said that there were no errors in the bill but that there were many intentional wrongs. In order to prove intentional wrongs he pointed out two things. He said the right of trial by jury has been attacked and he said the principle of habeas corpus has been taken away. That is the method of the gentleman from LaSalle (Browne). Any American citizen is aroused by the words "trial by jury" and when the words "habeas corpus" are mentioned. There is not a word in the Act about habeas corpus. So far as the right of trial by jury is concerned, the same provision contained in this bill, have since been eliminated, are now contained in the Municipal Court Act, and that Act, Mr. Speaker, was referred to the people of the city of Chicago for adoption and was adopted overwhelmingly.

The gentleman from LaSalle (Browne), accuses us all of intentional wrong doing. Every objection that the gentleman from LaSalle (Browne), raised to this bill has been removed. We will test his good faith. Now that these objections have been removed, we will see whether he will withdraw his motion to strike out the enacting clause.

Mr. BROWNE (LaSalle). Mr. Speaker, I want to refute that statement.

Mr. ROTHSCCHILD (Cook). I object to any interruption, Mr. Speaker.

Mr. BROWNE (LaSalle). I am not going to sit by or stand here and be misquoted.

Mr. ROTHSCCHILD (Cook). I object to any interruption, Mr. Speaker.

Mr. BROWNE (LaSalle). Every objection that I have made has not been eliminated.

Mr. ROTHSCCHILD (Cook). That is a matter of debate and you will have a right to close.

Mr. BROWNE (LaSalle). You know that it has not been changed yet.

Mr. ROTHSCCHILD (Cook). I insist that I have the floor.

Mr. BROWNE (LaSalle). You know that isn't so, and you know it as well as I do.

Mr. ROTHSCCHILD (Cook). I insist I have the floor.

THE SPEAKER. The gentleman from LaSalle (Browne), received every courtesy this morning and occupied an hour and a half. He was not interrupted. He has the closing argument and the right to deny or refute any of the statements that are made. If the gentleman makes a misstatement and refuses to answer the question, when he has completed his argument, the gentleman from LaSalle (Browne), has the right to close this debate. (Applause.)

Mr. ROTHSCCHILD (Cook). If I am misquoting the gentleman from LaSalle (Browne), then, thanks to our new rules, we have a stenographic report of what is being said. It is in the record and it will be seen whether I am misquoting him. The question of good faith has been brought up here and in bringing up that question the gentleman from LaSalle (Browne), has made a personal attack upon the man that drafted this bill. This man has served in this particular capacity with reference to the reform of our judicial procedure ever since I can remember and I don't think it is a fair proposition to attack him. The gentleman from LaSalle (Browne), stated to the members of this House that this man came down here four years ago with a big bill of two volumes and that now he has whittled it away until he has gotten down to what he now presents to you. The man that drafted these bills agrees with Mr. Browne that every rule of pleading and practice should be in the statutes. In his former bill he tried to put every form of pleading into the bill so there would be no uncertainty and so the Supreme Court could not adopt any rules. I know what happened to that bill. That bill was criticised because it contained all of these little details that should not have the rigidity of statutes and should be included in rules of court. He presented a bill that is not his way of thinking but it is the way of thinking of men engaged in judicial reform movements, and he now says that the rest may be determined by rules of the court. In order to get this bill through we will have to sacrifice part of that provision about the rules of court. He should not be criticised as he sacrificed his own personal judgment in order to make it possible to have some reform in our present judicial procedure. I will not say a word about good faith or bad faith. That is not the question. The question is, have we laws regarding procedure in our courts which are proper and which are simple and which people can understand and give the litigants what they are entitled to? If we say we have not, then do we propose something that is going to assist the litigant?

It is easy enough to take hold of another man's work and talk about it and show how poor it is. The thing that interests me most in these bills is the abolition of the common law system of pleading. This system goes back into the middle ages in England, and we haven't gotten down to the fine system of logic.

I will show you what that pleading is. First, I want to say that the lawyer is the most conservative person in our social community. He will not stand for any change. The minute you want to change something he is up in arms. It is just because the lawyers are conservative that we cannot reform our procedure. It was this ridiculous system of pleading and practice that gave the greatest strength to the Progressive Party in 1912. We can't reform the rules and can't reform the practice, because our lawyers are standpatters and believe in technicalities, and there are some older men that have learned all the tricks of the trade, and know how to handle the tools and are afraid some young man will come along and be able to practice law as well as the older men can. The lawyer is pig-headed. I have my opinion and the gentleman from LaSalle (Browne), has his, and the other man has his, and we say that we believe this system should be so and so, and if it is not that way we will beat the whole thing. We have 46 lawyers in this

House and we cannot convince that entire number on every point in this bill. It is not in the cards and it cannot be done. I am not satisfied with every word and every line that is in this bill. I could change some things.

Two years ago this bill passed the Senate and came over into the House and was considered in Committee of the House and got to third reading and died there. After that the bill came to the notice of the Bar Association of the city of Chicago and of the State and to many lawyers in the State. All of these fears for the liberty of the people occurred to nobody except the gentleman from LaSalle (Browne) and I can see why he makes his argument. Every time you wipe out a technicality, you make it more certain that you will get what you are entitled to and are not going into court to see who has the smartest lawyer. We are not going to let people's rights be determined by who can get the most skillful lawyer, and the fellow that has some nice new tricks that he is working out. That is not justice.

A great deal has been said about this bill. What about our present practice? Why shouldn't we go into court and say to the court orally or in writing,—it will have to be written,—“John Jones owes me \$15.00 and will not pay it.” Isn't that common sense? Suppose I own a note, a promissory note, and he will not pay me my money, why shouldn't I go into court and say that on such and such a day Bill Smith signed a note promising to pay me so much money and will not pay it? Isn't that enough?

I will read the grand system in vogue which the gentleman from LaSalle (Browne) has been defending. I will read what is necessary to be said when you sue on a promissory note. I will ask your pardon, but it is so ridiculous that it may be interesting and amusing. It starts off, “State of Illinois; County of Cook, SS.” I have only read two lines and I have gotten to the “SS.” I ask the lawyers what that means. I don't know what it means. I am reading from Puterbaugh's pleading and Practice. Listen to what you have to say when John Jones owes Bill Smith \$15.00.

“A. B., plaintiff, by E. F., his attorney, complains of C. D., defendant, of a plea of trespass on the case: For that, whereas, the plaintiff, on, etc., in the county aforesaid, was lawfully possessed, as of his own property, of certain goods and chattels, to wit, of the value of blank dollars, and being so possessed thereof, the plaintiff afterwards, to wit, on the day aforesaid, there casually lost the said goods and chattels out of his possession, and the same afterwards, to wit, on the same day, there came to the possession of the defendant by finding: Yet the defendant, well knowing the said goods and chattels to be the property of the plaintiff, has not as yet delivered the same, or any or either of them, or any part thereof, to the plaintiff, although often thereto requested, but has hitherto refused so to do, and afterwards, to wit, on the same day, there converted and disposed of the said goods and chattels to his own use: To the damage of the plaintiff of blank dollars, and therefore he brings his suit.”

Mr. TURNBAUGH (Carroll). Isn't it a fact that any lawyer who had any confidence in his own ability, might have stated that in one count or in one statement, instead of putting in all of the common counts? We put it all in because it is a form that is easy to follow.

Mr. ROTHSCILD (Cook). I will answer it Yes and then I will answer it No.

Mr. TURNBAUGH (Carroll). That is no answer.

Mr. ROTHSCILD (Cook). I will answer the question. No lawyer is going to take a chance that he will be out of court on a technicality. If he has not filed his common counts, he may have omitted something. There is the conservatism of the lawyer. He is going to stand by the pleadings that have come down for one hundred years. If he don't put those common counts in, the other lawyer runs into court and says that he has not said enough. That makes your lawsuit. I will now answer your question “Yes”, on the ground it is true that he puts in that matter as a matter of form; then I say abolish the form. Why should we go to that expense if it is a matter of form? The gentleman from LaSalle (Browne), is not hurt and nobody is hurt, let us get right down to what we are driving at.

Mr. FRANKHAUSER (Cook). Can I ask the gentleman a question?

Mr. ROTHSCILD (Cook). No, I don't want to be asked a question. I

think the gentleman from Cook (Frankhauser) is trying to trick me, and I am having trouble enough now. (Laughter.)

If some nonmember of this House should come into my yard and steal my wagon, and if I wanted to sue him, I should be allowed to come into court and say that so and so came into my yard and took my wagon and used it and will not pay. That should be enough to try a lawsuit. He could come in and say that he didn't take it, or the wagon belonged to him.

I will now read an action in trover without any common counts. Latin wasn't good enough for them, so they had to use a little French. I am reading from Puterbaugh's Pleadings and Practice. "State of Illinois, County of Cook, SS". I will find out what that "SS" means some day.

"For that, whereas the defendant, on the blank day of blank, in the year blank, in the county aforesaid, made his promissory note, and delivered the same to one G. H. blank, and thereby then and there blank promised to pay, blank, after the date thereof to the order of the said G. H. blank, at the blank Bank, in blank, the sum of blank dollars, for value received, with interest on the said sum, from the date of the said note, at the rate of blank per centum per annum; and the said G. H. thereupon then and there, to-wit at the time and place first aforesaid, assigned the said note, by endorsement thereon under his hand, to one I. J., who thereupon then and there assigned the same, by endorsement thereon under his hand, to the plaintiff; by means whereof the defendant then and there became liable to pay to the plaintiff the amount of the said note, according to the tenor and effect thereof; and being so liable, the defendant, in consideration thereof, then and there promised the plaintiff to pay him the said amount, according to the tenor and effect of the said note.

"And whereas, also the defendant, on the blank day of blank, in the year blank, in the county aforesaid, was indebted to the plaintiff in the sum of blank dollars, for money before that time lent by the plaintiff to the defendant, at his request; and in the like sum for money before that time paid and expended by the plaintiff for the use of the defendant, at his request; and in the like sum for money before that time received by the defendant for the use of the plaintiff; and in the like sum for interest on divers sums of money before that time forborne by the plaintiff to the defendant, at his request, for divers spaces of time before then elapsed; and in the like sum for money found to be due from the defendant to the plaintiff, on an account then and there stated between them; and being so indebted, the defendant, in consideration thereof, then and there promised the plaintiff to pay him, on request, the several sums of money so due to him as aforesaid.

"Yet, although the day of payment in the said note specified has elapsed, the defendant has not paid to the plaintiff the amount of the said note, or any part thereof, but refuses so to do; nor has the defendant, though requested, paid to the plaintiff the several other sums of money above specified, or any or either of them or any part thereof, but refuses to pay him the same; to the damage of the plaintiff of blank dollars, and therefore he brings his suit, etc."

The purpose of this great system of common law pleadings is to give notice to the other party of what the lawsuit is about, and after you go all through your declaration in that form you still haven't given notice, as the dates don't count and the amounts don't count and the place don't count, and nothing counts except you get the "Whereases" right. You don't have to prove the value you show in your declaration. That is your system of pleading that the gentleman from LaSalle (Browne) has been defending. That is the child he has been so carefully nursing here today.

I could demonstrate to you beyond the peradventure of a doubt that it is a ridiculous system and the sooner we get down to the simple statements the better. Until we get that system, we will have a system of technicalities and pettyfogging and it is not the litigant that is going to suffer, but it is the lawyer that will have to suffer. His tools are being taken away from him. What of it? The general public is entitled to have their case tried and tried quickly and tried without technicalities.

Mr. GRAHAM (Mercer). I have tried earnestly since this bill was first introduced to accommodate myself to its various clauses, and to come

to the frame of mind and the method of thinking when I could adopt it as a bill that ought to be enacted into law.

The amendments that the gentleman (Provine) proposes obviate some of the objections that I had in mind. However, they do not obviate some radical defects in this measure. I made a motion this morning, which I guess was out of order, that this matter be re-committed to the committee thinking at the time, as I think now, that some radical changes and amendments ought to be made in this before we even think of voting on it.

But I would like, in a few brief words, to call your attention to those matters. Now, gentlemen, I want you to understand that I as a practicing lawyer am willing and anxious that the code of pleadings in this State be simplified so that anybody can understand them. That can be done upon safe and proper lines, but I do not believe that the measure that is produced here is something that we, as lawyers, and we as laymen ought to adopt and make into the statutory law in this State, for the reasons which I will now try to give to you briefly.

In the first place, gentlemen, the law ought to be so plain that anyone who has a statute could read it and see what the law was. I am thinking about the young lawyer now that comes on in the future. I have practiced law for years and I can take care of myself, but I am thinking of the other fellow who is coming on after while. Right in the beginning of this new code of law pleading I find this provision, in section 2, that actions may be brought in any county in which it might have been brought in pursuance of any law in force immediately prior to the first day of August, 1916.

Now, what is the young lawyer going to do when he opens his statute and finds that provision? Why, he will have to go get the old statutes and dig up to see what the law was prior to August, 1916. If you have your statutes on your desks, if you will take the trouble to look at Chapter 110, Practice, page 1858, you will find that the first two pages of the act are entirely taken up with provisions as to where suits can be brought, and yet the author of this act did not include them, did not even incorporate in this section of the law where such suits should be brought, but left it to the customs of the man who is looking for something that would produce litigation. Let me call your attention to the fact, gentlemen, that we have been making law since 1819, that has been preserved on the reports of our courts. Carefully and slowly we have built up a system, and every man knows, or can know, who will look at these books what the law is today, about where suits can be brought, and where service can be had, and you wipe all that out. I want to say to you in all honesty and in all candor, if you enact this new code of law pleadings, the courts of this State will be taken up for the next hundred years in considering what they mean. It will produce litigation for me and for Provine and for the other forty-five lawyers in this House, and we will be busy with cases. It will make business for us, because we are doing away with the work of a hundred years.

Now, you will find that same provision, gentlemen, on the next page, in the 23d line, where it is said that the services shall be according to the rules and laws that were in force prior to August 1, 1916. Now, I contend, gentlemen, and I think I am right, that this bill ought to have been reconstructed and those provisions put in so that the law will be so plain that he who runs may read.

Now, gentlemen, let me call your attention to some other things. Some of them, possibly, have been talked about by the gentlemen on both sides of the House, but I want you to understand that I take no stock in what has been said. I am taking it for granted that you are all trying to do what I am trying to do, to enact laws that will be for the best interests of the people of the State of Illinois, and that that is to be the guiding star, not what some individual wants, or what would put money in his pocket, or what would perhaps help his particular constituency, but what is best for the great people of this great State of ours. That ought to be and I trust is the guiding star.

Now, gentlemen, let me call your attention to the repealing clause of this bill which is found on the last page. I do not know whether it has been called to the attention of the sponsors of this bill or not, but it occurred to me during the argument that this is a pretty broad provision.

Section 71: "The act entitled, 'An Act in relation to practice and procedure in courts of record,' approved June 3, 1907, in force July 1, 1907, and all other acts and parts of acts inconsistent herewith are hereby repealed." Now, what does that do? It wipes off the statute book in its entirety the Practice Act of this State that is found on page 1858 of the statutes, and of which there are one hundred and twenty-seven clauses. Now, it means, gentlemen, if this bill is enacted into law, all that system is wiped off the books and we start again and the only foundation stone of our practice in courts of law is that bill with those seventy-one clauses or paragraphs.

I want to call your attention to a few clauses that have not been covered that appear in the original statute. In the first place, all the clauses and all the paragraphs as to service and place where venue may be had are not mentioned at all.

In the second place, in paragraph fourteen of the old statute is a provision relative to the service of scire facias, which is a common practice in modern courts and a valuable one in many instances.

In the second place, in section 16 is a requirement of the present law that attorneys must enter their appearances in writing and provides a method by which they can come into court; that is wiped off the books.

In the next place, in section 18 is a provision that suit may be brought by assignees or bona fide owners of choses in action. I have looked through this bill and I cannot find a similar provision from one end to the other.

In the present Practice Act, in section 19, is a provision of law, I might call it, containing the law that we have now, providing for the keeping of dockets by clerks of courts and prescribing how they shall be kept. That is wiped off the books. There is nothing of the kind in the bill before us.

In the next place is section 20 relative to the apportionment of cases by courts and when subpoenas are returnable and how, and there is nothing in the present bill about it at all.

In section 22 is a provision relative to subpoenas. In section 23 of the present Act there is a designation of judges to call chancery docket of the court, in other words, in places like Chicago, where certain judges can be designated to take care of the chancery business of the court. This is entirely disregarded in the pending bill.

In section 25 of the present statute there is a requirement that a copy of all pleadings be filed with the original. Do you know what that is for? That is for the purpose of having a copy there that the opposing attorney can get hold of. That is wiped off the books.

Now, all these things have been omitted from the pending bill, and gentlemen, this bill is one of the most momentous, in my judgment, that will come before this present Legislature. It is revolutionary of the practice of our courts for a hundred years.

THE SPEAKER. I would like to ask the gentlemen who are for and against this bill if they would like to continue tonight.

(VOICES. No.)

Mr. BROWNE (LaSalle). I would like to see it finished tonight.

THE SPEAKER. There is a couple of committee hearings called for tonight at eight o'clock.

Mr. PROVIN (Christian). I move that this matter go over until next Tuesday.

Mr. BROWNE (LaSalle). I don't think, Mr. Speaker, that this ought to go over until Tuesday without a re-committal to the committee, and I will not obstruct its coming out; but I do want it to go to the committee where it can receive the attention that things of that kind get in committee and cannot get on the floor.

Mr. PROVIN (Christian). We have had this matter in committee.

Mr. BUTLER (Sangamon). I would like to make a suggestion that that is the sense, that it be re-committed to the committee and returned for further consideration Tuesday.

Mr. SCHOL (Peoria). I move, Mr. Speaker, that the bill be re-committed to the committee from which it came.

THE SPEAKER. You have heard the motion that the bill be re-committed to the Committee on Judicial Department and Practice.

Mr. ROTHSCHILD (Cook). The reason why I don't want this bill re-committed is that it has been in committee two months. I am willing that the bill go over until next Tuesday and in the meantime we can get together with the author of the bill and prepare such amendments as are necessary. There are only one or two or perhaps three men against this bill.

THE SPEAKER. Let us not get into any argument about that.

Mr. BROWNE (LaSalle). If you think there are only two or three men that will oppose this on this floor, let us try a vote on it.

Mr. SCHOLLES (Peoria). I renew my motion that this bill be re-committed.

THE SPEAKER. The gentleman from Peoria (Scholes) moves that this bill be re-committed to the Committee on Judicial Department and Practice.

(Rising vote; motion to re-commit prevailed.)

THE SPEAKER. The bill is re-committed to the Committee on Judicial Department and Practice.

Mr. VICKERS (McHenry). I understand that Mr. Davidson is to appear before the House through his attorney, Mr. Pierson, and I would ask that he make explanation of the charges filed against him here.

Mr. PIERSON (Cook). The gentleman from the 31st District, Mr. Frankhauser, and myself have been requested by Mr. Davidson to appear for him and express his respect for this House, its committees and the members thereof, and especially to say to this House and the persons who are concerned in this matter that he has not made at any time or place the statements attributed to him in the letter read into the Journal of this House, and he has no knowledge that any member of this House has been approached improperly on any measure pending in this body and no reason to believe that any such facts exist.

From a personal acquaintance with Mr. Davidson, I am pleased to advise this House that I know him as a man eminent in his profession, a gentleman of high character and integrity.

I submit that the incident involved cannot harm the good name of the honorable gentlemen who compose the Committee on License. The scholarly gentleman who presides over that committee, and all its members stand too high in the esteem of the members of this body and their constituencies to call for further attention on our part. Mr. Frankhauser may desire to add to this statement.

Mr. FRANKHAUSER (Cook). I only wish to add that we appear here in a friendly way for Mr. Davidson, and that Mr. Pierson has stated what I would only re-state if I should make any further statement.

THE SPEAKER. The House has heard the statements made by Mr. Frankhauser and Mr. Pierson as appearing for Mr. Davidson, denying the charge made in the letter of yesterday. What is the desire of the House?

Mr. VICKERS (McHenry). In view of the fact that Mr. Davidson denies the charge, I move that the proceedings be dismissed.

Mr. IGOE (Cook). Before that is done, I would like to know who got the dough. (Laughter.)

THE SPEAKER. The gentleman from McHenry (Vickers) presented a resolution yesterday and now moves that the proceedings be dismissed. That is the question before the House.

(Motion prevailed.)

Mr. HAMLIN (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 84.

WHEREAS, The law with respect to indictments is in a most unsatisfactory state; and,

WHEREAS, The administration of justice is materially hampered by the defects of the law in this respect; and,

WHEREAS, It requires time and study to prepare and perfect means of curing the defects in our criminal jurisprudence so as to avoid the evils arising from the state of the law relating to indictments; therefore, be it

Resolved, That a commission of three qualified lawyers be appointed by

the Governor to study the subject of indictments, prepare a report and a bill for an Act on the subject and present the same to the next succeeding session of the General Assembly and an appropriation be made sufficient to defray the ordinary expenses of such commission.

THE SPEAKER. The resolution is referred to the Committee on Judiciary, and afterwards will be referred to the Committee on Appropriations.

Mr. MOORE (Henry). I move that the House do now adjourn.

THE SPEAKER. Before the motion to adjourn is put, I desire to state to the House that I hope that as many as possible will remain for the Friday session. The Northbound Alton train will be held a half hour, so that we can work until 12:15 and those who desire to go north can catch the limited train for Chicago.

Mr. MOORE (Henry). I renew my motion that the House do now adjourn.

Motion prevailed and the House adjourned until 10 o'clock A. M. Friday, April 30, 1915.

FRIDAY, APRIL 30, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Duggan.

The Journal of previous day being read. Upon motion of Mr. Arthur Roe (Fayette), further reading was dispensed with and the Journal approved.

Whereupon, the House proceeded on the order of presentation of petitions and reports from standing committees.

Mr. Smejkal, from the Committee on Appropriations, to which was referred House Bill 570, reports the same back with the recommendation that it do not pass.

Mr. TURNER (Cook). I move that the House nonconcur in the report of the committee on House Bill 570.

I didn't have time to urge the needs of this particular appropriation. I explained the matter to the chairman of the committee and he instructed me to see His Excellency as he had said he would not sign it if the appropriation was made. While I was on my way their action was taken on the bill and I didn't have another opportunity to present it to the committee.

Mr. SMEJKAL (Cook). I have been holding this report up now for a week at the request of the gentleman from Cook (Turner). The bill provides for an additional appropriation for the Eighth Regiment Armory in Chicago. House Bill 641 reported out the other day provides for \$18,000, and that is the only request that has been made by the Military Commission through the Adjutant General's Department, and we are giving that.

Mr. O'ROURKE (Cook). Isn't the Eighth Regiment one of the bravest regiments in the State of Illinois?

Mr. TURNER (Cook). I have some facts if the gentlemen will permit me, when there is a full house.

Mr. BUTLER (Sangamon). I think a way out of this dilemma would be for the gentleman from Cook (Turner) to give notice that on a certain day he will move to reconsider this matter.

THE SPEAKER. The gentleman from Cook, Mr. Turner, moves to nonconcur in the report of the Committee on Appropriations.

Mr. SMEJKAL (Cook). I move to lay that on the table.

(Motion to table prevailed.)

Mr. TURNER (Cook). I give notice that on next Tuesday I will move to reconsider the motion by which this bill was tabled. This is a snap judgment on me, and I am not prepared.

THE SPEAKER. You are mistaken about any snap judgment being taken. It is the regular order under reports from standing committees.

Mr. SMEJKAL (Cook). The gentleman from Cook (Turner) is not fair to the committee when he says that anybody is trying to take snap judgment. I have been holding this matter up for ten days at his request. It was put out April 21, and I have been holding it ever since.

Mr. WEBER (Cook). I move that House Bill 356 be re-referred to the Judiciary Committee in order that parties interested may be heard.

Mr. THOMASON (Clay). I am going to insist that the bill remain on the floor. This is not a fanatic bill of any kind. It is practically a copy of the law that is now in force in New York and similar to one in force in Wisconsin. It provides that commission merchants dealing in farm produce shall be licensed and give a bond. They occupy a fiduciary relation and you ship your goods to them and trust them. You don't know what they do

with the goods and if you have a right of complaint, you don't know who they sold them to.

If there are any amendments or any reasons for this bill being changed, it can be changed right here on the floor of this House. I had a talk with one of the commission merchants who was sent down the other day and he went over the matter. He stated his objections and we got pretty well together. He left saying that they would probably accept it as agreed upon, but since that time he has written a letter saying they could not. No reputable and legitimate commission merchant can object to the passage of this bill. It helps the legitimate merchant and puts the rascal out of business.

Mr. LIPSCHULCH (Cook). It seems to me that it is about time to quit being imitators and start a little thinking for ourselves. I am tired of listening to what New York did or what Pennsylvania or any other state did. Why not take cognizance of conditions as they are here, as they effect the people of our own State, and if you will do that I think you will get nearer to common sense.

I always listen to those who are directly effected by a proposed law, and if possible follow their advice. In this case we have good standard conservative commission merchants telling us that it would work injury to them. Let us then not to pin unnecessary difficulties on their business freedom.

Mr. BROWN (Cook). You are acquainted with Frost Brothers on South Water Street. They are perfectly legitimate people, and they ask to be heard on this bill.

Mr. WILSON (Cook). Do you know C. F. Love, on South Water street?

Mr. THOMASON (Clay). Yes.

Mr. WILSON (Cook). Do you think they are reputable?

Mr. THOMASON (Clay). A great many of them are reputable and others are not. The reputable commission merchant has nothing to fear by this bill.

Mr. WILSON (Cook). They are against this bill.

Mr. THOMASON (Clay). I received a letter from the Commissioner of Agriculture of New York, who tells me that the reputable commission merchants of New York are for the bill. If it is an excellent thing there, it will work the same way in this State.

I wish to tell some of you that I studied law in Chicago and worked in a law office. I ran my legs off trying to collect accounts down on South Water street. I don't think I ever succeeded in collecting a single account. I would go into a building there with possibly twenty firms, and one desk behind the other, and their desks was their office. It was their sole asset, and they were doing business under some big name and printing their stationery showing the building in which they had their office as being their building, and sent out their tags and cards all over the State, and the farmers shipped their produce to them and risked everything to them.

Mr. WILSON (Cook). You were in the wrong building, you were in the open board of trade.

Mr. THOMASON (Clay). Those people who are reputable and who are doing an honest business have nothing to fear from this bill. It will advertise their business and be the means of establishing confidence and they will receive shipments from all the surrounding states like Missouri, Wisconsin, Indiana, etc.

Mr. TURNBAUGH (Carroll). I think this bill is of enough importance to be taken up when there is a quorum of this House present. To send this bill back to a committee is a very serious thing. I don't believe in sending it back unless there is a quorum in this House.

Mr. ROTHSCCHILD (Cook). This bill came up at about 4 o'clock at night in the committee, and there was no quorum. There may have been notice given to all of us from Chicago, but I guess we were sleeping on the job. None of us knew what the bill contained. At that time we asked the gentleman who introduced the bill to permit it to go over so there could be hearings. First he consented, and then he said he would not. He made practically the same statement he made on the floor this morning. If the

bill has merit it ought to be in such shape that legitimate business is not disturbed. It is not the rascals in the commission business that are complaining, but every reputable commission man on South Water street is complaining to us who come from Chicago.

Mr. FRANKHAUSER (Cook). I don't think there is a member in this House after an examination of this bill, who would refuse to vote to send this bill back without further investigation. It is so far-reaching in its effect that no one would be willing to stand for any such action unless it went to a committee. I believe this bill ought to go back and receive the careful consideration of the committee.

Mr. PERKINS (Logan). That bill was considered in the committee and considered fairly, and these gentlemen did not have their ammunition there at that time. Probably because they were asleep, the people outside of Cook County will get a chance at something they ought to have. There is no honest commission merchant in this State that will be against this bill.

THE SPEAKER. The question is on the motion to re-commit to the Judiciary Committee.

(Rising vote taken; motion prevailed; bill recommitted.)

THE DOORKEEPER. Mr. Speaker, a message from the Governor, by his Honorable Secretary, William L. Sullivan.

SECRETARY TO THE GOVERNOR. Mr. Speaker, I am directed by the Governor to lay before the House the following message:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
SPRINGFIELD, April 29, 1915.

Gentlemen of the Forty-ninth General Assembly:

Herewith I transmit to you the report of the Mining Investigation Commission of the State of Illinois and the several bills by it drafted and recommended for enactment.

These bills have the support of both the coal operators' and miners' organizations of the State, and are unanimously recommended by the commission.

The commission has performed its labors during the session of the Legislature and has just completed them, their report coming in this day.

I therefore recommend that these bills be given your prompt and careful consideration.

Attention is, in this report, called to the necessity of uniform mining legislation for the several states interested in the mining industry. The group of competitive states, inclusive of Illinois are, in addition to the latter, Pennsylvania, West Virginia, Kentucky, Ohio, Indiana and Iowa. I submit for your consideration and decision the question of inviting a conference of representatives of these several states for the purpose of formulating and recommending such uniform legislation, and making a suitable appropriation therefor.

Respectfully submitted,

E. F. DUNNE, Governor.

MR. BURRES (Champaign). I wish to call up Senate Joint Resolution 18 for the purpose of amending it. We ask that it be amended to read two weeks from today, to go and visit the University of Illinois. There will be no expense incurred by the State for this visit. There are a few of the new members who have asked the representatives from that district when that would be arranged for, and by the efforts of the citizens of the Twin Cities and the friends of the University, we are going to ask that you visit the University Friday afternoon two weeks from today, after the work of the session is over.

The request has come to me from members of the Senate, and the visit of the Educational Committee will be arranged in the itinerary of that committee, so they can be in Champaign-Urbana on that day.

Amend Senate Joint Resolution No. 18, by changing date named in resolution to May 14 and 15, and adding that the committee of arrangements, when named, shall not incur any expense to be paid by the State.

Amendment adopted.

MR. BURRES (Champaign). In regard to the expenses, the railway

company will run trains at a dollar for the round trip, and members of the House and their friends will probably be taken care of in some way by friends of the University.

I move that the House concur in Senate Joint Resolution 18.

(The House concurs. Motion prevailed.)

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 5:30 o'clock next Monday night.

(The motion prevailed.)

Whereupon the House adjourned.

MONDAY, MAY 3, 1915.

5:30 o'Clock P. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

Journal of previous day being read. Upon motion of Mr. F. J. Ryan (Cook), further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports of standing committees, reports from select committees, messages on the speaker's desk, introduction of bills, House bills on first reading, and Senate bills on first reading, all without debate.

Mr. BRUCE (Cook). Why don't we follow the regular order of business?

THE SPEAKER. We are on the regular order. These are Senate bills on first reading, and there is no debate on them. As to second reading bills, if there is no objection to them we will take them up. This is merely for the clerk to make his record.

Mr. MERRITT (Sangamon). I object to going to second reading of bills and move that the House do now adjourn.

Mr. BRUCE (Cook). Mr. Speaker——

THE SPEAKER. The gentleman from Cook (Bruce).

Mr. HOLADAY (Vermilion). Why shouldn't we go to second reading?

THE SPEAKER. The gentleman from Cook (Bruce), was recognized.

Mr. BRUCE (Cook). I ask unanimous consent to take up House Bill No. 10 on second reading.

Mr. WILSON (Adams). What is it?

THE SPEAKER. The Mothers' Pension Bill.

Mr. MERRITT (Sangamon). I would be in favor of accommodating the gentleman, but I hardly think it is a good thing to do with only twelve members in attendance.

THE SPEAKER. I will say for the benefit of the gentleman from Sangamon (Merritt), and the other members that it is not our fault that there are only ten or twelve members present. If you are going to do that every week, you will have only a few members present. It is only fair to the gentlemen that come here that they should be allowed to call up their bills.

Mr. TICE (Menard). It seems to us that we should have an opportunity to call up bills on second reading, we who come here every Monday and stay on Fridays. We should have some reward for attendance on Mondays and Fridays, and we should have some right to do some business when we come here this way and try to maintain the sessions.

THE SPEAKER. The gentleman from Cook (Bruce), has been here at every session of this House. He has been for two weeks trying to call this bill up on Friday or on Monday and someone has raised a question of no quorum. If the gentleman from Sangamon (Merritt), has any objection to any bill that is called, the bill will be passed, but it is hardly fair to the men who come here to object to the consideration of any bill.

Mr. MERRITT (Sangamon). The reason is that the House is thin and there is not a constitutional majority to transact business. If the gentleman (Bruce) will state what his bill provides, if the other members are in favor of proceeding with the bill with a dozen members present, they must take the responsibility.

THE SPEAKER. The bill is House Bill No. 10, known as the "Mothers' Pension Bill." Are there any objections to that bill being considered?

(VOICES. "Leave.")

THE SPEAKER. If there are no objections, the Clerk will read the bill.

Mr. BRUCE (Cook). Regarding House Bill No. 10, when the bill was taken up in committee there were some objections made to the feature of the bill that goes to make eligible a pension under the law as to mothers who were not citizens of the United States, and I suggested that the bill be referred to a sub-committee of the committee of charities and corrections, which was done. The sub-committee went to Chicago and met with Judge Pinckney and Mr. Hunter, of the juvenile court, and we went over the records of the juvenile court in reference to the present mothers' pension law, the one enacted in 1911 and the one enacted and in force July 1, 1913. These various amendments are submitted by the sub-committee to the full committee, and the bill with these amendments was reported out unanimously.

THE SPEAKER. Proceed with the amendments.

(Amendments Nos. 1 to 7, inclusive, adopted without debate.)

Mr. TURNBAUGH (Carroll). I think we should amend line 38, section 11, by striking out the words, "bringing up" and insert in lieu thereof the words, "have the care and custody of".

Mr. BRUCE (Cook). I have no objection to the amendment.

(Amendment adopted.)

Mr. HOLADAY (Vermilion). I would like to call up House Bill 457 on the order of second reading.

Mr. MADSEN (Cook). This bill gives great powers to county boards, and it will allow the county board to take whatever money there may be in the treasury of that county and spend it upon roads. It is true that there is a clause that calls for a referendum, but that would not prevent the county board taking what funds they may have and use it for that road. The referendum would come later on and would not interfere with that at all.

Mr. HOLADAY (Vermilion). Under the present law there is a certain percentage of State funds that is apportioned to the county and may be used in building hard roads. In Vermilion County we have gone ahead and bonded the county for one and a half million dollars and are constructing these roads under the rule of the State Commission. This bill permits the county to take the money that it receives from year to year out of this fund and apply it to the retirement of these bonds. We are going ahead building 175 miles of hard roads instead of waiting to build it two and three miles at a time. That is the only change there is in the bill.

Mr. MADSON (Cook). The gentleman from Vermilion (Holaday) evidently has not read the bill. "The county board may take such funds out of the treasury not required for other purposes and appropriate therefrom sufficient money". That means that they can take whatever funds they have and use them.

Mr. HOLADAY (Vermilion). Provided they go ahead and vote on it.

Mr. MADSEN (Cook). That provision comes later on. They can issue bonds and get more money if they haven't enough.

Mr. HOLADAY (Vermilion). This amendment of section 1 applies only to money which comes from the State funds. It is the State automobile tax. This does not affect any other fund at all.

Mr. MADSEN (Cook). If I felt sure of that, I would not object to the bill being advanced, but it looks to me as though it don't mean that at all.

Mr. TICE (Menard). If the gentleman will turn to the present road law you will find that there are three methods of securing the money to build State aid roads. Any county may appropriate from such funds not otherwise appropriated, if it is in the treasury. Second, they may bond their counties on the vote of the people. You cannot use any funds otherwise appropriated. If they have a surplus in their treasury and the board sees fit to appropriate that surplus, then they can do it.

If you will read the road law you will find it provides that they may have this money with which to construct these roads. They may use any funds not otherwise appropriated. There are counties in this State that have several thousands of dollars lying in their treasury and the law will permit them to use that money to build these State aid roads.

Mr. MADSEN (Cook). It says, "not required for other purposes." Would that cover it?

Mr. TICE (Menard). Surely. If it is appropriated for other purposes, it is required.

Mr. PACE (McDonough). Could I ask the gentleman from Vermilion (Holaday), a question?

Mr. HOLADAY (Vermilion). Surely.

Mr. PACE (McDonough). Have you proposed to increase the expenditure for hard roads in any county under this law? Will that increase the allotment to that county?

Mr. HOLADAY (Vermilion). No, sir. We take whatever we may get from year to year to apply it on the retirement of these bonds. The people have voted a bond issue of a million and a half dollars. We ask the right to take this money as it comes in from year to year and pay off these bonds.

Mr. PACE (McDonough). It doesn't increase the allotment to any one county?

Mr. HOLADAY (Vermilion). No, sir; simply taking what would be coming to us otherwise. Vermilion County has advanced this money and building the roads immediately instead of waiting and building two or three miles a year.

Mr. PACE (McDonough). Simply using the State aid fund to pay off the bonds each year?

Mr. HOLADAY (Vermilion). Yes, or assist in paying them off.

Mr. TICE (Menard). It would only apply to one-half of the amount expended.

Mr. PACE (McDonough). It doesn't increase the allotment at all?

Mr. HOLADAY (Vermilion). No.

Mr. TURNBAUGH (Carroll). It doesn't mean that you have already issued these bonds?

Mr. HOLADAY (Vermilion). We have.

Mr. TURNBAUGH (Carroll). In anticipation of this law being passed?

Mr. HOLADAY (Vermilion). I would not say in anticipation of this law. We went ahead and submitted the proposition to the voters of the county and the proposition carried by a substantial majority.

Mr. TURNBAUGH (Carroll). Are you building these roads on what is designated the State-aid plan?

Mr. HOLADAY (Vermilion). Yes, under plans approved by the State Commission.

Mr. MADSEN (Cook). This doesn't look good to me. There seems to be an attempt to push it through—

THE SPEAKER. Are there any objections to the bill?

Mr. MADSEN (Cook). Yes, I don't feel sure on the explanation given me.

THE SPEAKER. The bill goes over until tomorrow.

Mr. HOLADAY (Vermilion). I don't think that because one man don't understand the bill that he ought to be allowed to drop legislation of importance.

Mr. MADSEN (Cook). It is perhaps my fault, that I don't understand it, but that is the case nevertheless.

Mr. MERRITT (Sangamon). At the request of the speaker, I will call up House Bill 365 on the order of second reading.

THE SPEAKER. These are appropriation bills that Mr. Smejkal (Cook) asked to have called up.

Mr. MERRITT (Sangamon). I want to make a statement inasmuch as you asked me to call up these bills. The bill provides for a re-appropriation of a balance in the treasury unexpended. It is not creating a new appropriation, but re-appropriating money that will lapse unless this bill is passed. It is for the erection of a monument at the battlefield of Kenesaw Mountain, Georgia. I don't know how much it appropriates, but it is a balance in the treasury that has to be re-appropriated or it is gone.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. MERRITT (Sangamon). Mr. Speaker, at your request I will call up House Bill 626, appropriating a balance for the National Reserve of Illinois, to finish their building. It has to be re-appropriated now or it is lost and the building will not be finished.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. MERRITT (Sangamon). Mr. Speaker, there is another bill that you desire me to call up which is House Bill 586. It appropriates \$19,035.59 for the benefit of the Southern Illinois Penitentiary at Chester. It is a deficiency appropriation. If the House wants to act upon it, they know what it is.

Mr. F. J. RYAN (Cook). I just came from there on a tour of inspection, and this money is needed and it ought to be appropriated.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. MERRITT (Sangamon). As a member of the House, I move that this House do now adjourn.

Mr. HOLADAY (Vermilion). The gentleman from Cook (Madsen), withdraws his objection to House Bill 457.

Mr. MADSEN (Cook). I will withdraw my objection. I think the bill is all right.

Mr. MERRITT (Sangamon). I will withdraw my motion before you proceed.

THE SPEAKER. Are there any amendments to House Bill 457? If there are none, the bill is ordered engrossed and to a third reading.

Mr. MERRITT (Sangamon). I now renew my motion that the House do now adjourn.

Motion prevailed, and the House adjourned until 10 oclock A. M. Tuesday, May 4, 1915.

TUESDAY, MAY 4, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Bishop Samuel Fallows, Chaplain of the Second Regiment, I. N. G.

The Journal of the previous day being read. Mr. Thomas Curran (Cook), moved that the further reading be dispensed with.

Mr. MERRIT (Sangamon). I desire to have the Journal read in full. I want to hear what is in the Journal.

THE SPEAKER. The clerk will read the Journal for the benefit of the gentleman.

(Journal read in full and approved.)

Mr. MERRITT (Sangamon). The Journal states that the first bill called up was by me by unanimous consent. The first bill I called up was at the request of Your Honor, which was an appropriation bill, and I so stated at the time, but the first bill that was considered by the House was the Mothers' Pension Bill, called up by Mr. Bruce, and it does not appear on the record of the Journal at all as read. The next bill called up was the bill that the gentleman from Vermilion (Holaday), called up in relation to hard roads. These bills should appear in the Journal before the bills which you requested me to call up. The bills I called up were the three last bills, appropriation bills, appropriating money that would lapse if the House did not act on them now. The money has already been appropriated and these bills simply re-appropriated the money.

THE SPEAKER. Will the clerk correct the Journal to suit the gentleman from Sangamon (Merritt).

Mr. MERRITT (Sangamon). I want it also to appear in the Journal that I objected to considering any bills on second reading and I also raised the question of a quorum.

THE SPEAKER. Yes, and withdrew it afterwards.

Mr. MERRITT (Sangamon). I beg your pardon; I don't recall that I withdrew it.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees and messages on the speaker's desk.

THE SPEAKER. The report from the Committee on Rules is that the special order for today shall be the consideration of House Bills 687, 162, 716, and 501 on the order of second reading; and House Bills 204, 314, and 105 on the order of third reading. On Wednesday the special order will be the following House bills on third reading: 363, 222, 232, 321, 362, 436, 642, 159, 463, 330, 844, and 822, and the resolution to amend the Constitution. These bills are all on third reading and will be taken up in the order agreed upon by the chairmen of the Temperance and Liberal Committees.

Mr. ELLIS (Kane). Where does the Committee on Rules get that authority?

THE SPEAKER. The Committee on Rules have the right to report special orders for the day.

Mr. ELLIS (Kane). Can they pick out a bill anywhere and advance it and throw the rest into the discards?

THE SPEAKER. This being the regular day for the introduction of bills, the clerk will call the roll for the introduction of bills.

(Roll called for introduction of bills.)

Mr. BURNS (Cook). I desire to call up House Bill 687 on the order of second reading.

Mr. RENTCHLER (St. Clair). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 687, as printed, by striking out the words "forty-five" in line 45 on page 3 of said bill and inserting in place of same the words "fifty-five."

Mr. BROWNE (LaSalle). I would like to have the force of the amendment explained.

Mr. RENTCHLER (St. Clair). We are not receiving enough revenue under the present law and desire to raise the minimum from 45 cents to 55 cents for county purposes.

Mr. BROWNE (LaSalle). This bill outside of your amendment will raise it five cents. What effect will this bill have on the counties down the State?

Mr. BURNS (Cook). It gives his county 10 cents on every \$100.

Mr. FLAGG (Madison). May I add one word. Under the Revenue Act at the present time, 90 per cent of the counties of the State can levy 75 cents on \$100. It so happens that in St. Clair and Madison Counties we have a peculiar condition in that we have a sanitary district tax in one corner of these two counties and these taxes must be included in the scaling process and we have not been able to levy more than the 45 cents. The county board levies 75 cents but the county clerk can only extend the levy of 45 cents because of the Juul law. It does not affect any other county.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. FRANKHAUSER (Cook). I desire to call up House Bill 162 on the order of second reading.

Mr. BROWNE (LaSalle). Are these bills to be called up by unanimous consent?

THE SPEAKER. The Committee on Rules reported on them.

Mr. BROWNE (LaSalle). Does the Committee on Rules regulate the system?

THE SPEAKER. The Committee on Rules can make out a program for the day. It was submitted to the House and nobody objected to it.

Mr. BROWNE (LaSalle). Does that settle it with the House so there is no question about what the program is?

THE SPEAKER. Yes, unless the House objects.

Mr. BROWNE (LaSalle). Suppose one member objects?

THE SPEAKER. The majority of the House, under the rules, would govern. We will pass House Bill 162, as the gentleman informs me that he is having an amendment prepared.

Mr. O'ROURKE (Cook). I desire to call up House Bill 716 on the order of second reading. This is the bill known as the committee bill of the civil service committee in relation to civil service in the county of Cook. The bill has been drafted by men who have guarded every interest of the taxpayers. It includes every good feature and ought to appeal to every man in this House from the standpoint of efficiency.

Mr. IGOE (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 716, by adding after the word "all" in line 8 of section 14, on page 11 of said bill, as printed, the following: "Assistant State's attorneys, confidential investigators in the office of the State's attorney, and all."

Mr. IGOE (Cook). In the bill it provides that all licensed attorneys acting in a professional capacity in the service of the county shall be exempt. There is some serious question in Cook County whether that will exempt all of the assistant state's attorneys. They are the men who do the most confidential work, and I will submit to the lawyers in this House, that they should be exempted as well as the confidential investigators. If the assist-

ant state's attorneys have to take these men from a civil service list, he might as well give up all hope of any confidential investigation.

Mr. O'ROURKE (Cook). This feature of the bill was submitted to the committee. Personally, I have no objection to having this amendment, but the committee has seen fit to send this bill out on the floor of this House in this form. I believe that this amendment should have been accepted by the committee.

(Amendment adopted.)

Mr. IGOE (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 716, by striking out all of section 5 of the printed bill, and insert in lieu thereof the following: "All persons who, when this Act takes effect, shall hold offices or places of employment other than those exempted in section 14 of this Act, shall be classified under the provisions of this Act, and shall become members of the classified county civil service without original examination."

Mr. IGOE (Cook). That is what is familiarly known as a blanket clause. It has been a portion of every civil service bill that ever passed this Legislature. It was a part of the state civil service bill, and it was a part of the county civil service bill, and by implication it was read into the city civil service bill which passed this Legislature twenty years ago. It is also a part of the civil service bill for the Sanitary District which passed the Senate at this session. I don't see why you should make fish of one and fowl of another. If it is right for the Senate to put a blanket clause in one bill, it is all right for this House to put a blanket clause in every bill. This is not a political measure, as you who live in Chicago, on the other side of the House, know.

There are some offices up there which are not under the control of the democratic party. This amendment is designated to take care of the men who are at the present time holding these positions. Many of those men have held these positions for ten, fifteen and even twenty-five years, and I would like to have someone show me why it is right that these men should be turned out into the street and some person come along who perhaps can pass a purely technical examination and who can sit down and answer questions in a school-boy fashion and get a higher mark than the fellow who knows how to do the work.

I, perhaps, have had as much experience with civil service as any man in this House, and I have had more experience so far as practical civil service is concerned than the framers of this bill ever had. I have been employed by the National Civil Service and taken my examination and gone along with the rest of them and secured a position in that way.

This amendment must be adopted if the folks in charge of this bill have any hope or any dream that this bill will become a law. That is what is confronting us. In the Senate they did the same thing with the Sanitary District bill, and the greatest civil service reformers in the Senate have agreed that the blanket better go in. It will come to this House in that condition. If you want this bill to become a law, adopt this amendment.

Mr. O'ROURKE (Cook). Perhaps this kind of a blanket is the most acute question that came up before the committee. It is true what the gentleman from Cook (Igoe) said on the past performance of this House on civil service legislation. Past performances have nothing to do with the condition of this House at the present time. Under the republican administration it is true that they put a blanket on every civil service act.

I simply want to add one word, and that is, that if any man that has held a position in Cook County for five or ten years hasn't an advantage over some man that comes in new to take the examination, I don't know what I am talking about. He should not have anything to fear if he is competent to do the work.

In order to simplify matters in relation to this particular amendment, I am going to allow a direct vote and not move to table the amendment which provides for a blanket clause.

Mr. DE YOUNG (Cook). The gentleman from Cook (Igoe) who has just spoken a moment ago is in error when he says every civil service bill passed for the last 20 years had a blanket clause in it. The first civil service bill for Chicago did not contain such a clause. If other civil service bills of a later date did include such a blanket clause, that is no reason why we now who are seeking to enact the best civil service bill that has ever been presented should follow that example. The incorporation of a blanket clause in this destroys civil service. What is the purpose of including all of these men, men who were put in the county offices the last four years, and protect them with a blanket clause? It is admitted by the heads of these offices that a great many of these men were appointed on political grounds. This bill seeks to put everyone who has not complied with the merit test in the past to make him subject to the examination and determine his fitness. If this was a political measure, I would not present it. With the Cook County offices filled now with democrats, it is not a very good time for a republican to present this measure. I am criticised as a republican for supporting this measure, as it is said that the men who are now in office there and familiar with the performance of the duties of those officers certainly are better fitted to pass an examination in compliance with this law than strangers.

The examination required by this bill is a practical examination. A candidate for one of these places is not going to be asked how many miles it is from the earth to Mars. This bill provides that the examination shall be framed in reference to the duties of the office. If any man now in the office in Cook County who seeks to get a tenure based upon his fitness, he ought to welcome an examination and not seek a blanket clause to protect him. We are seeking to elevate the public service. If you incorporate the blanket clause, you might just as well destroy the civil service bill altogether. We ask that the men who shall be protected by this bill shall demonstrate their fitness. It is fair and proper. No preference is shown to any person on account of any political affiliations.

Mr. IGOE (Cook). You said I was in error when I said the city civil service bill which passed this House 20 years ago did not have a blanket clause in it?

Mr. DE YOUNG (Cook). Yes.

Mr. IGOE (Cook). I didn't say any such thing. I said the city civil service bill had a blanket clause added in it by implication. Don't you know that every person in the city hall at the time that act was put into effect carried over?

Mr. DE YOUNG (Cook). No.

Mr. IGOE (Cook). My information comes from the secretary of the Civil Service Reform Association.

Mr. DE YOUNG (Cook). If you will investigate the matter carefully, you will find that they were compelled to submit to an examination.

Mr. IGOE (Cook). Do you know of any civil service commission that ever gave a practical examination?

Mr. DE YOUNG (Cook). There have been differences of opinion, as many civil service bills have been emasculated from a draft prepared by men who understood it and they were not civil service bills.

Mr. IGOE (Cook). Do you think this is a proper question to be given in a civil service examination in Chicago where a lot of prospective policemen applied and they were asked to draw a line from San Francisco to New York across the continent and tell what states touched on that line and the capitols of those states?

Mr. DE YOUNG (Cook). That has nothing to do with this bill.

Mr. IGOE (Cook). We have another little bill upon the floor of this House which came from the Senate and if it becomes a law will mean that the entire civil service of Cook County will be made up of the boys who served in the Spanish-American War. It provides that if they should stand 70 and another man who was not a Spanish-American War veteran stood 99 or even 100 that he would not have the preference but the Spanish-American War veteran would have the advantage and be placed at the top of the list.

You talk about the men being the most efficient will get the jobs and be at the top of the list—you are going to be badly mistaken. The fellow that carries a discharge from the army for having served in the war is the fellow

who heads the list. That is one way this "honest to God" civil service will work out.

Mr. McCORMICK (Cook). What is the number of the bill that applies to the Spanish-American veterans? I understood it applied to the State Civil Service and not to county civil service.

Mr. IGOE (Cook). The clerk will tell you the number of that bill if you will consult him.

THE SPEAKER. It is Senate Bill No. 880 on second reading.

Mr. DE YOUNG (Cook). The exemptions to which the gentleman from Cook (Igoe) refers has nothing to do with this bill. There is no such thing here as the exemptions he mentions and it should not be brought into this discussion.

THE SPEAKER. The question is on the adoption of the amendment offered by the gentleman from Cook (Igoe) and upon that question the clerk will call the roll.

Mr. BROWNE (LaSalle). (On roll call.) I wish that I could vote for this amendment, because from my humble standpoint the civil service bill could be doctored or helped by amendments, but I don't think anything can help any civil service bill, and I refuse to vote on the proposition at all.

(Roll call continued.)

Mr. M'GLOON (Cook). (On roll call.) Mr. Speaker, I wish to explain my vote on this matter. I am a member of that Civil Service Committee and it happened that the morning that this bill was voted out of that committee, I, for reasons best known to myself, left that committee room and did not vote on this measure, and I have been the victim of criticism and suspicion for not voting and showing where I stood on the blanket clause. I want to say to all the members of this House, that the blanket clause never had a better friend than myself. I was strong for it. I want to take care of my friends that work in Cook County. I worked in one of the county offices, and I have about 365 men in my district that work in the county offices,—in the office of the county clerk and county treasurer and the board of review, and in the office of the probate clerk and several of the other county offices, and if anybody should support the blanket clause down here, it is myself. I want to say that I want to make myself right with the boys back up there in Chicago and show them that I am not ashamed, but that I am game, and I want to vote "aye" on this measure. (Applause.)

(Roll call continued.)

THE SPEAKER. On this question the "yeas" are 49 and the "noes" 82, and the amendment is lost and it lies upon the table. Are there any further amendments?

Mr. M'GLOON (Cook). Mr. Speaker, I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 716 by striking out in section 5 thereof all after the word "effect" in line 4 thereof; all of lines 5, 6, 7 and 8; all of line 9 through and including the figures "1895;" also all of the rest of section 5 after the words "herein provided for" in line 11.

Mr. M'GLOON (Cook). Mr. Speaker and gentlemen of the House, that amendment means to involve the blanket clause in this measure. I don't think that any civil service bill ought to be passed without the blanket clause, because, as the gentleman from Cook told you earlier in the morning, there never was any civil service bill passed that didn't have the blanket clause involved in it. I don't believe it is a fair test to these men that are holding these positions at the present time to take a written examination and compete with men that are trained in colleges and different institutions of that sort. The men that are holding most of those offices at the present time are all democrats, all good, practical men, having done the work for four years and they have served the public well, and there has never been any complaint on their service, and I don't think that they ought to be asked at this time of day to go and take a written examination, because I have seen many men and I know many men that are good men, that when it comes to putting it down on paper, they can't always make the required mark. And then again, they have different examiners marking

these papers and some of the questions are judged differently, and for that reason I offer this amendment and move for its adoption.

Mr. O'ROURKE (Cook). Under the regulations of civil service, as I understand it, those who take the examination now hold office in Cook County under the act of 1911. It simply puts them up to a second examination, which I think is unfair and I move that the amendment of the gentleman be laid upon the table.

(Motion prevailed and the amendment was tabled.)

Mr. M'GLOON (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 716, by adding a new section to be known as "section 5a" to read as follows: "Section 5a. Nothing in this Act contained shall be construed as preventing any employee in the classified civil service from exercising his inherent rights as a citizen and participating as such in public affairs."

Mr. M'GLOON (Cook). Mr. Speaker and gentlemen of the House, the object of this amendment is not to deprive a civil service employee of his inherent right as it is construed under the present Civil Service Act. I believe that a man in civil service employment ought to be allowed to do political work, especially around polling places as is much the custom. Civil service employees don't go to the different primaries; they remain away not for reasons of their own, but because they do not care to let the parties in power know their political affiliations. I believe that every man ought to exercise his American franchise and participate in every election, regardless of whether it be a primary or general election or whatever nature the election might be, and I move the adoption of this amendment, Mr. Speaker.

Mr. O'ROURKE (Cook). This amendment simply violates the whole principle of civil service. You might as well not have civil service if you adopt this amendment. I want to say that the civil service employee is no good at the polls anyhow, for the information of the gentleman, and I move that this amendment be laid upon the table.

(The motion prevailed; and the amendment was tabled.)

Mr. LIPSHULCH (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 5.

Amend printed House Bill No. 716, by striking out of section 5, page 5, all of line 4 following the word "effect" and all of lines 5, 6, 7, 8, and the words "1895, in force July 1, 1895" in line 9, and by striking out of line 11 of said section 5, page 6, everything after the phrase "herein provided for" in said line and all of lines 12, 13, 14, 15 and 16. Further amend section 5 by striking out of line 4 following the word "county" the phrase "at the time" and inserting in lieu thereof "six months or more before."

Mr. LIPSHULCH (Cook). This amendment only provides for such men as have been in the service of the county prior to January 1st. After that time it doesn't provide for anyone. It only protects the original men and doesn't protect any man who takes a promotional examination.

Mr. O'ROURKE (Cook). I move that the amendment be laid upon the table.

(The motion prevailed, and the amendment was tabled.)

Mr. HILTON (Cook). I make a motion to strike out the enacting clause of the bill, and ask for a roll call.

Mr. O'ROURKE (Cook). I want to call the attention of the House to the previous roll call, and I want to see if our republican friends are consistent.

THE SPEAKER. On this question the clerk will call the roll.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call). Mr. Speaker, I desire to explain my vote. This is the only amendment to a civil service bill that I would feel justified in voting either "yes" or "no" upon. In my opinion—and my opinion is justified by the operation of the thing both in the State and in the county of Cook—my opinion of civil service is that it does not justify

at my hands or the hands of anybody else, a vote in the affirmative. Civil service does not promote good service; civil service is not calculated to promote better service; civil service doesn't do anything except the exact opposite of what it is claimed that it will do. Civil service is a thing for those that are not competent, for those that are not efficient and for those that are not able to face the battle and face the music and get their places in a legitimate, political way and channel. I can see nothing but effemacy—nothing but emasculation coming from civil service as regards party organizations and party affiliation, party work or party results. When a party wins in a great state, it ought to have the fruits of its victory, and it will introduce into the service better men than will be introduced under the so-called civil service.

I myself, personally have been cognizant during the last three years of the operation of civil service in the State of Illinois, to the extent that it has disgusted and nauseated me. For instance, under the so-called State Civil Service Board of the State of Illinois, or the State Civil Service Commission—I don't care which you call it—it is not either one perhaps, but whatever it is—they held an examination for game warden or "rabbit shepherds" as they used to be called when the law was first put in operation. They are game wardens now. I know of men that passed that examination with a high mark that couldn't pass a load of hay in the street (Laughter). I know men that passed that can't write their own name so you can read it. I know of other men that were cut down without a marking that were efficient not only in the line of game and fish, but in the English language and the application of it, and I know that they played favorites all the way and I know it wasn't on the square, and I told them so there, so I am not saying anything here that I have not said before personally—and that is that civil service is not on the square; it is an opportunity to play favorites under cover instead of coming out in the open and saying, "I am a republican and I will appoint republicans," or "I am a democrat and I will appoint democrats." That is the only way to do, and the party that is not in power ought not to whine, and the rank and file because they are republicans and the republicans are not in power, ought not whine because they can't get appointments under a democratic administration. There isn't anything right about it. It is emasculation of all party organization, all party efficiency and all that is best about politics if there is anything best about it, and for that reason gentlemen, I think that every man in this House who believes in organization and party efficiency, or the results of party organizations, be he republican or democrat, ought to vote for this motion to strike out the enacting clause, and I vote "aye."

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call). Mr. Speaker, may I explain my vote? I am against this bill and am therefore going to vote to strike out the enacting clause, for a great number of reasons, but will not burden this House with them, with the exception of a few.

The first proposition is that the measure should be judged by the old rule, "By their fruits ye shall know them," and if the fruits of civil service are well known by anybody, they will not vote for any civil service bill. I have a large number of instances where civil service is an absolute failure, and I don't know of any where it has been a benefit. I have before me here eight or ten cases of State civil service, of city civil service, and of a number of other civil services, every one of which was an absolute violation of every item laid down in the civil service bill, and it will be under any civil service commission that you appoint or elect. You simply transfer the appointing power and the result is the same in each case.

I cited one or two cases the other day. I will call attention to another. I know of a gentleman who was put out under the civil service bill. He had repeatedly asked the head of the office, "Is my work satisfactory?" "It is; entirely satisfactory." They want the job. Are they going to take a man that is going to fill the place? No, simply to put him on the pay-roll. They discharge the man whose work is satisfactory and they put a man in his place—and I have that man's testimony under oath, that during the first six months he was in office he didn't spend six weeks in the office.

Mr. O'ROURKE (Cook). Perhaps his work was done outside of the office.

Mr. BUTLER (Sangamon). No, his work under the civil service job

that he had was in the office, and not only that, but he held one office in the game department and drew \$125 a month, and held another office down in one of the southern penitentiaries and drew a salary there.

Mr. O'ROURKE (Cook). That was under a republican administration.

Mr. BUTLER (Sangamon). It was, but it works the same under a democratic as it does under a republican, and that is the reason I am against civil service. (Applause.)

Mr. O'ROURKE (Cook). You can't show an instance where it occurred under a democratic administration.

Mr. BROWNE (LaSalle). I can.

(Roll call continued.)

Mr. DEVINE (Lee) (On roll call). Mr. Speaker and gentlemen of the House: Two years ago I voted for a bill to repeal the State civil service law, and when that august body which is known as the Legislative Voters' League reported on the conduct of the legislators, they said that I was out upon the spoils system, and for the benefit of those gentlemen and to be consistent, I am going to vote so that they can make the same report on me when they report on the legislators of this session.

I believe as the gentleman from LaSalle, that we will have better State service if the party in power appoints its own servants. It would be ridiculous, if a man was taking over a great commercial institution, if one of the provisions of the agreement was that he was to keep the help of the man he was buying the institution from, and it is just as applicable to the Stateservice as it is to individual service. I was told by a republican who lives at Freeport, Illinois, that before the republican civil service law went into effect, which had that blanket clause, that he was called by the powers that be to Springfield and told that he had rendered good service up there and they didn't have any doubt but what he could still render the same service for his county, but that they could appoint a man in his place who would take care of the whole congressional district; and after all, that is the object of civil service—to try and build up a political machine, and after all these gentlemen are under the blanket and have their jobs secure, then there starts a steady march of increase in salaries, and I believe that it would be a blessing to this State if the civil service law were abolished, and have men who could hold the position and stand absolutely on their merits and who know that if they don't deliver the goods to the party that gets them the appointment, that they will have to get out. As I said before, I am saying this to the Legislative Voters' League and to the people of my district, that I am not out for the spoils system. I vote "aye".

(Roll call continued.)

Mr. DE YOUNG (Cook) (On roll call). Mr. Speaker and gentlemen: The gentlemen who have tried to attack civil service have pointed out specific instances. I am very sorry to say that our men in some of the local divisions do not live up to the high ideals called for. There is not a single measure of any sort concerning which specific instances cannot be brought. The gentlemen here who have criticised civil service as a measure which is calculated to perpetuate incompetency, I don't believe they have made a very broad observation or have come into contact with public officers. I don't believe they can say honestly, but that the scheme in the past has given better service in public offices.

When the Civil Service Committee met in Chicago recently, one of the chief deputies of a certain office said that his present superior had retained four men under the present administration because they had by their long service in office demonstrated their fitness and superiority over any other person they could appoint. They needed these men to carry on the work of the office. All the rest of the subordinates were changed simply and solely on political grounds.

Now, I am constrained to dissent from the gentleman who preceded me and who said that an employer ought not to be compelled to retain in service those men who were holding positions under his predecessor. I have yet to learn as a rule of conduct, where a man succeeds in an important position, that he does not dismiss those who were employed under his predecessor, and any such rule would not be civil service—absolutely not.

There is absolutely nothing in this bill that provides for the retention of any man; there is every provision in this bill for his summary dismissal. The trouble with some of the civil service bills to which you direct your criticism is that those bills have been emasculated. Here is a bill which is an endorsement of practical civil service men—not only of those men, but all men in public office. The sheriff of Cook County said when the subcommittee met in Chicago, that he asked merely for two exemptions. Those have been given him. They are men who have had experience in public office.

In public offices where there are a large number of employees, they will tell you that this is something which they would like to have. One of the constituent bills which enters into this bill was endorsed by the fifteen commissioners of Cook County. These men sought to support these bills, and I vote “no” on the striking out of the enacting clause.

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) Civil service as applied in Illinois is a farce. However, I believe as bad as it is, that it is better today than the spoils system that would be in force if it was not for civil service being in force. I therefore vote “no.”

Mr. DEVINE (Lee). You say civil service is a farce as it is now. Does this apply to this administration or the preceding administration?

Mr. ELLIS (Kane). It applies to this administration very strongly.

Mr. DEVINE (Lee). Do you confine it wholly to this administration?

Mr. ELLIS (Kane). I haven't had as much experience with other administrations.

Mr. DEVINE (Lee). Then you are referring solely to this administration when you make that criticism?

Mr. ELLIS (Kane). Not that I know of entirely; I wouldn't necessarily confine myself to that.

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) I am for the civil service that we have enacted in this State. If they are going to make a change now, I am opposed to the change. I vote “aye.”

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, if the president of the International Harvester Company was elected over four years ago and then he proceeded to turn out of office all of those clerks who had become familiar with the business, and inaugurated men in office unfamiliar with the business—new clerks who were his proteges—I am inclined to think that it wouldn't be long before the International Harvester Company would be bankrupt.

Mr. IGOE (Cook). It ought to be.

Mr. LYLE (Cook). It seems to me—

Mr. IGOE (Cook). May I ask the gentleman a question? You don't think the public loses anything by putting the International Harvester Company into bankruptcy, do you?

THE SPEAKER. Proceed.

Mr. LYLE (Cook). I am inclined to think that at least the executive end of the government, or the administrative end, should be permanent in its character, and inasmuch as we haven't a governor or a mayor who is serving year in and year out, I think at least our employees should be under civil service. I wouldn't think of voting any other way than “no” on this proposition.

(Roll call continued.)

Mr. MADSEN (Cook). (On roll call.) May I take a minute to explain my vote? Civil service in the State of Illinois is not what it ought to be. We all realize that; but I believe it is going to be better in the future, and I believe that this particular bill is a bill that will tend to better the civil service in the State of Illinois in future. I don't agree with the gentlemen in this House saying that the spoils ought to belong to the victor. I believe that the time has passed—political parties ought to stand upon a platform and fight for it, and a political party that will not do that ought to go out of business.

Now, the gentlemen on the other side who have voted against this bill,

and on this side also, know that it stirs the members of this House to the bottom of their souls when the question comes up of whether or not more men should be put on the pay roll down here. You have got two or three hundred men looking for a measly little job; they come from Chicago to Springfield to get on the pay roll, and if I or anybody else would say that I would not vote for that kind of a bill, they would say, "Why, you are a fine fellow; you pretend to stand for labor and you wouldn't vote to give a poor man a job." That is the way some of these eminent statesmen would settle the problem of the unemployed in the State of Illinois. I believe a man ought to be elected or appointed because of his ability to fill the position for which he is elected and not for his ability to get the jobs from his friends. I am opposed to that kind of a system, and I vote "no."

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) The gentleman from Lee has advanced the most cogent argument against civil service—that it is not applied to the conduct of private business. In short, that it makes the service so rigid that it hampers efficiency; but the service in private enterprises which is most nearly comparable to public service, is the service of the railroads—the operating service—and the gentleman well knows, I think, that in effect no man may be discharged in the operating department of a railroad except upon charges; that he goes up through a rigid merit system.

Mr. DEVINE (Lee). In a private employment, such as you dream about now, who is tried, the man whom the charges are made against or the man who makes the charges?

Mr. McCORMICK (Cook). Obviously the man against whom the charges are made.

Mr. DEVINE (Lee). Isn't it a fact that when the superintendent of an institution in this State discharges a civil service employe or makes charges against civil service employes, that then the superintendent is tried and not the party against whom charges are made?

Mr. McCORMICK (Cook). That is the construction which the gentleman chooses to put upon the procedure of a trial.

Now, in the city of Chicago there are between 30,000 and 35,000 employees—city, State and county, all of whom, save some 2,000, whom this bill seeks now to reach, are under civil service. Conceive, if you will, the confusion in the city administration if, upon the inauguration of the present republican mayor, 22,000 persons had been turned out of the employment of the city.

Mr. BROWNE (LaSalle). Don't you think they will be turned out?

Mr. McCORMICK (Cook). I don't; and I sincerely hope not.

Mr. BROWNE (LaSalle). Then I lose a good deal of respect for the new mayor that I have got now. (Applause.)

Mr. McCORMICK (Cook). It may not be because of the intention of the mayor, but the law is there.

Now, civil service as you know, is not ideal service. We haven't discovered ideal service; nor, I dare say, is this the ideal bill, although I introduced one of three bills introduced in this House, I take no credit to myself either for that bill or this one. The basis of this bill is the one brought here at the instance of the democratic board of county commissioners of the county of Cook. It was introduced by a republican member of this House, who, with the assistance primarily of two democratic members, Mr. Mitchell and Mr. O'Rourke, brought out of the committee, with the approval of the majority of the committee, this so-called consolidated committee bill. There was no blanket clause in any of the original bills introduced in that committee.

Gentlemen, if the motion to strike out the enacting clause prevails, this House will have refused to do in the matter of 2,000 employees of the County of Cook, what has been done in years past with reference to 30,000 employees in other branches of the government in the County of Cook. In round numbers there are 1,200 county employees now under civil service. This bill seeks to add 2,000. Now, Mr. Speaker, if we strike out this enacting clause, I am very much afraid that we will fall by the wayside on other branches of the civil service, and the gentlemen who are interested in political organizations will find that instead of having

a few men disappointed, they will have a myriad from every ward in Chicago. For every man that can be put on the pay-roll, there will be fifty men seeking the position. I vote "no".

(Roll call continued.)

Mr. McGLOON (Cook). (On roll call.) When I was a candidate last fall, I pledged myself to civil service to Mr. Blackwood of the Civil Service Reform Association, but the sort of civil service that I had in mind when I was pledging myself was that in which the blanket clause was involved.

I never did stand for an original test, and I am going to say to you right here now that in those county offices right today there isn't one out of any ten men that would pass those examinations or an original test, and half of those would be so far down on the list that there would not be more than one out of ten men at the present time working in the different offices that would qualify high enough to be appointed, and the civil service list would be dead long before those further down on it would be reached.

I feel the same way as the gentleman from LaSalle (Mr. Browne) that the fellow with the pencil in his hand is the fellow who says who shall get the job, and my personal observation has taught me to believe this, and therefore I am going to protect my friends that work in the offices in Cook County, men that I associate with personally, men that were the cause of sending me down here, and men that were the cause of my political success.

I would be an ingrate at this time to support this measure, and with all fairness to the boys employed in Cook County I therefore vote to strike out the enacting clause of this bill.

(Roll call continued.)

Mr. SCHOLLES (Peoria). (On roll call.) For the first time, as a new member, I ask the privilege of explaining my vote. I have listened with considerable interest to my friends from Chicago. I have listened to their arguments why I should support this bill.

My political position on this matter has always been averse to civil service. I made an investigation in the clerk's office in Chicago on this proposition, and it is hard for me to believe that such things exist as do now in the matter of appointment; but nevertheless, having taken the position opposed to civil service almost all my political life. I cannot at this time go back on that proposition, and I have investigated, and as I have seen it I can say to you that it is not a practical proposition and it is not enforced for the purpose of doing good to the citizens of Illinois. You and I know that men who have passed examinations upon civil service, and have passed them as high as 90 per cent, have been turned down and men whose average was away down in the 60's were given the preference in these positions. They have all been wrong upon this proposition, and until I see it is practical and to the best interests of the people of the State, I cannot support civil service because I believe that the man who goes before his people and puts forth his ability and his best efforts and represented to them what he was going to do and how he would conduct his office, that that man should be accorded the right to appoint his assistants. I vote "aye."

(Roll call continued.)

Mr. TURNER (Cook). (On roll call.) Mr. Speaker, I am for the striking out of the enacting clause of this bill for the reason that the sponsors of the measure are not honest and sincere in their contention. The Municipal Voters' League, the Legislators Voters' League, and the Civil Service League are the only people who are interested in this measure. I believe to the victors belong the spoil.

The men who have performed the duties in minor capacity as clerks, bookkeepers under the regime before the civil service law was enacted were far more competent than the people that are now occupying these positions. There must be some incentive and object for people to work for, because people have an object in view when they are serving God to reach the great Celestial city. They say that the majority of these men who are appointed by politicians are incompetent.

I say this is not true. When a railroad manager desires a competent man to perform some certain duty, he asks him what experience has he had, and can he in turn furnish one or two letters from his last employment.

When that is complied with he receives the position. The same conditions prevail when a man seeks employment from a large newspaper publication and the only questions put to him: what experience have you had, and when they are answered in the affirmative or negative or as the case may be, he is required to furnish his references and is placed into this position. The same condition holds good with quasi private corporations and the same with public corporations.

Now, gentlemen, I have spent for my party, trying to get the people interested in good government, over \$10,000 of my personal money, and Mr. Speaker, it is necessary to have efficient men to canvas the precincts to inform the voters in their respective precincts as the place, time and date of the primary or election, and when these men serve their respective party—either democratic or republican, and that party is successful at the election, they should receive the appointments instead of going through the civil service examination which is wholly manipulated by unfair narrow minded individuals. I vote “yes” to striking out the enacting clause of the bill.

(Roll call continued.)

Mr. JACKSON (Cook). (On roll call.) Mr. Speaker, and Gentlemen of the House: I am an advocate of the civil service law, and I was employed by the United States Government for 21 years under the civil service law, and I very much appreciate the bill that is before the House at the present time. I believe it means for the best interests of all the people; but the people of the district that I represent are against this civil service bill. It contains two features that the people of my district are manifestly interested in, that is the compulsory appointment at the head of the list, and a penalty for any failure to perform the duties. The people of my district are against this civil service bill, and although I personally favor it, I must vote in the interests of the people of my district, and I vote “aye.”

(Roll call continued.)

Mr. MOORE (Henry). (On roll call.) Mr. Speaker, four years ago it was my privilege to stand upon the floor of this House and stand against civil service in my conduct and my actions toward it as well as in my expressions to the various members of the House.

I considered it an honor, at that time, to vote against State-wide civil service, because I deemed that those civil service bills, in their operation, would be farcical.

I heard the siren voice of reform from Cook County crying for me to “come over into Macedonia and help us”; I listened, went against my own judgment, conceded to the call of the members from Cook County and the various reform organizations there and voted for the county and municipal civil service bills. I did so against my better judgment and against my prophecy made at that time. Now, again I stand upon the floor of this House and hear advocates from Cook County and some of those advocates seeking to have me come over into Macedonia requested me this morning to vote against this proposition. I think my prophecy made at that time has been fulfilled. I think it has been admittedly so by some of the advocates and sponsors of this bill on the floor of the House by some of the arguments which they have made in favor of it. Since voting that way these leagues and reform organizations have exercised their privilege by giving me their left-handed encomiums as they do the gentlemen from the country that do their bidding, and therefore I vote “aye.”

(Roll call continued.)

THE SPEAKER. On this question the “yeas” are 70 and the “nays” are 61, and the enacting clause is stricken off the bill.

Mr. RODERICK (Cook). I move you that the vote upon which this enacting clause was stricken out be reconsidered.

Mr. HILTON (Cook). I move to lay the motion on the table.

Mr. BRUCE (Cook). I desire to serve notice that under the rules I will make a motion on the next legislative day to reconsider.

Mr. CURRAN (Cook). Mr. Speaker, I rise to a point of order. There is a motion before the House. I move to reconsider the motion.

THE SPEAKER. The gentleman from Cook, Mr. Bruce, gives notice that on the next legislative day he will make a motion to reconsider the vote upon which the enacting clause of this bill was stricken out.

Mr. GARDNER (Cook). Mr. Speaker, I move that we now take a recess until 4:00 o'clock.

Mr. BROWNE (LaSalle). Gentlemen of the House, I have got a bill on this calendar, No. 474, on the order of third reading. It won't take but a moment to have this called up, and I would like to have it considered at this time.

THE SPEAKER. The gentleman is out of order.

Mr. BROWNE (LaSalle). I ask the unanimous consent of this House to take this bill up at this time.

Mr. PERKINS (Logan). I object.

Mr. BROWNE (LaSalle). It is the judges bill. I ask, Mr. Speaker, that the rules be suspended.

THE SPEAKER. The motion to take a recess is first. If that is voted down, your motion will be taken up.

Mr. BROWNE (LaSalle). Mr. Speaker, I don't think that this is treating either me or the members from down the State fairly at all. I think there is a determined effort here to stop this bill from third reading. If the bill reaches third reading and is beaten I will say, "Thy will be done." But I want a hearing.

THE SPEAKER. The gentleman cannot say any unfair treatment has been given to any member of this House. Every time a motion has been made it has been put to the House, and when a division has been asked for it has been given, and when it has been demanded, a roll call has been given and the will of the House has been carried out at all times.

The gentleman from Cook (Gardner) moves that the House take a recess until 4:00 o'clock.

(Upon a rising vote, the motion to take a recess was lost.)

THE SPEAKER. The House refuses to take a recess until 4:00 o'clock, and the House, working under a suspension of the rules, House Bill 162 is before the House. Only by unanimous consent can the bill be taken up.

Mr. BROWNE (LaSalle). I ask for unanimous consent to have House Bill 474 taken up for second reading.

Mr. PERKINS (Logan). That is objected to.

Mr. BROWNE (LaSalle). I ask to have the rules suspended for the purpose of taking up House Bill 474.

THE SPEAKER. I don't believe under a suspension of the rules, without the unanimous consent of the House, it can be done.

Mr. BROWNE (LaSalle). It would be no more than fairness to give me that hearing. If they don't want to give me that hearing, all right. I don't want to be responsible. Let the House be responsible.

THE SPEAKER. I am working under the rules of the House.

Mr. BROWNE (LaSalle). I understand. I ask now in fairness to me to have this question put to the House.

THE SPEAKER. Will you show me under the rules how you are entitled to have that motion put?

Mr. BROWNE (LaSalle). Yes; I am asking now that this question be put to the House, whether or not this bill shall be called up, and I ask that the rules be suspended.

THE SPEAKER. The rules are suspended.

Mr. BROWNE (LaSalle). The House at all times has the control of its rules and everything in them. Now, if it is the disposition on the part of the gentlemen to stop the calling up of this bill, why not say so. You wanted six additional judges in Cook County and you got them; and I am not getting fair treatment on this floor. Now I am getting along the best I can under difficult circumstances. I don't want to go any further than I can help, but this bill is coming up; it is going to have a hearing.

Mr. McCORMICK (Cook). Let us refer to the rules.

THE SPEAKER. I desire to say for the benefit of the gentleman from LaSalle, that he is entirely mistaken when he says he is laboring under any disability. The gentleman is a member of the Committee on Rules——

Mr. BROWNE (LaSalle). Yes.

THE SPEAKER. —— and he has failed to attend any of the meetings of Committee on Rules——

Mr. BROWNE (LaSalle). Yes, and there is a reason why.

THE SPEAKER. Why? Will you state it?

Mr. BROWNE (LaSalle). Yes, I can tell you why. Because in so far as you can bring it about, it is a picked committee in which my voice would be nothing, and I knew it from the start, and you know it. Does that answer you?

THE SPEAKER. Thank you.

Mr. BROWNE (LaSalle). I have got some more to say if you want me to.

THE SPEAKER. Say it right now.

Mr. BROWNE (LaSalle). Now I am asking this as an old member, almost as old as you, and I wouldn't ask it now if it was not an emergency bill. If it is not called up now its usefulness is gone. You know that. Every member on this floor knows it, and the House ought to suspend these rules; they don't have to vote for this bill if they don't want to.

THE SPEAKER. The gentleman is getting away from the argument.

Mr. BROWNE (LaSalle). No, I am not.

THE SPEAKER. He had his opportunity to appear before the Committee on Rules and ask that any bill be taken up.

Mr. BROWNE (LaSalle). I am not going before the Committee on Rules to ask for it. I am going to ask this House, which owns the Committee on Rules and owns you.

THE SPEAKER. It may own the Committee on Rules, and the chair will carry out orders of this House, but the chair is going to carry them out in an orderly manner, and let the gentleman from LaSalle (Browne), understand that he will receive the same treatment that every other member of this House receives, and no other treatment.

Mr. BROWNE (LaSalle). Now, I am asking that it be left to this House now, to suspend these rules and give me a hearing upon House Bill 474, in view of the circumstances that I have stated.

Mr. SHURTLEFF (McHenry). What is the question before the House?

Mr. BROWNE (LaSalle). The question now before the House is to suspend the rules for the purpose of taking up House Bill 474.

Mr. SHURTLEFF (McHenry). I didn't understand that that motion was made.

Mr. BROWNE (LaSalle). Well, that motion was made.

Mr. SHURTLEFF (McHenry). I understood the speaker to state that the House was working under a special order which is correct. Now I understand that the gentleman wanted to make a motion to suspend the rules and suspend the special order. There is a proper motion to be made for that purpose. I have not heard it made and I think that is undoubtedly the difficulty.

Mr. BROWNE (LaSalle). There was a motion made to adjourn, which was beaten by this House. I now ask that the rules be suspended for the purpose of taking up House Bill 474 on third reading.

Mr. SHURTLEFF (McHenry). Do you ask for unanimous consent?

Mr. BROWNE (LaSalle). I ask that the rules be suspended. That doesn't require unanimous consent.

Mr. SHURTLEFF (McHenry). Well, that's not the motion.

Mr. BROWNE (LaSalle). It is the motion.

Mr. SHURTLEFF (McHenry). I don't so understand it.

Mr. BROWNE (LaSalle). What would you suggest?

Mr. SHURTLEFF (McHenry). Make a motion.

Mr. BROWNE (LaSalle). What is the motion you suggest?

Mr. SHURTLEFF (McHenry). I wouldn't suggest any myself.

Mr. BROWNE (LaSalle). What would you do?

Mr. SHURTLEFF (McHenry). I would suggest that asking the House to take up a certain bill, is not a motion.

Mr. BROWNE (LaSalle). What is it?

Mr. SHURTLEFF (McHenry). Asking the unanimous consent of the House, which I understand has been asked and refused. That is the difference between the speaker and the gentleman from LaSalle.

Mr. BROWNE (LaSalle). No, I don't so understand. I am not sneaking on any particular system. I am liable to err along that line the same as you or anybody else. I am not perfect. Neither are you.

Mr. SHURTLEFF (McHenry). I have tried to straighten out the diffi-

culty between the chair and the gentleman from LaSalle. I don't think the chair understands that the motion was made.

Mr. BROWNE (LaSalle). You will find here under the Committee on Rules: "The Rules Committee may report a special order for the day, which special order shall take the place of the regular order and shall be shown on the daily calendar, but, the special order so reported may be suspended, amended or modified on roll call by an affirmative vote of seventy-seven members."

THE SPEAKER. I am thankful to the gentleman. I have been waiting to see if the gentleman would make the proper motion.

Mr. BROWNE (LaSalle). I didn't find it before.

THE SPEAKER. The chair has been waiting for him to make his motion.

Mr. BROWNE (LaSalle). Very well. I have made the motion then; I make the motion then in accordance with that rule which I have read; that the regular order be suspended.

THE SPEAKER. The gentleman from LaSalle moves that the special order be suspended for the purpose of taking up House Bill 474, and the question is upon the adoption of the motion made by the gentleman from LaSalle.

Mr. PERKINS (Logan). I rise to a point of order. It requires a roll call and we are demanding it.

THE SPEAKER. If five members desire a roll call, yes.

Mr. PERKINS (Logan). It requires a roll call.

Mr. BROWNE (LaSalle). Now, Mr. Speaker, I desire that Bill 474 be presented here for third reading before the House, and may I address the House on the bill?

THE SPEAKER. You may.

Mr. BROWNE (LaSalle). Gentlemen, this bill has no selfish interest on my part. There are a number of districts in the State of Illinois that are keenly desirous of having that provision of the constitution which provides that each district may have three or four judges—not more than four to be availed of. Now, then, it may be that some gentleman in some districts don't care for that change. Personally, I want to see it adopted; I want to see it carried out, and there are a number of districts down the State that want to see it carried out.

Now then, you gentlemen from Cook County—we don't question you on your six judge proposition. We took your word for it. We felt that you knew better than we did about it, and I think you were right, and you gentlemen will admit that perhaps we know more of what we want down the State than you do.

Now, as I say, I have no selfish interests. I have nothing other than what I say, and I have been delegated, gentlemen, as the one to present this matter, with a number of those on the floor of this House who have been interested in it. Personally, I have no other interest than what I have stated, and I hope that you will vote for this and pass the bill.

THE SPEAKER. The clerk will read the bill.

(House Bill 474 read the third time.)

Mr. KANE (Saline). I don't think it is fair to the Chicago people for them to understand that all the people down the State are asking for these four judges. I come from a judicial district that has as much legal business transacted in it as anywhere in the State outside of some few districts where they have city judges and equalize the work. Now, I know that three candidates for judge in my judicial district have written my republican colleague, asking him to be for this bill. I went to one of those who resides in my home city and talked it over with him, not knowing that he had made any recommendation, and I talked to him about my position, and he talked to me, and the only impression I could get from him was that we had no need of the fourth judge. He had given my colleague a different impression from that. I don't know what his reason was in giving me one impression and another gentleman another. I do know this, that when we have the three judges, they can transact all the business that is required to be transacted in our judicial district, and they will tell you so frankly if you ask them.

Now, under the law of this State, the Supreme Court can send a judge

from one judicial circuit to another judicial circuit upon application made therefor, or complaint that they can't take care of the business. I am told that there are districts where two judges can handle it all and then have a summer vacation. I will admit that there are some judicial districts where they may need some help. Why not send some of those from the other judicial circuits. I don't believe there is a member of this General Assembly, if he has a private business, and he has men to take care of it efficiently, that would put on extra men to do the work. If you had any private business that was being run, and you had different departments, where men who were competent in one department could be put in another department—that they would be doing the work in that department. I don't see why you should put this additional expense on the State. I say to the Cook County members that there is not this demand. I voted for the six judges up there because your condition showed that you needed them, but I didn't vote for them in order to get you to vote for the additional judges down the State.

Mr. BROWNE (LaSalle). I would like to have the roll call with the emergency clause out of it.

THE SPEAKER. I cannot. The emergency clause is part of the bill.

Mr. BROWNE (LaSalle). I know, but it frequently happens that when you give the motion with the emergency clause that you have to have a second roll call, and I thought I would save time.

THE SPEAKER. The record would not be correct.

Mr. PROVIN (Christian). Mr. Speaker and Gentlemen of the House: This bill was referred to the Committee on Judicial Department and Practice, of which I am a member and chairman, and the only reason there seemed to be for its enactment into a law was on account of some lawyers from Rock Island saying they are in need of additional judges there. The bill came out of the committee and since that time I could see no real reason why it should be enacted into a law and thus bring on 17 additional judges in the State of Illinois.

Now, it has been said that the reason for the enactment of this bill into a law is on account of the overcrowded condition of certain circuits in the State of Illinois. Now, whenever that occurs then there should be a reapportionment judicially. There has been no bill offered before this House to reapportion the State of Illinois judicially. Whenever it appears that one circuit is overcrowded with work, then it is the purpose of that judicial reapportionment bill or committee to frame a bill and so distribute the work in the State of Illinois that the courts are crowded will be lessened in their work and the courts that don't have enough work to do may take on more work. Now, no bill of that kind has been introduced before this House.

I live in a circuit in which one of our circuit judges is a judge of the Appellate Court, and he has come and told me personally that while his work is heavy, he sees no reason why there should be another circuit judge in our circuit, and he is a man that works hard, not only in his circuit court work, but as an appellate court judge, and he tells me that he sees no reason why this extra expense should be saddled on the taxpayers of the State of Illinois.

Now, if this bill is enacted into a law, it will create 17 additional circuit judges, drawing \$5,000 a year each—the 17 drawing \$85,000 annually, and it will make \$510,000 for their term of office that will be saddled upon the taxpayers of the State of Illinois.

Now, I don't think that the circuit judges of the State of Illinois are overworked. In a few circuits they do have too much to do, but that is not true of the State in general, and the Legislature of this State has made a wise provision, that whenever the judges of a certain district are overworked, and they desire to change, that there may be an interchange of judges when request is made to the Supreme Court, and there has been no evidence of it before us here in this House, that there has been a request for an interchange of judges, or to take judges from counties in circuits where they don't have very much work to do, and giving them to those other circuits that are overcrowded, and I see no reason for this bill becoming a law.

Mr. PIERSON (Cook). I desire to suggest that it is quite apparent that

this matter will take two roll calls, and I suggest that we defer this matter until 4:00 o'clock, and I move that this House take a recess until that time.

Mr. BROWNE (LaSalle). Mr. Speaker, I object and I move to lay that motion on the table.

(The motion to table prevailed.)

Mr. TUTTLE (Saline). I come from the same district which was mentioned by my colleague here. Mr. Kane has stated that there is no demand from that district for an additional judge. I wish to say that there is a demand from that district, not only from our own town and county, but from every county in the senatorial district and from various counties outside of that district. They come from the lawyers and men in position to know whether they need the additional judge. I have had information from the judges down there that they need this additional judge, and they are urging me that I vote and do all I can for the passage of this bill, giving us an additional judge. They said we have nine counties in this circuit and three counties will occupy the time of these three judges—Jackson, Williamson and Saline—leaving the other six counties with no time to be given them. One of the judges has been taken on the appellate bench and that leaves two judges to hold court. With this demand from the attorneys and the judges who are in a position of my district, we are entitled to a roll call at this time.

Mr. PERKINS (Logan). Mr. Speaker and gentlemen of the House, Now in all fairness and honesty and perhaps good will to mankind in general and the State of Illinois, I would like to say that I would like to be for this bill for this reason: I have some friends,—some very good friends, who would like to see placed the fourth judge in the district where they reside, but I want to say to you that I regard a man's duty in the Legislature of the State of Illinois, at least of some importance, not only to his particular friends, but to the people of this State, and I want to say that if this Legislature at this session would go on record by placing four judges upon the seventeen circuits of this State, that they would do a thing that it does seem to me would be right in the teeth of everything that is right and just to the people of this State. Now, what is this about? What are we discussing here? As to whether the people of the State of Illinois shall pay annually \$100,000 additional expense to carry on the judicial business of this State for the purpose of a few gentlemen getting on the bench, and in reply to the gentleman who comes from Southern Illinois, I have statistics in my hands showing the judge from my district sits upon the appellate bench in the southern district, and he tells me and he knows that there are more cases that come up from one county to the appellate court than comes into the entire district down there, and I want to say to you that every judge in my district and every lawyer that I have conversed with,—the men practicing at the bar,—know that they don't need the four judges in this State; that it is absolutely unnecessary, and I want to say to the gentleman who comes from Southern Illinois, that the Supreme Court has the right and they are willing to do it, to call in judges from these districts where all their time is not taken up and send them down into your districts. This judge was called from the 11th judicial circuit, and went down to this district and he tells me that in a couple of weeks he cleaned matters up and there was no more work,—not near as much work as in the circuit in which he had been presiding; and I say I have some statistics here showing the number of days that these judges work, and I say that the judicial district of Logan, McLean, Livingston and Ford is as strong a district as there is in the State of Illinois, outside of Cook County, and they try as many cases and there are as many cases brought to litigation in that district, as any. and here are the statistics to show you that the judges work 223 days. Now that is for two years, and if any member of this House will examine these reports, they will find that these gentlemen will not say that they work any more than half time, with their two months' vacation in the summer,—and what would this Legislature do now? Simply put upon the pay roll in the districts of this State seventeen more judges to gain a livelihood of \$5,000 a year which the tax payers would have to pay, and I say the statistics in the clerk's office will show that the average time the judges work will not exceed two-thirds of the time, and they are not asking for it. I do not know

of a circuit judge in this State that has made any demand or asked anybody for a bill of this kind.

I say, Mr. Speaker and gentlemen of the House, that this is a measure that should be put out of business right here and now. I say it is an absolute outrage. When we go to the Legislature we surely have some idea of what we want. Are we going mad? Are we going to make such laws here as will confiscate the property of the people of this State? No. Let us vote this bill out and vote it down.

Mr. GARESCHE (Madison). I just want to take up a few minutes of the time of the House in regard to this bill. I don't want our friends from Cook County to gain the impression that there are no counties that need additional judges. I come from a district which comprises seven counties. In that district there are Madison and St. Clair Counties, in both of which counties there is a great deal of litigation in the courts. In Madison County we have a sitting court, and in Alton.

Mr. PERKINS (Logan). And they have a sitting judge in East St. Louis.

Mr. GARESCHE (Madison). They have two sitting judges in East St. Louis and one in Granite City, and with all those judges we are not able to take care of the litigation in this district. There have been pending cases in the circuit court of Madison County in the past that have been unable to get a hearing on account of the shortage of judges in our judicial circuit. We need this extra judge.

Now, for the benefit of my friends on the republican side, I want to say this, that our circuit is republican, and if you pass this bill it will mean one more republican judge in my circuit. It is not a matter of personal politics that I vote in favor of this bill.

Mr. ARTHUR ROE (Fayette). This is a bill in which I have individually taken some interest, and I have tried my best to be in a position to tell you what I know about the conditions surrounding this or making it a necessity to have a bill of this kind for down the State. I want to say to you frankly and candidly, gentlemen, without reservation, that the backers of this bill through the southern part of the State south of Springfield are those who have been disappointed in securing re-election. It is attempted to put in these newly created judgeships, men who were defeated candidates at the last judicial convention. South of the city of Springfield that is the real thing behind this bill. There is a number of those that were beaten that want to be re-nominated. The same condition exists a little bit in my district and there are two or three fellows who have talked with me, and they say it will give some of us a job. That is what they say about it exactly. I want to say to the gentlemen from Cook County that if you put this upon the people of the State you are putting something upon them that they don't want. They have no more use for it than the fifth wheel on a wagon. Take the people from Madison County, they haven't made a request for additional help and you cannot hear them saying they are in need of an additional judge.

Mr. TAYLOR (Hardin). I am of the opinion that there is no circuit judge south of Springfield that is attending court enough days in the year. They are out in their automobiles, and the work is not so hard but that they like to have the jobs. They can do more work if they want to. There is no reason for having another judge. In the first and second judicial circuits there has been as much increase in business as any place in Illinois. The coal business has increased the business in our judicial district.

There is a circuit judge who has been holding court for eighteen years, and he says there is no reason for additional judges. I don't know of anybody except those who didn't get on the ticket, that are for this bill. Before I can vote for an increase of taxes to the amount of \$100,000 in the State of Illinois, I want to know it is absolutely essential.

Mr. HUBBARD (Greene). Before we have a roll call on this, I want to speak as a citizen of one of the largest judicial circuits in the State. Since the creation of the Public Utilities Commission, all cases appealed from the decision of the Public Utilities Commission are taken into the circuit court here in this county. This makes this then the largest judicial circuit of the State when it comes to the matter of business brought before

the circuit judges. The judges now, after all this business has been referred to them, have their dockets practically cleaned up and are preparing for the summer vacation. Not one of the judges is in favor of this increase in judges. I want to call your attention further to the fact that some six or eight years ago there was a bill passed by the Illinois Legislature that gave the Supreme Court the right to change the judges from one district to another. Now, Chicago will not be obliged to call on the down state judges now that they have six additional judges. It is not right, and I want to appeal to you gentlemen from Chicago. We stood up for you because we thought you needed the judges up there. I want to appeal to you to come to our assistance and help us keep this bill from passing. We ask your support on that ground; we don't need these judges, and we ought to defeat this bill here on second reading.

Mr. HICKS (Winnebago). Gentlemen, I am opposed to this bill, and the reason I am opposed to this bill is because I have become firmly convinced that the down state part of Illinois doesn't need additional judges. It may be interesting to know that there are 244 judges in the State of Illinois doing common law work. There are in the down state districts 100 county judges, 51 circuit judges and 23 city judges, a total of 174 judges taking care of the common law business and the chancery business down state. In other words, we have down state, outside of Cook County, one judge for 18,000 people. Now, in Cook County what is the situation? In Cook County you have 70 judges, or you have one judge for every 34,000 people. Now, if one judge for every 18,000 people cannot take care of the down state business, certainly 134 judges can't take care of Cook County. I was for the Cook County bill. I believed they needed the six additional judges. They probably need six more in Cook County, but down state they don't need another judge. Now, if there is any district down state that is congested, it is not by passing a law that will throw one more judge into every circuit, but by establishing city courts where there is congestion, which city courts are paid out of the State treasury and take concurrent jurisdiction except in cases of murder.

Mr. MOORE (Henry). I had the pleasure of voting for the Cook County judges because I knew something of the conditions of the choked dockets of the Circuit Court of Cook County and the cry for relief by the litigants in that court, and one of the crying needs was that the docket was so choked with cases that you couldn't get a case to trial after commencing your suit, for a period of about three years, and in case of a new trial or an appeal to the upper court and it came back, it took three years to get it to trial again, and perhaps after that three years was up the litigants or the witnesses were dead, or had moved away or were gone and could not be found so that it was practically impossible to get justice in some of the cases in Cook County.

Now I speak for the district in which I reside. I either fortunately or unfortunately, am so situated that I am right in the corner of three judicial circuits. One of them constitutes the district which the gentleman from LaSalle represents—LaSalle and Bureau counties; the other one which the gentleman from Peoria represents, Stark County and Peoria County, and the other in which Rock Island is situated. Now I can state for Rock Island particularly that they have three judges in that circuit. One of those judges is sitting on the appellate bench in Cook County almost continuously, which leaves us two judges down there to try cases, and we have the municipal judges down there too. Now in that circuit in which Rock Island is situated, the same conditions prevail that prevail in Cook County. It takes three years to get a case to trial. These two judges that are not on the appellate bench are working almost daily throughout the year; therefore, I would have to necessarily vote for this bill to relieve that condition.

The Honorable Chairmen of this committee said that there was no evidence before this House, that the judges in other circuits might not be called over to sit in the circuits where the congestion exists. Now I happen to be a member of that committee and I have heard such honorable men as Mr. McIntyre and Mr. Schnurr, ex-mayor of Rock Island and Mr. Kenworth—the most able lawyers in the State of Illinois, state before that committee that they had recently called upon the Supreme Court for relief in that district. The Supreme Court said, "If you will find us a judge that is not busy

we will send him to you." They wanted the judges to relieve the congestion in that district but they were unable through their endeavor and through the endeavor of the Supreme Court, to find any such judge; therefore, I say this bill should not be defeated before this House.

THE SPEAKER. The clerk will call the roll.

(Roll called.)

Mr. BARKER (Hamilton). (On roll call.) Now, I am not a member of the bar, however, I happen to have a lot of letters from taxpayers in my district saying that they don't want this bill to pass. Therefore, I vote "no."

(Roll call continued.)

Mr. LYLE (Cook). I have heard some enthusiastic speeches against the bill and these same gentlemen were willing to saddle onto Cook County six additional judges after the county board sent down a recommendation that that bill do not pass. I want to be consistent and at the same time I have decided that I will cast my ballot against the judges for down State and I am going to remain silent on this proposition.

(Roll call continued.)

Mr. DEVINE (Lee). I have some figures here compiled by the Legislative Reference Bureau and I will only say a word on this matter. It shows that in 1913 the Circuit Court judges who reported, held court 187 days. In 1914 those that reported held court 189 days. That is one of the things you have to judge by in voting on these matters and it certainly does not appear that we need any additional judges and we don't want to create places for those who were held up for consolation prizes in the recent caucus. I vote against the proposition.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 58 and the "nays" 58, and the bill having failed to receive the constitutional majority is declared lost.

Mr. BROWNE (LaSalle). Can we have a roll call on the 77 proposition?

THE SPEAKER. It failed to get a majority with the emergency clause in. It failed to pass and the bill is lost. If the bill had received 77 votes or more, it could be reconsidered for the purpose of striking out the emergency clause and calling the roll again. The bill having failed to receive 77 votes is declared lost.

Mr. BROWNE (LaSalle). Is that right?

THE SPEAKER. Yes, that is the rule. The clerk informs me that has always been the rule in the House.

Mr. GARDNER (Cook). I move that the House take a recess until 4:30 this afternoon.

Motion prevailed. House recessed until 4:30 o'clock p. m. same day.

Four-thirty o'clock p. m., re-convened.

The Speaker in the Chair.

THE SPEAKER. House Bill No. 162 on second reading was passed temporarily. The clerk will read the bill.

(Bill read.)

The Committee on Municipalities reported the following amendment, with the recommendation that it be adopted:

AMENDMENT No. 1.

Amend House Bill No. 162, as follows: Amend section 1 of article 6 of said bill as printed, by adding thereto the following:

"To the extent that such management is administrative it shall be entrusted to a board of three directors, who shall be appointed by the mayor, with the consent of the city council, and one of whom shall be the commissioner of health. Said directors shall hold office, one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms, and, annually thereafter, the mayor shall, before the first of July, each year, appoint, as before, one director to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The mayor may, by and with the consent of the

city council remove any director for misconduct or neglect of duty. The city council may confer upon said board of directors such management and control of said tuberculosis sanitarium as it may deem advisable."

(Amendment adopted.)

Mr. FRANKHAUSER (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 2.

Amend House Bill 162, as printed, by inserting after the word "duties" appearing in the 17th line of said bill in section 11 of article 1 the word "rank."

(Amendment adopted.)

Mr. FRANKHAUSER (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 162, by inserting on page 20 of the printed bill, an additional section to read as follows:

"SEC. 6. (Pension Fund.) Nothing herein contained shall in any way affect the operation or administration of an Act entitled, 'An Act to provide for the formation and disbursement of a Public Library Employees' Pension Fund in cities having a population exceeding 100,000 inhabitants,' approved May 12, 1905, as amended by Act of June 3, 1907: *Provided, however,* that the board of trustees of the said pension fund of said public library created by said Act shall hereafter consist of five (5) members, two of whom shall be employees contributing to said fund and three of whom shall be appointed in such manner as the city council may, by ordinance, direct."

Mr. BURNS (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 162, on page 23 of said bill, as printed, by adding an additional section to read as follows:

"SEC. 5. (Pension Fund.) Nothing herein contained shall in any way affect the operation or administration of an Act entitled, 'An Act to provide for the setting apart, formation and disbursement of a House of Correction Employees' Pension Fund in cities having a population exceeding 150,000 inhabitants,' approved June 10, 1911, in force July 1, 1911: *Provided, however,* that the board of trustees of said pension fund of such House of Correction created by said Act shall hereafter consist of five (5) members, two of whom shall be employees contributing to said fund and three of whom shall be appointed in such manner as the city council may, by ordinance, direct."

Mr. BURNS (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 162, section 1, page 2, article 1, line 21, last word, strike out word "public." Line 22, strike out the first two words "tuberculosis sanitarium." Line 25, strike out the words "tuberculosis sanitarium."

Mr. FRANKHAUSER (Cook). Will the clerk read those amendments again, I did not get them.

THE SPEAKER. The clerk will read them.

(Amendments read.)

Mr. BURNS (Cook). The purpose of that amendment and others which will follow is to take from this construction Act the public Tuberculosis Sanitarium of Chicago. Some five years ago the voters of Chicago voted to give a one-mill tax for the purpose of building and maintaining a tuberculosis sanitarium for the city of Chicago. This bill, if it is passed without the amendment, puts that one-mill tax inside of the aggregate and inside of the segregating process that the other taxes are in the city of Chicago, and although the tax of one mill will be levied the purpose for which the

people voted will not be the same or cannot be the same. The amount of money that the tuberculosis sanitarium will receive, although the people will pay the entire tax, will depend upon the amount of money which is voted for the tuberculosis sanitarium by the city council. The intent of the people when they voted upon this question a few years ago was to maintain and operate this sanitarium with this one-mill tax and for that purpose this amendment and the following amendments are offered, to keep this bill outside of the taxing bodies, the same as you have done with a bill which you sent to third reading this morning.

Mr. FRANKHAUSER (Cook). This bill that is offered at this time to eliminate from this bill the sanitarium, tubercular sanitarium of the city of Chicago, comes, probably not as far as its legal standpoint is concerned, but from a moral standpoint, at the wrong time. Before this committee had their meeting, they had this bill under advisement, and there was no person claiming to represent the tuberculosis sanitarium present to appear in its behalf or any protest.

At one of the meetings, several gentlemen were present and protested and made their arguments against the inclusion in this consolidation of the sanitarium, but they were men who represented their own private interests. They did not represent the city of Chicago, either in person or by proxy, did not represent the sanitarium in any manner or in any way.

Now, it seems to me that if the tuberculosis sanitarium was objecting to being brought within the provisions of this Act that they should have appeared before this committee and in an official way spoke for themselves.

There is so little difference under the provisions of the proposed, or the pending measure, and the Act, that if it was not the high regard I have for the gentleman who offered these amendments, I would say that he is laboring under a misapprehension. The basis of all this objection is nothing more or less than unreasoning fear. They are afraid that somebody might say from what source or in what way they are to get such taxes under the law, or under the power, that something they claim based under the statute or under the law that would militate against the supervision of the sanitarium.

Under this consolidation Act, and it is not necessary for me to state that that is one of the important measures that is before this body at this session, an Act that months, weary months, of research and investigation in preparing this measure where every interest in the city of Chicago was represented, or had an opportunity to be represented, and every institution in the city of Chicago, within that municipality, that had any interests, or thought they had any interests at stake, were there before that commission, and every interest that they had was threshed out and agreed upon. And among those was this tuberculosis sanitarium, an institution that the city of Chicago and the State of Illinois can be proud of, an institution costing in its first inception something like a million dollars, an institution that is based wholly on humanitarian principles.

The body of men governing it under the statute that created that institution is appointed by the mayor of the city of Chicago, confirmed by the council. This act that we are now discussing brings that institution within the municipal powers of the city of Chicago, if this should become a law. Now, what are they afraid of? Only one thing, and that has occurred elsewhere in this session, and that is that the common council of the city of Chicago lacked discretionary powers or the reasonable powers to appoint, manage or control an institution of this kind.

I am not here to talk for the city of Chicago or the council. I have a very high regard for it, and so does the member of this House who has offered this amendment. He has no criticism to make of it now, personally or as a legislative body. It is only a fear probably that in the future, through the change that an election might produce, that that body might have some men who would not be as friendly to the sanitarium as the present council is.

Now, under the law creating this institution, the mayor appoints these trustees, confirmed by the council. Under the bill as proposed here, the council would have that power to manage and control, and under the amendment as introduced by the sanitarium, as I understand it, that that

management shall now be entrusted to a board of three directors, who shall be appointed by the mayor, with the consent of the city council, language identically as it appears in the statute creating them, so that there can not possibly be any objection, because there is no difference as far as its legal effect or its construction is concerned. Under the act creating that sanitarium, they were permitted to spend not exceeding one million dollars, leaving it absolutely and solely under the control of the council whether they have a million dollars or whether they have one thousand dollars. Under the act proposed now that power as far as the providing for the creating of a fund to maintain and keep up that institution is raised to where it rests now, and that is in the common council of the city of Chicago.

It does not divest that institution of any possibility of receiving less financial or moral support from the city of Chicago than the old act. So I say, gentlemen, that the objections are based upon a misapprehension, a fear that something in the future might happen that would operate against the institution. And even then there is nothing to base such a misapprehension or such a fear upon for the reason that if this act becomes a law it is as plain as can be as far as the powers of the directors of the city council are concerned.

I move, Mr. Speaker, that the amendment be laid on the table.

Mr. BURNS (Cook). Now, the gentleman who is sponsor for this bill takes an entirely different opinion of it from what I did. This one mill tax, as I stated before, was levied for one purpose, and for that purpose alone, and if the commissioners appointed by the mayor, confirmed by the council, ask for an amount equal to that one mill tax, and they go before the taxing body, the body that apportions the taxes, and they tell them they want so much money, under this bill, that will put it under the scaling process and cut it down just as low as they see fit. The tax and the amount that goes to them can be simply as they see fit to give it long before the city council ever has a chance at the tax whatever.

That is what I am afraid of. I am afraid that the institution, one of the best in the world, will be put in jeopardy so that it can not give the relief which the voters of Chicago intended it should when it voted for it a few years ago. The future of this institution is at stake, it is not the city council; it is the taxes that they receive; it is the intent upon which the voters of the city of Chicago voted upon that proposition a few years ago. They intended that this institution should get the entire one mill tax, not three-fourths of it, not one-half of it, but they did say that they were entitled to the entire one-mill tax. It is a proposition that they might be given but seventy-five or eighty per cent of the tax to which they were entitled and which they had been voted, before it even came before the city council. The gentleman knows well it has been done to other institutions in the past to take a part of this and give it to some other institution, to some other appropriation and cut down the institution to which was voted an entire one mill tax by the people of the city of Chicago.

That is that proposition. There is another proposition; I have asked a dozen lawyers in this Assembly. I have asked them outside of the Assembly. Those who were in the Assembly know that two years ago the Park Consolidation Act was passed by the Assembly and vetoed because it was unconstitutional. We must in the city of Chicago vote upon the Park Consolidation Bill in the various park districts. This bill takes in the entire city of Chicago. Not one of the lawyers that I have asked have been able to tell, let me add, today that this bill is constitutional. I favored park consolidation two years ago; I favor it now, but I want to be sure that the bill is constitutional. That is one of the reasons. But the greatest reason is this, that the will of the people of the city of Chicago shall be carried out, and that is that the entire one mill tax shall be given to the tuberculosis sanitarium.

Mr. FRANKHAUSER (Cook). I would like to call to the attention of the gentleman from Cook (Mr. Burns) the statute under which that sanitarium was first created. I just want to read a few lines: "That the city council of cities and boards of trustees in villages of this State shall have the power," the city council that he is afraid of now for fear that sometime in the future the city council should for some reason lose an eye singly

toward that sanitarium, out there toward the northwest of the city of Chicago, and shall be hard-hearted to those people that are suffering from that terrible disease, and that city council neglect to do what was fair and reasonable and just for those people. This city council "shall have the power, in the manner hereinafter provided, to establish and maintain a public sanitarium and branches, dispensaries and other auxiliary institutions connected with same within or without the limits of such cities and villages for the use and benefit of the inhabitants of such cities or villages, for the use and benefit of the inhabitants of such city or village for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax." Now, what is the thing that he is afraid of? Not that the city council would not have the power under the bill that we are discussing. They recognize and admit that they will have the power, but they are afraid that they would not use it. "Have the power to levy a tax not exceeding one mill." There is no limitation downward, but the limitation upward is the one made. Under the now pending bill that we are discussing there is no limitation downward. The city council will have the right to provide means. That goes beyond the act. If they need more money for the purpose of enlarging or extending that institution, they have the power under this act to issue bonds which does not exist under this statute.

Now, as far as constitutionality is concerned, I would refer the gentleman to the able gentlemen that through the long months of last summer and the winter spent many weary hours discussing every possible question that could arise under this bill and undoubtedly also its constitutional provisions.

I think the motion to lay it on the table, Mr. Speaker, should prevail.

Mr. BURNS (Cook). Now, the gentleman has misquoted me again. The city council does apportion the taxes and before the council can appropriate any money the apportionment must be made, and that is where the fear of this bill is, in apportioning those taxes. As far as the legal question is concerned, that is another matter.

Mr. FRANKHAUSER (Cook). If the gentleman will permit me to interrupt, I would like to read just one line—

Mr. BURNS (Cook). I know what is in that section, but I know the taxes that are apportioned are not apportioned in the city council. Again, I will say candidly that I asked the legal counsel who took charge of this bill, who had this bill under consideration and I have asked many others and not a one will say that the bill is constitutional and stake their reputation as a lawyer upon it.

Mr. ROTHSCCHILD (Cook). I just want to say one word upon this bill. I don't think that in considering this bill we should pick out any particular institution. We may say that the police department should be separate, or the fire department, or the department of health. The whole theory of this bill is every taxing body that is entirely within the city of Chicago should be consolidated into the city. Now, why except the municipal tuberculosis sanitarium? Is there any reason why it should be done? The fears that the gentlemen have expressed I think have been fully answered.

I would like to call attention to the list of the various taxing bodies in the city of Chicago: The Municipal Tuberculosis Sanitarium, the Library, the House of Correction, South Park, West Park, Lincoln Park, Ridge Park District, Fernwood Park District, North West Park District, Irving Park District, Old Portage Park District, Edison Park District, Ridge Avenue Park District, North Shore Park District, River Park District, and Ravenswood Manor Garden Park District, in all seventeen. Now, when in the past there has been—before I come to that I will say that there is no need for these other taxing bodies in the city of Chicago, with the exception of the public schools—

(A VOICE. Riverview?)

Mr. ROTHSCCHILD (Cook). Riverview is not a tax levying, it is a revenue consuming. Now, that is why we want one over tax levying body in the city of Chicago, except the public schools. Why should the tuberculosis sanitarium be left out? If we are going to have consolidation we should not except this body and that body. That has been done in the past. We have created a new park district; we have created some new institu-

tion of the city, and immediately we have left that out of the general scheme and said that should be taken care of separately. Now there is no reason why that should be done in the case of the tuberculosis sanitarium; there may be some sentimental reason.

I think the motion to lie on the table should prevail.

Mr. BURNS (Cook). Will the gentleman yield to a question?

Mr. ROTHSCCHILD (Cook). Certainly.

Mr. BURNS (Cook). You say there is a good and sufficient reason for leaving the Board of Education out of the measure?

Mr. ROTHSCCHILD (Cook). I might answer that by —

Mr. BURNS (Cook). Isn't it fear that they will be down here in large numbers fighting you?

Mr. ROTHSCCHILD (Cook). No; there is a complete organization of the public schools that has been running along satisfactorily for years.

Mr. BURNS (Cook). Doesn't the sponsor for this bill know that the only reason for leaving out the Board of Education and the Sanitary District was that they might exert so much influence that a change would be necessary?

Mr. ROTHSCCHILD (Cook). Granted that that is true, that still don't take away from the theory—theoretically, the schools should be in. Now, it may be well to leave them out, but when we come to the Municipal Tuberculosis Sanitarium there is no real reason for that being excepted, there is no reason on earth except a sentimental reason, and that is no reason why this ought to be excepted, that is no reason for leaving this out.

Mr. BURNS (Cook). If there is no reason, should not they put them all in?

Mr. ROTHSCCHILD (Cook). Yes, sir.

Mr. BURNS (Cook). Then why aren't they put in?

Mr. ROTHSCCHILD (Cook). Because you could not have passed the bill that way. Now you can pass the bill with everything in.

Mr. BURNS (Cook). You mean you may?

Mr. LYLE (Cook). I think the gentleman from Cook who was sponsor for this bill was in error when he said that tuberculosis sanitarium did not or is not opposing being included in this consolidation measure, because from start to finish, as I understand it, they have opposed this. They made their fight before the Charter Commission and they considered it was not quite good form to come down here and fight this bill, and so others who are interested in this sanitarium came down here and opposed the bill at the hearing.

Now, I intended to offer the same resolution that has just been offered, but after hearing the arguments for and against I came to the conclusion that the tuberculosis sanitarium would be just as well taken care of in this bill and that there was logic and reason in the statement that if the tuberculosis sanitarium was left out then this park and that park and the other park would claim to be entitled to the same exception.

So I for myself would like to say, I think the tuberculosis sanitarium, although it stands in a different relation by the nature and the character of the institution from the parks, I think it ought to be included so that this bill can be a whole and not leave out this or that taxing body.

Whereupon, a rising vote was taken on the motion to table the amendment, and the motion prevailed.

Mr. BURNS (Cook). I am going to ask for a roll call upon these amendments.

THE SPEAKER. Read the next amendment.

Mr. BURNS (Cook). Can't I get a roll call on that?

THE SPEAKER. That has been decided, Mr. Burns.

Mr. BURNS (Cook). I asked for a roll call before it was decided.

THE SPEAKER. You asked for a roll call after it was announced. You can have a roll call on the next amendment.

Mr. BURNS (Cook). Just a moment, Mr. Speaker, there is no time that you cannot ask for a roll call. Just because the roll has been announced, that does not make it so you cannot have a roll call.

THE SPEAKER. Not after you have had an announcement.

Mr. BURNS (Cook). The rules do not say that.

THE SPEAKER. If you want to reconsider the amendment, make your motion to reconsider.

Proceed with second amendment.

Mr. BURNS (Cook). If that is the rule, there is no use going any further with the amendments because they all tend to the same thing.

THE SPEAKER. Well, you can withdraw the amendments.
(Amendments withdrawn.)

Mr. IGOE (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 162, by adding after the word "Chicago" in line 36 on page 7 of said bill, as printed, by adding the following: "and all persons who were formerly employed as policemen in any of the local governments or local authorities hereby consolidated, and who are now employed as policemen by the city of Chicago."

Mr. IGOE (Cook). I think Mr. Frankhauser will not object to that amendment when it is explained. There are two members of the Chicago police force who were members of the park police force for several years, I think it was three or four years, and last year they joined the Chicago police force. Now, by so doing their pension time merely starts from the time they went into the Chicago police force, and all that they are asking, there are two of them, is to have the time that they have spent in the park police force allowed to them.

(Amendment adopted.)

Mr. IGOE (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 7.

Amend House Bill No. 162, after the word "theretofore" in line 41, on page 7 of said bill, as printed, by adding the following: "at any time."

Mr. IGOE (Cook). That, Mr. Frankhauser, goes with what I proposed before.

(Amendment adopted.)

Whereupon, House Bill No. 162 was ordered engrossed and to a third reading.

THE SPEAKER. The gentleman from Lee (Mr. Devine), calls up House Bill No. 501.

Mr. BROWNE (LaSalle). I object, Mr. Speaker, it is not in the regular order on the calendar; the gentleman raised an objection to calling up my bill last week.

THE SPEAKER. The Rules Committee reported this for today.

Mr. BROWNE (LaSalle). Mr. Speaker, I want to know whether this program is to be pursued all the rest of this session, for this Rules Committee to go into star chamber session, if it is going to frame up a program for that day and this House has got to sit here and stand for it.

THE SPEAKER. The House, of course, is working under the rules of the House.

Mr. BROWNE (LaSalle). Yes.

THE SPEAKER. And if the House does not desire to adopt the report of the Committee on Rules then we will take the regular order.

Mr. BROWNE (LaSalle). Is there to be a report by the committee on rules every day?

THE SPEAKER. Yes, sir.

Mr. BROWNE (LaSalle). God help this program; that is all I have to say.

Whereupon House Bill No. 501 was read.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause.

Now, this bill changes absolutely the long established rule on the admission, or proof of handwriting rather, in this State. At the present time, when you want to introduce a handwriting—a piece of handwriting—in a case, you can't prove that handwriting or identify it by handing to the witness a bunch of other handwriting or pieces of handwriting and let him compare them. You don't have to depend upon that flimsy uncer-

tain course, but you can introduce witnesses who have seen the party write, who are familiar with his handwriting, or her handwriting, and who themselves have investigated so as to ascertain the identity of it. That is the rule that has been adopted in this State and generally in others for more years than most of the gentlemen here have practiced law.

Now then, this rule changes that absolutely. You put a witness on the stand, or rather, if you have a witness on the stand and you want to introduce a certain instrument or a certain piece of writing as the writing of a certain party. Now, then, you have certain other pieces of writing that are assumed to be identical, to be the writing of that party, or that have been proven in one way or another to be the writing of that party. You place your witness on the stand, and you permit that witness to compare that paper or writing. Now, some of you gentlemen, perhaps as lawyers see the fallacy of that thing, or the direction of it, perhaps.

I call your attention to what transpired in this State, only one of a number of instances that have come under my observation in my practice, and in this case there wasn't much at stake, just a mere human life, that's all, and it was sought to identify a piece of writing as the handwriting of the defendant, and if it had been identified to the satisfaction of the jury as being his handwriting, he would have been hung. There wasn't anything else to it.

Now, then, they put on the stand an expert in handwriting. They had him examine this piece of handwriting. Now, he could not compare under the rules—he didn't know this defendant—but he was willing, he was there for a price, and he was one of the biggest men along that line in Chicago, and he testified in some of the biggest criminal cases in this country, and he was willing to testify that this was the handwriting of that defendant, that he knew the handwriting of that defendant, and even upon cross examination what was elicited was not sufficient to destroy and throw out of the record what he had said. And all he knew about it, as a matter of fact, was by a comparison that he had made out of court, but that was not sufficiently met so as to destroy the force of this other.

Now, the court was very much perturbed over some of this testimony, and he took him to task out of court for what he had done, and he said to him: "I am going to show you"—this was in chambers—"I am going to sit here, and I am going to have you mark each of those four so you will know them. I am going to sit here, and I am going to write at your dictation two different sentences, and then I want you to take those two sentences and those two slips of paper and take these four specimens and tell me which are my handwriting of the four"; and the judge sat there and he wrote those two sentences on those two slips of paper, and this handwriting expert who had testified in this way against the man's life took the two slips and the four, and he compared them, and he took out his lenses and his long distance glasses, and he figured and he figured, he made these lines and other lines, and then he made his decision, and he was wrong in both cases, he had made two wrong guesses out of a possible two. And that's your comparison, with a human life at stake.

Testimony as to handwriting is an unsafe proposition to be guided and controlled by absolutely, and yet you are going to rely upon it. With the present rule where you introduce men that have known—for instance, we will say my partner in the practice of law, who comes in and gets upon the stand and he is handed a piece of writing and asked, "Do you recognize that writing?" he will say, "Yes, sir, I have seen that for 15 years, and I know it." There is some accuracy, there is some modicum of accuracy and there is some safety in that law. But where a witness is brought in and he has never seen either piece of signature before and he is shown a piece that sought to fasten upon me and then he is handed two or three specimens that he is told are mine or which are mine, and he is asked as to which one, and by comparison says that that is mine, that is wrong and it is opening the door to fraud and danger and it ought not to pass.

Mr. DEVINE (Lee). It is strange that if this is such a dangerous proposition that this rule should have been in force in England for 60 years, and that nearly half the American states have adopted this method for comparison of handwriting. Now, it is easy to point out the example in a

man's practice, but the people who fear this rule most are those who are engaged in the practice of forgery. This matter was first called to my attention by a suit which was instituted in my county to recover on two notes against an estate. A son, or rather a nephew of a deceased man, presented notes for ten thousand dollars. He transferred them so as to make them good, so as other defenses could not be raised and then they proceeded to trial and one of them who had a crafty attorney who started two separate suits so the two notes could not be compared. The result was that men went on the witness stand——

Mr. BROWNE (LaSalle). Was he compared in the law suit?

Mr. DEVINE (Lee). Yes, sir; they made a comparison. Men went on the witness stand and swore that these notes were genuine. They swore that they had seen this man write some several years before, some of them—there is no limit to the time that a man may testify to a writing; he may have seen a man write 20 years before and then go on the witness stand and testify and qualify as to handwriting. That is the rule that this bill seeks to obviate. It is making another method of proving handwriting, and additional method.

Not only did these two notes that I refer to against this estate appear, but another one appeared in the State of Iowa that was negotiated there, for \$2,000 and accrued interest, which would have swept away the estate. In the state of Iowa where they allowed the proof of handwriting by comparison the estate won in the district court on the first trial. In this State where they compared by the method which is now in effect, acting on the testimony of these men who have testified in the manner which Mr. Browne says is the only safe way, the jury could do nothing else except find for the plaintiff. One of those cases was reversed in the Appellate Court because of some error in practice. The other finally reached the Supreme Court and the Supreme Court said that where it is desired to prove that two writings are by the same person then you may introduce writings for the purpose of comparison, announcing a new rule of proof of handwriting. And I want to read from that case, the case of Stitzel v. Miller in the 20th Illinois. Here is what the Supreme Court says: "The tendency of legislation, as well as of judicial decisions, is to relax this rule and to enlarge upon its exceptions, or, rather, to permit a more liberal use of comparison with any writing established to be the writing of the party whose handwriting is in issue, whether the writing is otherwise relevant or not. This rule has been so enlarged in England by statute in 1854, and also by statute in various states in this country. It may be safely stated as a fundamental proposition that on the question whether a given signature is in the handwriting of a particular person, comparison of the disputed signature with other writings of that person known to be genuine is a rational method of investigation, and that similarities and dissimilarities thus disclosed are probative, and as satisfactory in the instinctive search for truth as opinion formed by the unquestioned method of comparing the signature in issue with an exemplar of the persons' handwriting existing in the mind and derived from direct acquaintance, however, little, with the party's handwriting. That this court concurs in this reasoning is shown in *Greenbaum v. Bornhofen*, 167 Ill., 640; where, in discussing the evidence as to comparison of handwriting, it was said (page 645): "In considering the issue the court might, and should, compare the signatures of the papers so in evidence, as a means of determining whether the disputed signatures were genuine.'"

Now, it is just as easy to apply the other rule that Mr. Browne is contending for and call men on the witness stand who saw a man write twenty years ago. If you were sitting on a jury, which would you sooner have, the testimony of some man who saw a man write fifteen or twenty years ago and who says that the writing is the same, or would you sooner see the signature attached to his bill?

Now, this bill is properly guarded. No writing can be introduced for a standard until it has been proved to the satisfaction of the court, or admitted to be genuine by the party against whom it is to be used, and I submit that it is a most rational method of proving handwriting and should have been on the statute book of Illinois many years ago.

Mr. PIERSON (Cook). I believe that this bill ought to pass. I have had experience in cases of this kind, and I speak from my own experience.

If you will turn to the bill you will find the present proposition, the present law in these words: Where the comparison with writing is properly in the files or records of the case. Now, unless that is the situation in a case, it is practically impossible to prove handwriting. The new matter which is sought to be brought into the practice is found particularly in the words "admitted in evidence" And this bill proposes to put it in the power of our courts to admit in evidence in the record genuine writings for the purpose of comparison with the one which is involved in the litigation. The reason why we have the old rule in Illinois is that Illinois is one of the slowest states in getting away from the dark ages. In former times, and many years ago, a juror was an insignificant part of the court, and especially in England the judges took it for granted that the jurors were too ignorant to pass upon propositions of this kind, so the rule grew up in England, and we have clung to it in the State of Illinois until this day. And it is high time that it ought to be modified.

The gentleman who spoke against this bill would have the lay members of society and this House believe that this is solely or largely a question of criminal law. Why, that is not true. This is a large part of the substantive law of the State. It is involved in probate matters, particularly, where it is often difficult to prove the signature. It is involved in chancery litigation, and in common law, and as regards criminal law it works both ways, it works both against and for the defendant.

Mr. BROWNE (LaSalle). May I make a suggestion?

Mr. PIERSON (Cook). Why, certainly.

Mr. BROWNE (LaSalle). Mr. De Young had a proposition in probate law relative to a will not long ago, and under this same law as it now exists, if it had been a question of comparison he would have been beaten, would you not, Mr. De Young?

Mr. PIERSON (Cook). Mr. Speaker and gentlemen: Mr. De Young has had that experience, but it is only one out of a thousand, yet ten thousand cases which come up in this great State of Illinois, and from that isolated case I can not infer a rule. This bill throws open the doors and lets the light in. It gives litigants *pro or con* the opportunity to get all the advantage that may be had of comparison of the genuine signature and get all the help that can be had from expert witnesses. That expert witnesses err is no more than saying that other witnesses err, and mis-state the truth, both purposely and inadvertently.

I think, gentlemen, that this is an important bill, and marks a forward step in the practice of the law in the great State of Illinois.

Mr. WILSON (Adams). I would like to say a word on this bill. This has been up at several sessions, and those who have been here before are entirely familiar with it. Speaking of the rule of law for comparison of handwriting cannot be made except in case of instruments that are part of the files of the case or are properly in evidence, I remember the first time that I ran across this rule of law, and it occurred to me as the most reasonable thing. Here were a lot of other checks and a lot of other instruments, and I ran across this archaic rule of law that you could take anything in the files and part of the files and a part of the record, but something absolutely indisputable and admitted to be genuine but outside the files, you could not use at all. And I remember, as I say, my first case along this line. I was very much surprised when I learned that I could not use any of that evidence at all, absolute evidence by which I could have proven my case. I will venture that there is not a man in this House who is not a lawyer who thought it was the law, that if there be other checks which are not a part of the record or the files of the case, why, of course, they should be admitted in evidence as proof of the signature on another check, by comparison. I have had banks to send me a number of other checks to be used in comparison, and I have had to say you can not use them at all.

It is common sense, it is the law of most of the States, and it ought to be the law in Illinois.

Mr. SCHOLLES (Peoria). I too would like to say a word in behalf of this bill. My experience as a criminal lawyer has taught me that it is a good bill in every sense of the word. You will find that when you first do busi-

ness with a bank that you will receive from them a card on which they will ask you to place your signature, and upon that signature it depends in all its business transactions with you in the future. The man who is called as a witness and asked as to whether in his judgment this is the handwriting of so and so, and he makes a comparison with the exact writing of the defendant or the party in question, this is by far the better criterion in order to determine whether or not it is the true signature or not.

In the Dougherty case witnesses were brought in that testified that they had received letters from him, that they had seen him write and they knew it was his writing, and the check clearly indicated on its face that it was M. C. Dougherty that wrote it.

So it is with every check that goes before a jury. It is the modern way, gentlemen, and it is much the better way, and we ought to favor this bill.

Mr. WEBER (Cook). I desire to call up House Bill 204 on the order of third reading.

Mr. PIERSON (Cook). Will the gentleman who introduced this bill explain its provisions?

Mr. WEBER (Cook). Section 189 of the Act to establish and maintain a system of free school provides for obtaining revenue. It provides that it shall have the power to levy 3 per cent for the purpose of the schools, 1½ per cent for the school fund and 1½ per cent for the building fund. This bill simply amends the Act as it is now on the statute books by eliminating the words "in municipalities and school districts of less than 100,000 inhabitants." Two years ago when they amended this article they inserted those words, and prior to that time those words were not in the section. This bill simply eliminates those words and it makes it general throughout the State.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 134, and the "nays" none; the bill having received the required constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. THOMAS CURRAN (Cook). I desire to call up House Bill 844 on the order of second reading.

Mr. WILSON (Adams). We have no objection to this bill being called up, but want at the same time to have 822 called up. Before it is read I want to say a word on second reading as to 844. This bill provides that the city council in cities, and the president and board of trustees in villages and incorporated towns shall have complete and exclusive power and authority to license, regulate, control and prohibit on all days of the week, including Sunday, the manufacture, sale or giving away of any intoxicating, malt or vinous, or mixed or fermented liquors, and shall have full and complete power to regulate and control the observance of Sunday within such city, village or incorporated town.

The second section provides for the adoption of the Act on a referendum. This has "501" of two years ago beat a half dozen ways. I will tell you about four or five things that this bill will do and I want you to examine the bill before it comes up for third reading tomorrow. This bill is a direct repealer of the township local option law. In regard to the township which includes a city, that has adopted township local option, this Act provides that the city in this township can adopt this Act and by the adoption of this Act it shall have the complete and exclusive power to license——

Mr. SCHOLLES (Peoria). I move that we adjourn until 10:00 o'clock tomorrow morning.

Mr. WILSON (Adams). I wouldn't try that if I were you. I want to call the attention of the House to this bill.

Mr. IGOE (Cook). I don't know what the gentleman is talking about.

Mr. WILSON (Adams). I am talking on 844.

THE SPEAKER. The gentleman is merely calling attention of the members of the House to these bills. One is a "wet" bill and one is a "dry" bill, and the object is to advance them so they will be on third reading tomorrow.

Mr. WILSON (Adams). The bill is printed for the first time this afternoon, and I want the members of the House to look at it. It repeals the township local option law. It repeals Sunday closing or authorizes the repeal of Sunday closing which has been on the statute books since 1845. In the third place it provides that the city can pass ordinances absolutely governing the question of the issuance of licenses, and the city council of Chi-

cago or any other city council could pass a perpetual license bill such as was declared unconstitutional or illegal by the Supreme Court in the 266 Illinois, and would put a valuation of eighteen million dollars into saloon license in the city of Chicago. The fourth thing that this wonderful work of art does is to repeal the Harper high license law and under this bill that law provides at the present time that no license shall be issued for less than \$500 for spirituous liquors and \$150 for malt liquors.

Mr. THOMAS CURRAN (Cook). The gentleman must be drawing on his imagination. The bill does not do anything like the things he says it does.

(Bill read a second time.)

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. WILSON (Adams). I wish to call up House Bill 822 on the order of second reading.

(Bill read second time.)

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. GARDNER (Cook). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed; and the House adjourned until 10:00 o'clock Wednesday, May 5, 1915.

WEDNESDAY, MAY 5, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the Chair.

Prayer by the Rev. Dugan.

Journal of the previous day being read. Upon motion of Mr. Franz (Stevenson), further reading was dispensed with and Journal approved.

Mr. WILSON (Adams). The Sunday school children of the teen-age of the State of Illinois to the number of between fifty and sixty thousand are presenting a petition to the Legislature in favor of the dry measures and I have the honor of presenting the petition from my congressional district containing 3,504 names.

Mr. E. W. GREEN (Douglas). I wish to present to the House a petition from my congressional district signed by the boys and girls to the number of 3,155.

Mr. BROWN (Cook). I have the honor of presenting a petition containing 5,300 names.

Mr. GROVES (Menard). I have the honor of presenting a petition from my congressional district signed by boys and girls between the ages of twelve and twenty, numbering 2,545.

Mr. ATWOOD (Ogle). I have the honor of presenting a petition from the boys and girls of the Thirteenth Congressional District to the number of 3,188.

Mr. BOYD (Henry). It gives me great pleasure to present a petition from the boys and girls of my congressional district signed by 1,852.

Mr. PERKINS (Logan). I have the honor of presenting a petition from the Seventeenth Congressional District signed by the future men and women of Illinois to the number of 2,787.

Mr. MEENTS (Iroquois). I wish to present the same kind of a petition from the Eighteenth Congressional District containing 4,788 names.

Mr. BENSON (LaSalle). I wish to present the same kind of a petition signed by 1,511 boys and girls from my district.

Mr. WILSON (Perry). I wish to present a petition from my congressional district signed by 2,790 boys and girls.

Mr. LYLE (Cook). I present the petition of 5,330 boys and girls asking that the gentleman from Danville vote for all of the dry bills today.

Mr. KANE (Saline). I have the honor to introduce a separate petition from the Banner Dry Congressional District of the State of Illinois, the only absolutely dry congressional district in the State, the Twenty-fourth Congressional District.

Mr. RICHARDSON (Christian). I have a petition of the boys and girls asking that the dry bills be passed.

Mr. HUSTON (McDonough). I have the pleasure and honor to present a petition on behalf of the boys and girls of the Fourteenth Congressional District signed by 2,016 boys and girls.

Mr. ELLIS (Kane). I present a petition signed by 2,485 boys and girls asking that the dry measures be passed.

THE SPEAKER. The petitions will be referred to the Committee on Temperance.

Whereupon, Senate Joint Resolution No. 4, was taken up for consideration.

SENATE JOINT RESOLUTION No. 4.

WHEREAS, The frequent floods of the Mississippi River caused by waters from thirty-one states, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the

State of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas and Louisiana, and large money losses not only in such afflicted territory, but in other portions of the nation; and,

WHEREAS, All political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty; therefore, be it

Resolved, by the Senate of the State of Illinois, the House concurring, That the Congress of the United States be, and is hereby requested to fulfill this national duty at its next session and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay; be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States.

Mr. HOLADAY (Vermilion). This is a resolution to make the Mississippi Valley dry territory and it is the same measure that a gentleman by the name of Mr. Fox addressed the House on several weeks ago to memorialize Congress to pass necessary legislation.

Resolution adopted.

THE SPEAKER. The first bill for consideration under the special order for the day is House Bill 822, on the order of third reading. The clerk will read the bill.

(Bill read.)

THE SPEAKER. The question is on the passage of the bill. The clerk will call the roll.

The gentleman from Adams (Wilson).

Mr. WILSON (Adams). We have quite a number of bills on the roll call today and where a bill is simple and easily understood we shall not take up your time, very much of it, in arguing for the bill. However, there are some bills coming that will require a good deal of argument.

Now, this bill is very plain on the face of it and I will tell you just what the change is in the face of the present law. This is in the statute, "whoever keeps open any tippling house, or place where liquor is sold or given away, upon the first day of the week, commonly called Sunday, shall be fined not exceeding \$200," that is to say, the fine for the keeping open of a saloon on Sunday is up to \$200, that being the limit.

Now, this changes the law in this regard, indeed, it reduces the amount of fine as far as that is concerned, but, in the discretion of the court, provides that there may be imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, and the law now reads, as proposed, "shall, for each offense, be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or imprisoned in the county jail not less than ten (10) days nor more than thirty (30) days, or both, in the discretion of the court."

This, gentlemen, is exactly the same as the fine, or punishment rather, that is provided in the statute for the sale of liquor without a license, or for selling or giving away liquor to a minor or a drunkard.

Mr. CURRAN (Cook). I differ from the gentleman from Adams in what he says this bill does. This bill is simply to inject the Sunday Closing Law, which is now on the statute book, and put it under the dram shop so that they can proceed against the different saloon keepers in the different cities where they now keep the saloons open on Sunday, and allow them a chance to start proceedings against the mayor for malfeasance in office.

I think that is the object of the bill, and it is against home rule, and I hope that the friends of the liberal sentiment will vote against this bill.

Mr. GORMAN (Peoria). I understand that all that is attempted to be reached in the proposed bill is now covered by the law, and I can see the result of passing any bill of this kind to place the mayor of the different cities who feel that they are carrying out the policies or principles of the community by the non-enforcement of the Sunday Closing Law, it would place them in a position wherein they might be impeached. I can see no other purpose for this Bill No. 822 and I think the present law is ample to cover the purposes desired or sought to be covered in this proposed bill. I feel the bill should not be passed.

(Roll called by clerk).

Mr. BUTLER (Sangamon). (On roll call.) I would like to explain my vote. A few years ago there was a pretty hot contest over the wet and dry question in Springfield, Ill. And much to my surprise, those who wanted to make Springfield dry proposed an ordinance in absolute violation of the statutes of the State of Illinois. The statutes of the State of Illinois say that the saloons shall remain closed on Sunday and those who were reforming the city of Springfield at that time brought forth a resolution to be adopted, or voted upon, by the citizens of Springfield, in which resolution it was stated to be alternative as to whether they should leave the saloons open or close them on Sunday. If the citizens voted for opening it was supposed to be binding on the officials, but if they voted for open, what were the officials going to do if they violated the law in behalf of the popular vote. And lo and behold when the vote was cast that night the citizens of Springfield had voted to leave the saloons open on Sunday in violation of the State law.

That being the complexion of the political body of Springfield along the line of closing and being an expression of what the majority want, I do not think that I can support this bill.

I would like to see the law enforced, but as the citizens around here seem to want it more liberal than it is, and this makes it more drastic, until the citizens of Springfield vote to reverse their action, I shall have to vote against this bill, and I vote "no."

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) The sheriff of Sangamon County has demonstrated that we have all the laws necessary on this subject to close saloons on Sunday. I do not see any use or purpose in the proposed statute on that proposition. The saloons have been closed under the old law and they are kept closed on Sunday.

There is no use in piling up more statutes on this question, because there may be danger of becoming confused, so confused that none of them will be enforced.

Therefore, I vote "no."

(Roll call continued.)

Mr. WILSON (Adams). I would suggest that we had better have the roll call verified.

THE SPEAKER. You will verify the roll, Mr. Clerk.

(Roll verified.)

THE SPEAKER. On this question the "ayes" are 67 and the "nays" 77. The bill having failed to receive a constitutional majority is declared lost.

Whereupon, House Bill No. 842 was taken up on the order of third reading.

Mr. CURRAN (Cook). Just a word in regard to House Bill No. 642. It is a bill introduced by Mr. Rostenkowski. It simply amends the law, the dram shop law to prevent anybody but citizens of the United States having a saloon license issued to them. That is the only thing it does.

Mr. WILSON (Adams). I want to say in regard to this bill that I compared it with the present statute and the statements of the chairman of the Liberal Committee are true, that it only limits or prevents licenses from being issued to aliens.

Now, I want to say that I am in favor of a bill that will prevent a license being issued either to an alien or to a citizen, but since this limits the issue to citizens of the United States, we have no objection to the bill.

Mr. GARESCHE (Madison). I would like to say a few words in regard to this bill, which are based on my experience in the city in which I live, and of which I have been the mayor for the past ten years. I think I am competent to tell you what, how rather, the foreigners who hold saloon licenses act.

Now, we have in Madison about thirty-five foreigners running saloons. We have about four thousand foreigners as citizens. The police force required to maintain order in that section of the city which is inhabited solely by these foreigners consists of only one man, and so far he has had no trouble in maintaining peace and order.

Now, the only way the city derives any revenue from these foreigners

is from these saloon licenses. They personally own no property and consequently pay no taxes. They pay approximately \$17,500 every year toward the maintaining of the various city departments. Madison is strictly an industrial city and each foreigner who runs a saloon has a boarding house in connection with it and therefore the saloon he runs is more or less a club for his boarders where they congregate after working hours. Now we have in Madison a very cosmopolitan population and among these foreigners we have Greeks, Roumanians, Croatians, Austrians, Germans, Polish, Hungarians and Bulgarians.

Now if we pass this bill prohibiting those unnaturalized foreigners from having their saloon licenses, you would not cut down the consumption of liquor there, rather you would segregate those thirty-five saloons to seven or eight, and what would be the consequence? In place of each nationality or clan or each clique congregating in their own saloon you would throw all of these foreign nationalities that are now cared for in their own saloons into a few saloons and there we would have the representatives of the various nations that are at war in Europe fighting and brawling and disturbing the peace, and I have no doubt that it would even result in murders.

Now I am only stating to you my own experience, and what I have told you of these facts can be verified by anybody who wishes to investigate them, and I am going to vote against this bill.

Mr. LYLE (Cook). In 1914, I believe it was, there were 78,000 arrests in Chicago for minor offenses. Now it is said that a great many, a large proportion of those who are arrested for these minor offenses are foreigners who are ignorant of our laws, those who are unacquainted with the police rules and regulations.

It does seem to me that a business fraught with so much hazard as the saloon business should be in the hands of the man or men who are acquainted with the laws of our State and the laws of our nation. I think that this bill is a good bill and that it should pass.

Mr. LIPSHULCH (Cook). I had not proposed to say anything upon this bill, but it is one that no man of extraction from a foreign country can possibly pass without saying a word or two against it.

This country, gentlemen, was largely built by the brains and sinew of the foreign element, and today the best that you represent have possibly been produced in men and women who have come to this country of their own volition in order to get the opportunity that was denied them in the different countries that they have come from.

The saloon business, in my mind, is no different from any other business, provided it is conducted in a proper manner, and in the event it is not conducted in a proper manner it has no place in the world of business.

This bill amounts to depriving a man who has arrived from another country and who has not seen fit to identify himself with this country from doing business in the saloon trade. If the saloon business is such that it can not be trusted in the hands of a man who can be trusted with any other business then I say let's do away with the saloon business. But suppose as I said a while ago, the business is conducted in a manner perfectly satisfactory to those who are broad-minded in thinking.

This is a dangerous precedent that you are going to set here, gentlemen; it is a most dangerous precedent. This country is now the refuge from the many places where oppression reigns supreme. Let us not lock the doors to anyone because he has not seen fit to become a citizen of this country. Many, many men in this land of the free have engaged in these interests and without this bill it will work out to the best interests of all concerned, and I say this, or any other thing that tries to tie the hands of him who tries to make an honest living just because he happens to be unnaturalized is un-American.

(Roll called by clerk.)

Mr. RICHARDSON (Christian). I would just like to say one word before casting my vote. I have been so accustomed to seeing Mr. Wilson and Mr. Curran on opposite sides of a question that now when they are supporting the same bill I am between the devil and the deep sea and I hardly know where I belong. I don't oppose this business as a business. It is a business that ought to be handled in the State of Illinois by the

best hands that we can get it in, and I do feel that the foreign nationalities of our communities are not the best men to handle the liquor business. I think perhaps this might be a good thing, and that it would help to solve the situation in my own community where we have had in the last year an increase of a thousand in the foreign population.

I vote "aye."

(Roll call continued.)

THE SPEAKER. On this question the "ayes" are 71 and the "nays" 20. The bill having failed to receive a constitutional majority is declared lost. Whereupon, House Bill No. 321 was taken up on the order of third reading.

Mr. WILSON (Adams). Mr. Brown, of Cook County, who introduced the bill, and Mr. Shurtleff, in whose district this Naval School is, and Mr. Lyle are the speakers on this bill.

Mr. SHURTLEFF (McHenry). I only want to take up but a few minutes of the time of the House to lay before the House the situation, and especially the position of the United States government in regard to this measure. The Naval Training Station that this bill affects is situated at Lake Bluff, about thirty miles north of Chicago, immediately adjacent to North Chicago, an incorporated city, and the city of Waukegan. The bill makes a zone of five miles around this Naval Training Station in which intoxicating liquors shall not be sold.

The United States government, during this last season, by the commandant of the naval training station, appointed an investigating committee to take evidence and make a report as to the practicability, advisability and necessity of this law, and also as to the conditions of the Naval Training Station. This board consisted of Chaplain Frank Thompson, U. S. N., R. Roller Richardson, surgeon, U. S. N., J. B. Earle, lieutenant, U. S. N., and L. J. Roth, ensign, U. S. N., and they had witnesses here before them, and they took all the evidence and considered it, and I desire to read the report made by this investigating committee. (Reading.)

"The board, after maturely deliberating upon the statements above recorded, find the following facts to be established.

"The existence of 77 saloons within a radius of 5 miles of the Naval Training Station, Great Lakes, Illinois. These saloons are all confined to the city limits of Waukegan and North Chicago, the nearest saloon being 1 1/8 miles from the precincts of the Naval Station. While some of these saloons have been shown to be clean and sanitary in their condition, most of them have been found to be filthy and unsanitary in the extreme, and the rendezvous of a vicious type of foreign hoodlum element. Furthermore, the board has been informed that while many of these saloons do not invite the patronage of men in naval uniform, there are others which solicit the trade not only of enlisted men but of naval apprentices as well.

"The board has also learned from the testimony of those appearing before it that gambling is conducted more or less openly in many of these saloons in spite of the existence of a law against gambling.

"The board considers these saloons to be exceedingly detrimental to the moral welfare of the apprentices under training at this station, and believes that, were these saloons closed, one of the greatest sources of evil existing in this locality would be removed. The board does therefore strongly recommend that every lawful effort be made to eliminate all saloons within a radius of 10 miles of this or any army or naval station.

FRANK THOMPSON,

Chaplain, U. S. Navy, Senior Member.

R. ROLLER RICHARDSON,

Surgeon, U. S. Navy, Member.

J. B. EARLE,

Lieutenant (J. G.) U. S. Navy, Member.

L. J. ROTH,

Ensign, U. S. Navy, Recorder."

I desire to lay before the House, growing out of a second investigation that has been made, and is being made by a Senate special investigating committee as to the same *institution*, a statement covering the position of United

States Government as to the introduction and advisability of this bill, provoked in the first place by some inaccurate statements, and I will read a statement which has been made by the present commandant of the station, Mr. Moffett, that sets the government out in its true light as they wish to have it set out, and it is very brief, and I desire to read that to this body and lay it before this House. (Reading).

"The reports published in the public press in regard to the activities of the Honorable Josephus Daniels, Secretary of the Navy, in regard to the bill now under consideration for the establishment of a five-mile prohibition zone around naval and military reservations within the State of Illinois, do not altogether accurately present the attitude of either Mr. Daniels or the local naval authorities. In order that the public may properly appreciate the situation, particularly as it relates to the efforts of the secretary of the navy and the officers of the training station, the following explanatory statement is respectfully submitted:

"The bill for the five-mile prohibition zone was not originally introduced upon the initiative of the naval authorities, but as a result of the efforts of a large number of influential and public spirited citizens of Chicago and north shore communities who felt a deep interest in the moral welfare of the young naval recruits who, at the most important period of their lives, when character and habits are being formed, receive their training and instruction at this institution. Of course, it would be a matter of some delicacy for the naval authorities to request the introduction and passage of a bill affecting the interests and privileges enjoyed by people in neighboring communities, notwithstanding the fact that the conditions it is sought to remedy by the proposed legislation constitute a very grave menace. However, with such a bill introduced as the result of the representations of a considerable number of people in the State of Illinois, it may be very properly considered as a reflection of local sentiment, and strength is given to this belief by the fact that at the most recent township election in Waukegan itself went on record as favoring the abolition of the liquor traffic, the majority attained in Waukegan being overcome by the wet vote in North Chicago. With a prohibition measure introduced in the State Legislature it is entirely proper for the naval authorities to give their endorsement to the bill when called upon to do so. The recent appearance of the commandant of the training station at Springfield, and his testimony before the Senate committee considering the bill, were the result of an invitation extended to him by the chairman of that committee. Before proceeding to Springfield, however, the commandant requested the navy department to define its attitude with reference to the bill, and the following excerpts from a letter written him by the secretary of the navy expresses its policy:

"The station was built for the training of recruits from the middle west—a most fruitful field for the upbuilding of the navy—and I strongly feel that these boys taken from their homes in the formative period of their lives should be free so far as possible from the menace of the saloon. The remedy for the conditions existing about the station does not of course rest with us, but with the State and I earnestly hope that the Legislature will at its present session pass a measure that will do away with the many breeding spots of drunkenness and disease that now infest that neighborhood. Such a law would unquestionably result in great good to the young men under training, and in my judgment it is necessary if the station is to achieve its purpose in the highest measure.

"I take this opportunity to reiterate my belief that the enactment of a law extending the present limited zone to the five-mile area is to the best interests of the young men under your command, and to request you to state to the Senate committee that the department earnestly advocates the passage framed with that object in view."

"During the six months a recruit is under instruction at the training station he forms habits that stick by him through his naval career. If he is surrounded by good influences during this period of character formation he may be depended upon in the vast majority of cases to successfully resist temptation when he is thrown more upon his own resources.

"One of the factors largely contributing to the splendid health and efficiency of the young men at this station is the entire absence in neighboring communities of the form of vicious resort which constitutes such an exceed-

ingly grave menace not only to the moral welfare of young men, but to the home, and to civilization itself. An eminent surgeon of the navy formerly on duty at this station recently remarked that the absence of such resorts, and resulting improved moral conditions, would outweigh any, every objection that might be advanced against the present site of the Great Lakes station as an institution for the training of naval recruits. With the elimination of the menace of the liquor traffic, a traffic very largely associated and allied with the form of vice referred to previously, an ideal condition from a moral standpoint would prevail.

"The need for this prohibition legislation is made evident when it is considered that during the comparatively short period this institution has been in operation there have been 114 cases of intoxication among recruits. In the vast majority of cases these recruits were mere boys. There could be no mistaking the fact that they were under age. In the most recent case of this kind a recruit was not only sold liquor openly at the bar, but urged to drink until he reached a helpless state of intoxication. Although this offense was of a most flagrant character, the saloonkeeper involved was fined but the nominal sum of \$50. Such a fine is simply an encouragement to law violation. In a spirit of strict fairness it must be said that the majority of the saloonkeepers of Waukegan endeavor to observe the law, but in the face of this there are a number of barroom habitues who, for a consideration, are always willing to procure liquor for recruits. In North Chicago, however, the conditions, as ascertained by a naval board of investigation, were found to be very bad. Many of the saloons there were found to be resorts of the lowest and most vicious type, violating the law with impunity. They attract the most degraded types of men and women, and it was but a few months ago that two of our recruits in passing one place were assaulted without provocation and one was beaten into a state of insensibility. The offenders were prosecuted, but escaped without any punishment whatever.

"The fact is not only being realized in the Navy, but in all industrial concerns of importance, that alcoholism is a decided factor in reducing efficiency. In a modern battleship it is of the highest importance that every man be always prepared for the maximum demands of duty, and to maintain such preparedness the best of physical condition is indispensable. To illustrate, there may be cited the cases of many of the crack heavy gun pointers. For several weeks prior to target practice these young men adopt the rigorous regimen of training of the athlete, and abstain entirely from the use of even tobacco. It is this preparedness and training that make for the remarkable accuracy of fire of our men. It is not too much to say that the very fate of this nation itself may at some time hinge upon a single well directed shot in an important naval engagement. In a recent contest of physical prowess fresh in the minds of the people of this country the value of proper living was most convincingly illustrated. A comparatively unknown and inexperienced man defeated the pugilistic marvel of the age, and it is generally conceded that his ability to do so was in great measure due to a superior vitality unimpaired by drink and dissipation. In a naval battle with all other conditions equal the ships manned with men of steady nerves, able to place their shots with telling effect, are the ships that will win.

"It is a great mistake for even the liquor interests themselves to oppose the bill for the five-mile prohibition zone when its relation to naval efficiency and its consequent national importance is considered. Such opposition can but serve to intensify the activities of the prohibition adherents, and give an impetus to the movement for nation wide prohibition.

"W. A. MOFFETT,

"Commander, U. S. Navy, Commandant."

That is taken from the Waukegan Daily Sun, Saturday, April 24, 1915, and is correct as the Commandant told me in Springfield yesterday and today as he gave out the statement.

In regard to this bill for just a moment more of your time. It is not as I understand it a "wet" or a "dry" measure. It is not a "dry" measure in the sense that it ever has been O. K'd, endorsed or made a measure strictly or at all of the United Saloon League of the State of Illinois. That is my understanding of this bill, that no man,—whatever may be his affiliations on wet or dry, is not pledged to this measure. The Commandant of

this station, Mr. Moffett, in appearing before the Senate committee and also here at Springfield is not a dry man in his personal politics, but as I understand it is different from that. Regardless of the question of wet or dry in the State or any community, he and the department back of him for the good of the American Navy are for this bill. I have talked with one of the members of the Senate investigating committee and substantially he, and possibly the committee would be willing to pass this bill framed down to a narrower zone taking in North Chicago entirely, which lies immediately next to the station. I hear nobody on any side of this question undertaking to defend the situation in North Chicago. I believe if the bill were proposed to create a zone taking in all of North Chicago it would meet the unanimous endorsement of every one that knows of this measure. This question has been raised that it is taking in Waukegan, which as stated in the Commandant's article and by other data I have here, in the election a year ago in the township of Waukegan, which took in the city of Waukegan, North Chicago and some other territory, the immediate territory of Waukegan, voted dry by a small majority, so that any man can not say in voting for this measure that he is voting against the public sentiment of the city of Waukegan. I have here before me a mass of detail evidence as to the situation in this particular territory, which I am not going to take the time of the House to even comment upon it except to say that it does show the facts as I have given them.

Mr. GRAHAM (Lake). Isn't it a fact that in Waukegan for the last four elections they have voted in favor of the wet territory?

Mr. SHURTLEFF (McHenry). I understand the vote in the township was wet. I want to be careful about this, as I don't want to make any statement. The vote in North Chicago is what made the vote in the town of Waukegan wet. The vote inside of the city of Waukegan was dry. If that is not correct I would be glad to have it stated to me as I have no interest in this matter except to state the facts as they are.

As I started to say, I am not going to comment upon a mass of evidence that is laid before me in the newspapers, both the daily papers in Waukegan and from other sources, that continuously, almost going back for a considerable period, there has been and are violations of the law in the city of Waukegan and notoriously in North Chicago, and men operating these places have gone into court and plead guilty. In some of these cases, as the records show, there were the recruits from this naval station connected with the violation of law.

I am going to content myself, Mr. Speaker, in laying before the House the language of the Department of the United States and the recommendation of the commandant of that station, and merely to say that I hope you will vote for the bill. I believe that this legislature, whatever equasions may follow out before we close, could do nothing to bring greater enconiums upon this legislature than to pass this bill at this session.

Mr. LIPSCHULCH (Cook). If you have so many statistics, please tell me how many of the boys described in your oratorical exposition are intoxicated within the five-mile limit and how many in Chicago?

Mr. SHURTLEFF (McHenry). I can only answer that by referring to the statements of the commandant that there have been 114 cases of intoxication for which trials have been held of minors at the station.

Mr. LIPSCHULCH (Cook). How near to Chicago will that five mile limit bring it?

Mr. SHURTLEFF (McHenry). It would be thirty-three or four miles from Chicago. My best guess would be that it would be about thirty-five miles.

Mr. DONAHUE (McLean). Are those recruits permitted to leave this station daily?

Mr. SHURTLEFF (McHenry). I cannot answer that question, Mr. Donahue. I don't know what the rules of the institution are, but I doubt very much whether they are held under surveillance at certain hours. I have no doubt they are permitted to leave.

Mr. SCHOLLES (Peoria). What are the average ages?

Mr. SHURTLEFF (McHenry). From sixteen to nineteen.

Mr. SCHOLLES (Peoria). Are any over the age of twenty-one?

Mr. SHURTLEFF (McHenry). I have found nothing in the evidence except that the average ages are from sixteen to nineteen years.

Mr. BRUCE (Cook). Mr. Speaker, and Gentlemen of the House: This is a dry bill, pure and simple. Its sole purpose is to, by legislative enactment, vote out 77 saloons in a territory where the people have on four different occasions voted to retain the saloons. The use of the Naval Reserve Station in this connection is in my judgment a subterfuge pure and simple. There is already on the statute books of our State a law which is known as the One and One-eighth Mile Zone Bill, which prohibits the sale or giving away of liquor within one and one-eighth miles of this naval station. The people of Waukegan and of the township of Waukegan, have voted as I said before, on four different occasions, one of them as recently as 1914, to retain saloons in that township, and those who are not in favor of saloons, and as members who affiliate with the Anti-Saloon League of this State, see fit to over-ride the will of the majority of the people of that township by and through this subterfuge—they come to you and appeal to your patriotism—appealing to you from every side, to do what is diametrically opposed to the will of the majority of the people of this township, and if it is as alleged, such a menace to Uncle Sam that saloons should exist in this territory, why then does Uncle Sam, through its Internal Revenue Department, issue licenses for the sale of liquor within that zone?

There is a graver danger in the passage of this bill. In 1898, when McKinley called for volunteers, and Illinois answered that call, the Illinois Naval Reserves volunteered and their station, located at the mouth of the Chicago River, became a naval reserve training station. We are not certain or sure when Uncle Sam might desire to have a naval reserve training station located at or about the mouth of the Chicago River, and then, with this bill on the statute books, the better part of the city of Chicago would be absolutely anti-saloon territory; and then the gentleman from McHenry (Shurtleff) says that this is not a wet or dry measure. I will say that it is not a wet and dry measure, but that it is a dry measure—a prohibitory measure and a dangerous measure, and a measure un-American in principle, and not democratic in any line of it. I say that Uncle Sam is well able to protect himself and that when Uncle Sam needs protection he will receive it and require it. I say that this bill is dangerous; that every man who believes in the right of the majority to rule should vote “no” on the passage of this bill.

Mr. LYLE (Cook). There are three United States Naval Training Stations; one located at Newport and the other located at San Francisco, and the greatest of all on the Great Lakes north of Chicago. The United States Government has spent over four million dollars in fitting up what is generally conceded to be the finest naval training station in the world, and there are 1,000 young men recruited from thirty-five different recruiting stations scattered throughout the middle west, and they are taken up there and trained for six months, then to be sent off to war while you and I stay at home and look after other things.

Now, I want to call attention to a few fines which have been assessed against the proprietors of those saloons in that community:

Joseph Harchut, \$450.00; Hugh Flannigan, \$450.00; Ignatz Stolarke, \$450.00.

Then a list of names. Then again:

Joseph Karasek, \$450.00; Andrew Pouin and John Madrum, \$600.00; Walter Krause, \$600.00; John Goehringer, \$450.00; Henry Doyle, \$100.00. Then follows a list. There are twenty-five listed proprietors who have been fined for violation of the law.

Now, the gentleman who spoke first on this bill—or spoke second, called to your attention some of the conditions, although he did not state specifically. I want to call to your attention that portion of the report to which he referred, signed by one of the commission appointed to investigate—one of the lieutenants—and he says in his report:

“The State’s Attorney in Waukegan, Ill., informed me that his department has prosecuted practically every saloonkeeper in North Chicago for violations of the law.

“I then asked him what could be done toward forcing the city authorities

of North Chicago to close up saloons which continually violated the law. He smiled and after hesitating, said, 'Practically nothing.'"

The gentleman read to you the recommendations of this board, and let me say this: that the Commander, Moffet, who is in the hall of this assembly here, who was not particularly in favor, to begin with, of going into this proposition, he had been there only a few months when he received a letter from Secretary Daniels asking him his attitude in regard to conditions in the neighborhood of the naval training station. I believe that a law was passed some time ago making a mile and an eighth zone around Fort Sheridan.

Several years ago, when I came out of law school, I happened to be one of the investigators who went up there at the solicitation of the commandant of the board, and with three others we went out and visited these various resorts, and we saw the most indecent things there; conditions were something awful, and at last the United States Government drove the saloons out of the neighborhood and protected to the extent of a mile and an eighth, Fort Sheridan.

Now the question has been, what will be the effect of this bill if it is enacted? Well, these young fellows will have to go fifteen miles north in order to get intoxicating liquors, or they will have to go ten miles west, or twenty-two miles south, to get intoxicating liquors. Now, as I understand it, they are only permitted to leave this naval training station on Saturday noon, and they must report by midnight on Sunday night. Well, suppose they do come to Chicago, or go to Kenosha, or to Milwaukee, or go west to other cities, and get intoxicating liquors. It will be more difficult, and there will be less frequent drunken brawls than there are at the present time, and the situation has been cited, and I want to call attention now to the testimony of twenty-four of these young men who had been in these dives and who had gotten intoxicated. Most of them had been participants in these twilight dances conducted in the resorts about this naval training station. Now, I am not going to say any more, except this: that these boys, ranging from sixteen to nineteen years of age—the average is nineteen—they get something like \$17 a month, and if there is any period or any time of the boy's life that he ought to be protected, it is when he has attained the age of sixteen to nineteen years.

Now, some of you gentlemen may vote against any dry bill that will protect we who stay at home, but don't you think that these boys who are going off, possibly in six months from now, to engage in war—you don't know but what we are going to be involved in this war; it is horrible to think about—but don't you think that these boys that are going to be on the men-of-war in six months from today, don't you think that they ought to have all the protection possible?

Why, there have been murders in those dives around Fort Sheridan, and many of these boys have been beaten up. The gentleman said that he couldn't go into a mass of detail. I won't take the time to go into this 29 pages containing the testimony, but will simply say this: that if you are going to vote against any dry bill, I think this should be the last dry bill that you cut down with your vote on the floor of the House today. I hope you will all be in favor of this bill.

Mr. GARESCHE (Madison). Mr. Speaker, Mr. Bruce of Cook County covered a great deal of the ground that I had expected to cover in talking against this measure.

As I understand, the township of Waukegan voted in 1908, 1910, 1912 and 1914, on the wet and dry question, and the will of the people of that township was to retain the saloons, and it looks to me as though this bill was a measure which was designed solely and only to nullify the will of the people of that township and not to accomplish the purpose for which this bill was ostensibly introduced, namely, to prevent consumption of liquor by the young men in the training station.

Now, a little less than two years ago, I had the pleasure to personally visit this naval training station, and I asked one of the officers there in regard to the conduct of the young men, and not a word was said to me then of the dangers that the young men encountered in the saloons of either Waukegan or North Chicago. He told me that these young men received furloughs for a day at a time and they would go up into Wisconsin and some-

times down to Chicago, and that invariably they would come back in absolutely good condition.

Now, I am not going to take up any more time. I merely want to call your attention to this one feature in regard to this bill: if this bill is enacted into law and you abolish the saloons in Waukegan and North Chicago, you nullify the vote of the people of that township and you simply stop the young men from the naval training station from going to Waukegan and North Chicago, but by ten minutes more ride and the same amount of carfare, the infinite small amount of five cents, they can go up into Kenosha, Wis., and get all the liquor they want. If this bill is enacted into law, what might be the result? Anywhere in the city of Chicago might be established a naval training station, which would therefore abolish all the saloons within five miles of that naval training station. Furthermore, that has been the history of the prohibition movement throughout the United States, that where state wide prohibition has been fostered on to a community, on a small community that didn't vote in favor of prohibition, the blind tiger starts up and the blind pig, the dives where the most deadly and obnoxious liquors are sold, and I have an idea that this will be the result if this bill is passed. You will have blind tigers and blind pigs established there in close proximity to this naval training station, which will not be under any State authority or under any Federal authority, and I don't believe that this bill is a good bill.

Mr. LYLE (Cook). May I ask a question? What is the condition you speak of in regard to blind pigs—what is the condition around Fort Sheridan now, within the mile and an eighth zone; isn't that law enforced there now, and don't they have a curfew law in Highwood?

Mr. GARESCHE (Madison). I understand there are some blind tigers and blind pigs there.

Mr. MAUCKER (Rock Island). Mr. Speaker, and Gentleman of the House: I desire a few moments of your time to explain the position of the location that I represent in this House, relative to the benefits from this bill or the damage that might ensue from the adoption of this upon the statute books.

I will briefly say that the cities of Rock Island and Moline have their business centers about four miles distant from each other, and immediately north, in the middle of the Mississippi River lies the Government Island, upon which all forms of training are going on. Now under the present laws we are protected, but if this bill should become a law, it would knock out the saloons in that locality there, containing over 100 saloons and over 110,000 people.

I want to say to you gentlemen that three years ago we voted on the wet and dry issue in our locality, and the men alone voted and the wet issue prevailed, and later on, when we had the partial woman's suffrage, they thought if they called the question up again the drys would prevail, but I want to say that the men and women of our locality, so far as the liquor question goes—they are dissatisfied that their fathers and brothers and some take a drink, and when the votes were counted we had double the majority with the women's vote as when the men voted last, which would indicate to you that that 100,000 people are quite well satisfied with the laws as they exist on the statute books. We have satisfied the women voters by living up to the letter of the law; the saloons are closed at twelve o'clock and closed on Sunday, and this seems to satisfy the women voters as well as the men voters.

If the dry interests want to be fair why don't they come out in the open, flat-footed and put up the proposition, and if they are beaten, take their medicine, but don't try to put 100,000 people who are quite well satisfied with the present law, into dry territory by bringing the Island under the dry zone law. I submit that it is an unfair proposition—absolutely unfair to our people. And all this rigamarole of a story about the boys—I don't think there is a man in the House but what will agree with me that the greatest mistake you ever made in your life was when you refused your boy a drink in your own house and made him go eight or ten miles away and get good and drunk, because he says, "I am away from the old man now and I'll get as drunk as I damn please." (Laughter.)

I want to say, keep your boys at home, and if these young men can get a drink there, which they have a hankering for and a desire for, it will

certainly appease their appetites, and they will not get to be low-down drunkards, like some of those who were not permitted to drink until they got away from home. I appeal to you gentlemen, who want to be fair in this matter, fight the State of Illinois in its entirety; don't single out one particular location, and then try to arouse jealousy where they will say, If we can't have anything we will see that our neighbors don't get it—and then we will take sides with the dry interests, and not cut each other's throats. Gentlemen, I appeal to you to vote this bill down.

Mr. BROWN (Cook). The gentleman is in error about the requirements of this bill. This bill doesn't have anything to do with Rock Island; it simply applies to the naval station on the lake. It doesn't effect your neighborhood whatever. I introduced this bill for a few people who have the interests of from 1,000 to 1,200 young men there at the naval training station at heart, and who have their welfare at heart, and they simply want to take the means of temptation away from these young men in order that they may have a better education.

The neighborhood from which I come is itself a strictly prohibition neighborhood. In that neighborhood we have many liquor dealers living, and if you ask them today why they live there they will say that the neighborhood is so good and the environment is so pleasant, we want to rear our families here, so that they may have a better education.

Now, gentlemen, to learn the real need of House Bill 321, we have but to listen to reports coming from the armies of Europe today, to grasp something of the situation that will confront this nation in case of war. Each one of the great powers have recognized the fact that liquors used among its soldiers have made them unfit for duty and have issued orders to do away with their use. Now, if that is a good move for the army and navy of Europe why not use every means to train our soldiers in a way that will better fit them for their duties.

Now, this is just the meaning of this, it will take away the influence from those boys and train them along lines so that when they are called upon to do the work they have been training for they will not be handicapped.

Gentlemen, you can talk about its being a dry proposition if you will, and call it what you will. This bill is simply used as a means to take away the evil influence which is taking away from our people the education that this government has been trying to give them. I see no harm in it. It is for the best interests of those 1,200 boys that come from the country every year to that naval training station, and I hope you will see that the bill passes.

Mr. VICKERS (McHenry). Mr. Speaker and gentlemen of the House: As one of the representatives from this district, I wish to say a few words to you in behalf of the majority of the people of Waukegan and North Chicago. It has been repeatedly stated here that in the last four years, or in the last four elections, 1908, 1910, 1912 and 1914, that the people voted on this proposition and voted not to abolish the saloons. There has been an election more recent than that, their last election this spring, in which I am informed that the dry forces, so-called, if you please, lined up behind Mayor Biddinger, and the wet forces behind Mayor Pierce. Mayor Pierce was elected, I think, with a vote something over 200. That gives you an idea of what the people of the city of Waukegan feel.

Another word I might say in regard to the township of Waukegan, in which is located both the cities of Waukegan and North Chicago, with precinct 10 of Waukegan and North Chicago that votes wet, and precincts 1 and 2, the northern portion of which are in the country and are so-called dry—the people of Waukegan informed me that the dry votes in precincts 1 and 2 in the country outside of the city would offset the wet votes in precinct 10 of North Chicago and consequently the city of Waukegan would practically vote wet, which it has done.

The gentleman from Cook, Mr. Lyle, stated that the United States Government had passed a law prohibiting the sale of liquor in Highwood. That was the State of Illinois that passed that in 1907, and there has never been any trouble since. I believe they made no fight upon the proposition at all.

I have a letter received this morning from one of the influential men of Waukegan, a banker, if you please, in which he protests against the passage of this bill. He says these people are pushing this bill behind the mantle of saving the naval station boys. "It is simply prohibitive. They have not

been able to vote dry even with woman suffrage; now they are taking this method of taking our vote right away from us and not to give us a chance, but to disfranchise the people here on this question."

I want to say that the city of Waukegan is a city of practically 30,000 people and North Chicago a city of practically 3,500 people. Gentlemen, in this time of home rule, do you think it is fair and honest to these people for a majority of this House, a majority of the 77 who don't know where Waukegan is, and 90 per cent of them have never been there, to say to those people of Waukegan: We know what you want, but you people who know about your conditions, don't know what you want?

Mr. WILSON (Adams). Mr. Speaker and Gentlemen: I want to answer some objections to this bill as to the reason for the bill and as to the application of the bill. As a matter of fact this was not one of the bills on the dry program, but this is purely a local matter and has nothing to do with the general dry bills. The fact is it is not the same in principle as the average dry bill, but I happen to know something about this sort of legislation, because I introduced the bill creating a dry district around the Soldiers' Home. In the first place I want to speak to the gentleman from Rock Island (Maucker). I apprehend that he was sincere in what he had to say. In regard to the objections of the gentleman from Rock Island (Maucker) I would like to say that this bill has been specifically drawn. In regard to the drafting of this bill, it does not apply, gentlemen, to Rock Island at all. The original bill applies to any United States naval training station or any military post. Now, when this bill was brought in before the Temperance Committee, we expressly cut out "military post" so that there might not be any trouble about it. Now, gentlemen, I want to say about the requirements of this bill, that bills of this character are drawn for the protection, you may say, of the wards of the State or those who are under the control of the State or the United States. As a matter of fact, there are two classes that require this protection. One is the very young, and the law generally has recognized that in that it has prohibited the sale of intoxicating liquor to minors under 21 years of age. Then there are those who are older; they are entitled to protection—the very old who are not able to protect themselves.

Now, in the Forty-seventh General Assembly I introduced a bill which created a dry district around the Soldiers' Home. That was on the theory, gentlemen, of the protection of the old soldiers there who are not able to protect themselves.

You say that this bill would cut out 77 saloons in Waukegan and North Chicago. I want to say that the Soldiers' Home Bill cut out 20 odd saloons around the Soldiers' Home. Was it affected? It certainly was, because the district showed—they have a court there at the Naval Academy and in the Soldiers' Home—and drunkenness for the first six months that this bill was in operation, at the Soldiers' Home, decreased 62 per cent from what it was the corresponding six months of the year before, and in addition to this, the deaths at the Soldiers' Home decreased during that period 25 per cent. Of course, there are a lot of old men among the old soldiers. But I will tell you, gentlemen, we have come to the point when we have to protect ourselves, especially along the military and along the naval lines.

I was very much impressed by the excerpt from the statement of Commandant Moffett that was read by Mr. Shurtleff on the floor of the House; his statement of the necessity for a cool head and steady nerves for men in the navy, and I happen to have in my pocket a paper which I didn't expect to use,—the statement of the German Kaiser, which was made two and a half years ago, and it seems almost prophetic at the present time when you look at the great struggle for existence that is now going on with Germany and Austria on the one side and the allies on the other side, and when we consider the efficiency of the German navy. I don't claim to say where the merit is in this test, or who will prevail, but I will venture the assertion that the German navy, man for man and ship for ship will give as good an account for itself as any other navy in this war. Two years ago the Kaiser said in addressing the naval students at Munich:

"I will give you, in addition, some advice upon a question which in the interest of my nation, I have very much at heart, that of the alcohol

evil and the drink habit. I know very well that the pleasure of drinking is an old heritage of the Germans, but we must by self-discipline, deliver ourselves from that evil. I can assure you that in the course of my reign of twenty-two years, I have observed from experience that the greater part of the crimes which have been appealed to me for decision ought to be reported as the results of the alcohol evil. Formerly it used to be considered a very smart thing for youth to absorb a great quantity of alcohol, and I myself, as a young officer, had such examples before me, but never imitated them. Those ideas belong to the thirty years war and no longer fit our times. Without speaking of the results of drink, which I do not need to describe, I will call your attention, especially, to one effect of intemperance which touches your future profession. As you will observe for yourself, in the course of your service on shipboard, naval service demands the height of effort which it is hardly possible to surpass. It devolves on you to maintain a steady tension without cessation, to keep in condition to meet exigencies. The next war, the next naval battle will demand from you sound nerves. Nerve power will decide the victory. Now, the nerves are ruined, damaged from youth by the use of alcohol. Later you will have opportunity to see the target ships and to study the action of modern projectiles upon vessels. You will have thus, a picture of the conditions of battle. You will see frightful devastation. It is then that it is necessary to have sound nerves and a cool head. The nation which absorbs the least amount of alcohol will carry home the victory. And this is what you must do, gentlemen. You must give the example to the crew, for it is example which acts most potently upon men. I depend upon you now in the naval school and, later, among the battleships, that you watch yourselves and each other in this regard, and that you do not count alcoholic beverages as among your privileges."

I want to say, gentlemen, in view of this great fight that is now on, this international fight, which is daily becoming extended, that the words of the German Kaiser, who has always the welfare of his soldiers at heart, are almost prophetic. I want to say that his logic and his philosophy is directly in line with philosophy of this bill.

You say that this bill will put a part of Waukegan dry. By the same token I want to say that you have said that the Quincy bill would put a part of Quincy dry, as it did.

Now I have it from the University of Illinois this morning, that the bill which creates a dry zone of four miles around the State University, that that bill has created conditions there which are entirely desirable.

Mr. GRAHAM (Lake). Don't you know that it is a matter of fact that if this bill was put on the statute books it would make Waukegan dry?

Mr. WILSON (Adams). I think it would.

Now gentlemen, I am not going to talk any longer in regard to this bill, but in view of the objections, I wanted to throw out these thoughts for the bill.

Mr. LIPSCHULCH (Cook). It seems to me that it ill becomes the gentlemen who style themselves dries to take advantage of the subterfuge on this question.

They are trying to destroy and nullify the will of the people who by their ballots have clearly indicated their desire to have a wet territory. The dry gentlemen know only too well that should they be influential enough to get Uncle Sam to establish a naval training station somewhere near Chicago or near any other such center within the boundaries of the State, that that would at once destroy the express desire of the voters of such districts as Chicago (such as it is).

As to the enlisted men and boys in the navy, I want to say my service in the army has convinced me that the men there are in no wise different than they are anywhere else; some are good, some are bad and some entirely indifferent.

Again I want to tell you that no place is life so monotonous, apparently God-forsaken and dreary that at posts or naval training stations, and therefore, there is no doubt that when they get a day off they would go as far away from camp as their time would allow them, and in this instance in

all probability would be Chicago, so if that is the case why should we interfere with the small Downstate towns that voted wet?

Another thought occurs to me, and that is, that if the great machinery that makes up the navy and army is not able to cope with the question that the remedy would obviously lie in the betterment of the controlling forces. I don't believe it, however. I think that the question of canteen is not at all a settled question. Let us not, therefore, be carried away by dry jingoism and pretended sentiment.

Mr. FRANK J. RYAN (Cook). This bill is a dry measure. In my judgment it is a prohibition bill. It is the first step towards making Illinois a prohibition State. In other words, in my opinion, I say it is the first step towards making Illinois a prohibition State. It starts in to make this State prohibition by five mile sections—by leaps and bounds, and that is the purport of this measure. A great deal has been said about Waukegan, but Waukegan's business will suffer. If this bill becomes a law forty saloons in the town of Waukegan will be put out of business—respectable, decent, upright, men, running a respectable business in their own way. You might just as well put out of business some drygoods stores or hardware stores, where the young men could buy revolvers to shoot themselves with, or something of that nature. There is nobody sends for the navy chap or the army chap to come and drink. He comes there himself, and he pays for what he gets I presume; but if he is a young man and a minor, he should not be supplied with liquor.

They speak about the secretary of the navy backing this bill. I would ask those gentlemen if it is not true that the secretary of the navy and the secretary of State of the United States are aiming to make the United States a prohibition territory from one end to the other? They are also interested in this bill in starting to make the State of Illinois prohibition, and the United States the same way.

Now, gentlemen, I could read to you from a paper entitled "Current Thought," a long statement from United States Senator Martine on prohibition. It is later than the others. It is dated May 1st—four days ago, and he goes on to show the ruination caused by prohibition in this country. I want to call attention to this paper and I advise every gentleman to get a copy of the paper.

Now then, the lines are drawn, Mr. Speaker, on this discussion. This is the bill to vote up or vote down. You men would vote wet, every man of you, if you were sincere in your thoughts and in your convictions, you would vote against this measure, because it is the opening wedge for prohibition in this State. There is no other bill coming up that is so important and I hope that the wets defeat the bill.

Mr. SCHOLLES (Peoria). Mr. Speaker, and Gentlemen of the House: From a careful reading of this bill you will find that there is more in it than your attention has been called to by the gentleman from Adams and the other gentlemen who support this bill. In the city of Peoria today there is a training station. Now if you will read the clause of the bill, you will find that it says:

"That on and after the 30th day of April, A. D. 1916, it shall be unlawful to keep for sale, sell, distribute, give away, or take an order or make an agreement for the sale or delivery of any intoxicating liquor within five miles of the boundary line or lines of land owned or used by the United States Government for the purpose or purposes of any United States Naval Training Station in this State."

Now, it may not be a four million dollar building; it is but an humble station, comprised of some seven or eight boats, but nevertheless, the land upon which these boats are situated or floated is used by the government of the United States. Now, a zone composed of five miles from that point, I say, under the strict construction of the English language, means a prohibited territory. Now, then, gentlemen, if the people on the dry question were consistent and sincere on this question, if it was the young men that they were looking to take care of—do they mean to come before this intelligent assembly with the statement that the great United States is not able or competent under strict discipline to protect its soldiers and its sailors? No; there is some subtle meaning in the bill. It is not to throw around these boys this arm of protection, but it is with secretness they are trying

to extend in that territory this prohibitive measure, which the people themselves have declared against. So, in passing upon this measure, don't be carried away with the idea that it is the boy that you are protecting. I say to you, having had experience as a military man for some twelve or fourteen years, I am going to speak from actual experience—that a body of young men, if they are determined to get intoxicating liquor, five miles will not stop them. You can make it ten miles, and they will simply overstep that boundary, and they will get what they desire, if that is their desire. Let me say to you, that the pending war means that we must take care of these men and prohibit this liquor. I want to say to you again, that the great government of the United States is able by its discipline to bring up its soldiers and its sailors, and it is a confession of weakness on their part when they come before this body and say that they are not able to control their boys when they are in training. I say to you, it is the temptation—it is these things that confront them that make men of them, and I say that these evils have been placed here in order that we can be tried and proven to be men.

Talk about our sailors and compare our navy or our sailors with any other power. I take exception. I want to say to you that when our sailor boys follow that flag which they love so well, that they have led the entire world for bravery and accuracy in shooting, and have never been beaten or excelled. (Applause.)

Gentlemen, there is another army and another navy, that if you were consistent, you would protect. You may charge me with being wet if you will, but I want to say to you, my hearers, that when you who represent the dry interests, will draw up a bill that will save all the people of this country or of this State, you will prohibit absolutely the children going to a saloon with a can, either with or without the order of the parent. That, gentlemen, is the law, in my opinion, that will reach the evil and protect the young—when you say to the saloon man, you must not sell to the child under the age of eighteen or twenty-one years. You have a law, gentlemen. I asked the eminent member from McHenry (Shurtleff) the average age of these boys, and he told you that they were sixteen. There is a law, and this gentleman, the eminent member from Cook (Lyle) has stated to you the number of times it was violated. You have on the statute books a law that provides a severe penalty for selling liquor to a minor. Why don't you enforce that? There is not only a fine, but imprisonment, but you didn't show a single imprisonment. Now, I say, gentlemen, I believe just as sure as this bill is intended to put out North Chicago and Waukegan, just so sure is it intended to put out every city wherein there is a training station located, and I say it is a dangerous matter—a dangerous bill to the interests of the people of this State, and I protest against its passage.

Mr. WILLIAMSON (Champaign). In speaking about the Government—about the American navy—you know they go out after six months training, and the United States Government doesn't permit them to have liquor while at sea.

Mr. SCHOLLES (Peoria). I say that the United States officers, or the United States Government has power enough to look after these boys and to say that they shall not get out and get intoxicating liquors.

Mr. WILSON (Adams). Where is this place in Peoria that you mention?

Mr. SCHOLLES (Peoria). On Harrison Street and Bridge Street on the Illinois River.

Mr. WILSON (Adams). How far is it from the central part of the city?

Mr. SCHOLLES (Peoria). About half a mile.

Mr. WILSON (Adams). I want to call attention to the statute now. Have you ever been disturbed by this statute since January 1, 1908: "It shall be unlawful to sell, distribute or give away any malt, spirituous, vinous or intoxicating liquors within one and one-eighth miles of the boundary line or lines of land owned or used by the United States for the exclusive purposes of a United States Naval Training Station or for a United States Military Post?"

Mr. SCHOLLES (Peoria). Well, you have got the word "exclusive" there; this doesn't contain the word "exclusive."

Mr. WILSON (Adams). Isn't that a recruiting station that you are mentioning there, in your city?

Mr. SCHOLES (Peoria). Recruiting station for army and navy. A recruiting station is not a training station, but we do have a training station in Peoria.

Mr. WILSON (Adams). Where is that training station?

Mr. SCHOLES (Peoria). It is located on the river.

Mr. WILSON (Adams). Is it on the river?

Mr. SCHOLES (Peoria). It is.

Mr. WILSON (Adams). On a boat?

Mr. SCHOLES (Peoria). It is on the river, and they have their boats located up above, in the river and on the shore.

Mr. TAYLOR (Hardin). Mr. Speaker and Gentlemen: This bill will do away with saloons within five miles of a training station. I was in the military training service for 12 years; I have had 12 years' experience as a military man, and as a military man I ask you, my dear brother, to tell these people if it is not a fact that you have seen the very best boys—the bone and the sinew of the American people, who are ready and willing to volunteer their services in the defense of their country, I ask you if it is not a fact that you have seen them, at the age of 18 years, going home raving drunk? If you have not, I have. I will say to you fellow citizens and gentlemen of the Assembly, that if you want a good army, one that has got their heads about them, you can't have it if they are full of liquor; neither can you have a healthy constitution in the young men who has been using liquor from the beginning—from the time he goes into the army until he gets out of it. This is a question that should be for all—not only for those within five miles of a training station, but to all of the citizens of Illinois. Do I want my boy sent off to a training school where the very first day he gets there he is learning to drink liquor?

Mr. MAUCKER (Rock Island). I want to call the attention of the gentlemen to the fact that in the Soldiers' Home at Quincy, it was stated to me by the colonel in charge at that time, that while they formerly had a great deal of drunkenness among the soldiers at the home, while they were confined as prisoners and couldn't leave the place—at the present time, when the bars are down and the soldier can go and get as full as he pleases, and the street cars go right into the Soldiers' Home and haul the soldiers to town, by that gentleman's admission, there is less drunkenness. Consequently, restriction causes more or less desire for drink, while liberty tends to sobriety, and for that reason I am against the passage of the bill.

THE SPEAKER. On this question the clerk will call the roll.

(Roll called.)

Mr. WILSON (Adams). I would like a verification of the roll.

THE SPEAKER. The clerk will verify the roll.

(Roll verified.)

THE SPEAKER. On this question the "yeas" are 65, and the "nays" 72. The bill having failed to receive a constitutional majority is declared lost.

Mr. ARTHUR ROE (Fayette). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 19.

WHEREAS, There was placed upon the statute of this State an Act approved June 15, 1909, and in force July 1, 1909, creating the office of State Fire Marshal, prescribing his duties, providing for his compensation and for the maintenance of his office, etc.; and,

WHEREAS, Said Act also provided for the appointment of deputy fire marshals, and inspectors, attorneys, etc.; and,

WHEREAS, By virtue of said law, the powers and system of the enforcement of the same, it is apparent that the system and the execution of said law in many respects is wrong, and said law has been used by said department in the accumulating of data, facts and evidence on behalf of the insurance companies in the defense of suits brought upon insurance policies, when a loss is occasioned, and by appointing "Insurance Loss Adjusters"

as deputy fire marshals, thereby clothing the insurance companies with powers and authority never intended by said law; and,

WHEREAS, It also appears that the evidence taken by the deputy fire marshals in the investigation of losses have been delivered and turned over to the insurance companies to be used in the trial of civil law suits and that the attorneys for the fire marshal and deputies have themselves accepted employment on behalf of the insurance companies in cases which they have investigated, and that by reason of the unlimited authority granted to the fire marshal and his appointees therein, it appears that in many instances in cases and trials where suit is brought upon insurance policies for loss in civil suits, that said department, its deputies, etc., are and have been working in conjunction, cooperation, collusion and combination with the insurance companies in securing facts and evidence in the defense of any suits brought to recover upon insurance policies;

WHEREAS, There is now pending in the Legislature, a bill, or bills, as designed to extend further authority, increase of salaries, etc., and amendments to the present laws in relation thereto; and,

WHEREAS, It is desirable and necessary to remedy the defects in the present law as it exists, the operation thereof by said Fire Marshal Department, to obtain any and all information upon the operation of the law as it now exists, and upon the future legislation thereon; therefore, be it

Resolved, By the House of Representatives, the Senate concurring herein, That the Governor is hereby authorized and requested to appoint a commission of *four members*, two from the House of Representatives and two from the Senate, to investigate the operation of said law as the same now exists, together with the proposed pending legislation, and to collect, as far as possible, any and all facts in relation to the operation of said law as now exists, the execution of the same, the manner in which the same is being used in this State, and to recommend upon this subject, any changes in the present law, the operation, execution of the same, and any amendments thereto.

The commission shall have power to summon and compel the attendance of any and all witnesses, to compel the production of all books and papers, to employ a stenographer, collect the data and facts as to the said department, the operation, methods, etc., and to report their findings and recommendations to the next General Assembly.

The expenses of the said commission, including a reasonable per diem to the members thereof, not to exceed eight dollars per day, for the time actually spent in such investigation, shall be paid out of the funds to be appropriated therefor upon vouchers drawn upon the Auditor of Public Accounts, properly itemized and certified by the chairman of said commission, said chairman to be selected by said members of said commission, and all vouchers to be approved by the Governor.

And said commission shall report its findings and recommendations as it may seem fit after said investigation, to the Governor not later than December, 1, 1916, for transmission to the Fiftieth General Assembly. And in support of said resolution, reference is hereby made to the statement of facts in relation to the administration of the State Fire Marshal's department, submitted for the consideration of the Forty-ninth General Assembly of the State of Illinois.

THE SPEAKER. The resolution is referred to the Committee on Appropriations.

Mr. BOYER (Cook). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 20.

Be it Resolved by the House of Representatives, the Senate concurring, That there be allowed, out of the contingent expense funds to the Senate and House to each member of the House and Senate, the actual railroad mileage of each member, for twenty-one round trips from the Capital of the State to and from their respective homes, at the rate of two cents per mile, the same to be computed at the same mileage as now computed by the State Auditor, and the same to be approved by the Speaker of the House, and the President of the Senate, and to be allowed for proper and necessary

committee and legislative expenses of the respective members.

THE SPEAKER. The resolution will be referred to the Committee on Contingent Expense.

Mr. SMEJKAL (Cook). I move that the House take a recess until four o'clock this afternoon.

Motion prevailed, and the House took a recess until four o'clock p. m., the same day.

Four o'clock p. m., re-convened.

The Speaker in the Chair.

THE SPEAKER. House Bill 222 is on the order of third reading, and the clerk will call the roll.

Mr. ELLIS (Kane). Mr. Speaker, and Gentlemen of the House: This is a measure that could possibly have been referred as well to the Judiciary Committee as to the Temperance Committee. It is not a "wet" and "dry" measure. It applies only to prohibition territory and is nothing more or less than a law enforcement bill. It is aimed at the blind pigs, key clubs and dry drug stores who are violating the law and aimed at only the violators of the law, the man whom every good citizen, be he wet or dry should want put out of business. I don't care at this time to go into details regarding this bill any more than to say there are now thirty-eight states in the Union which have similar laws. There are now twenty-eight states in the Union that have almost this identical provision regarding search and seizure. It is said by some that under this bill you can go into a man's home and search it for contraband goods. Anybody that will examine the bill will see that is impossible. So long as it remains his dwelling it cannot be searched under this bill. When he turns it into a public resort or a house of prostitution or something else along that line, then it no longer remains a dwelling and it can be searched and should be searched.

If you will examine the bill, sections 11 to 17, you will find they cover the search and seizure part of the bill. A study of the statutes today will show that this bill is not as strict and does not prescribe as great restrictions upon the search for liquor as does the present statute for counterfeit outfits, stolen property, obscene literature and gambling instruments. This bill is simply a codification of the present law regarding these subjects. Twenty-eight states have already adopted the Search and Seizure Act, and in nearly all these states they cover wet territory as well as dry territory; and inasmuch as this measure only applies to "dry" territory, it can readily be seen that it is not as sweeping as other states have enacted. The Federal Government has adopted stronger Acts upon this question, and enforces them. You hear no complaint about dwellings being improperly searched by the United States authorities.

This bill, gentlemen, is for decency and against indecency, is for virtue and against vice, is for law and order and against disorder, is for right against wrong, is for the will of the majority and against the outlaw.

The person making the complaint must show just and reasonable grounds to the judge and convince the judge that just and reasonable grounds exist for the issuing of a warrant. Further search and seizure can only be made under this Act during the day time unless the complaint is made before two judges that the goods are liable to be disposed of. That goes further than the present Act regarding gambling instruments in this State. As I said at the start, this bill is eminently fair, this measure is simply a law enforcement measure and any man who has lived in dry territory knows that today they are breaking the laws in drug stores and key clubs and this Act simply helps to enforce the law in that territory.

This bill deals with a class of men who are trying to undermine our government. If we know anything we know that the human race only achieves freedom through the sovereign reign of the law, and just in that degree that law is respected and enforced civil liberty is guaranteed and made sacred—and no further.

Whenever the State of Illinois comes to be a lawless band, as it certainly will if the laws are not enforced, it will be the grave of freedom; just in proportion as the average morality of a state is strong, just to that extent is the state great and good government reigns. Many men here want to see

the laws enforced on all subjects save one—the liquor laws. Why not enforce those laws the same as other laws? Why make this *one* exception? This bill is simply the question, Shall the people's will be supreme? Every force that has sought to prevent the triumph of the people's will in the end has bowed, conquered. This bill, if it becomes the law, simply enforces the people's will.

Mr. CURRAN (Cook). In the first place the law would be unconstitutional as it is a violation of the Bill of Rights, section 6, article 2 of the Constitution of 1870. If you keep a store and live in the adjoining rooms they could come in and search your house. One of the gentlemen says they have to file a complaint before two judges, but I have never in my experience of ten years in this House ever seen a dry man that was really fair, or wanted to be fair in any legislation that was before this body. Every bill that the drys have introduced in this House has been the most unfair of any laws that were ever put on the statute books. Take the Township Local Option Laws, there is not another law on the statute books as unfair as that. They talk about home rule—they came here this morning and proposed a five-mile limit around Waukegan, after the people of Waukegan voted four different times on the question of wet and dry and voted wet each time. I say this bill is one of the most vicious bills that has been proposed by the drys and I hope that the friends of personal liberty in this House, each and every one will cast their vote against this bill.

Mr. GARESCHE (Madison). Section 6, article 2, of the Constitution of 1870 gives the people the right to be secure in their homes against unreasonable search and seizure. This bill provides for the procedure by which premises may be searched and it is most unjust in my opinion. The affidavit required simply states that the affiant has just and reasonable grounds to believe and does believe that intoxicating liquor is now unlawfully sold, etc. Some person has a grudge against another and he tells the third man and that third man then has just and reasonable grounds. Suppose that this man that has something against the other man, they can prove by him that he has just and reasonable ground. On that basis he can go to work and make his affidavit to the judge that he has just and reasonable ground, and can have the premises of that man searched.

When he comes to have that warrant served according to the tenor of this bill, it is in his discretion as to what officer may serve the warrant. You are taking it out of the hands of the courts as the serving officer.

In the section which relates to prescriptions written by physicians it provides that before a physician may write a prescription for intoxicating liquors he shall have first personally examined the person for whom the prescription was written, and having ascertained that such a person required it, then he may write the prescription. What is to prevent one man from going to a physician, and being examined and the physician stating that he needs liquor in his prescription, and then afterwards that person could repudiate the examination that the physician has made. You have his word against the physician's word, and I think it would work an injustice with practicing physicians and the penalty is very severe. On a second offense it calls for the revocation of the physician's license by the State Board of Health.

I want to call your attention to section 2. Under our Local Option Act a ward or a precinct may vote as anti-saloon territory. In a majority of cases those wards, or precincts, would be residential territory. I am living in one of those wards, and I call the clerk of the grocery store who lives in that ward that is not anti-saloon territory, and he comes to my house, and I give him an order for a case of beer, in case my family, which is very often the case, needs some preparation of malt—women need it sometimes—the clerk taking that order has violated that law. In order to overcome that provision of the law I am required to go to the physician and get a prescription from him after having an examination made.

If this bill were constitutional it is not fair, and I don't think the members of this House will say it is fair.

Mr. WILSON (Adams). In listening to these talks on these measures I have been led to contemplate with a degree of sorrow the manner in which the mighty have fallen in the discussion of these matters. There was a time when men who were not directly interested in the saloon business were

champions of the cause, but we have gotten to the time in the State of Illinois where the average man of liberal sentiment is divorcing even his coat tails from the saloon business, and we find in the Illinois Legislature at the present time that this is no longer being considered an academic proposition, but it is a vital proposition affecting thousands in the business. We used to hear the voices of several men on the other side of the proposition. They have changed their position. There are certain men on the other side of the House who used to discuss these questions and be very active in the debate who are now strangely silent. There seems to have been a paralysis affected them. The fact is we have gotten to the place when this is no longer an academic proposition. Since in Washington, United States senators and members of Congress have gotten to the point where they have to vote on this question, and have to declare themselves along this line, and when the Hobson amendment to the Constitution gets a clear majority of the lower house, it becomes a very acute matter nationally. In regard to the members of Congress, I feel like the little boy who had been vaccinated when there was smallpox in the town. He got his early, and he came back from day to day with a grin on his face while the doctors were vaccinating the other fellows. The doctors said, "Why are you staying around?" He said, "I want to hear the girls holler." The same with Congress, we have gotten to the point where the members of Congress can no longer do the gum-shoe act like the celebrated senator from the State of Missouri. It no longer is a panacea for all the ills that the national body politic is heir to for the member of Congress to send home a little garden seed when he is written to by his constituents, as was done by a certain congressman from Chicago a few weeks ago.

That reminds me of a little difficulty my wife got into ten or fifteen years ago, soon after we were married. We received some garden seeds in an envelope and in the corner of it she read, "\$300 fine if used for private purposes." My wife wouldn't open the envelope because she thought that the fine was for the use of the garden seed. The garden seed has been played out, but they will be put on record when the Hobson amendment comes up.

They can pass a bill which would prohibit the absolute transportation of intoxicating liquors from one state to another as a matter of interstate commerce and that only takes a majority. They can pass a bill making the District of Columbia dry, and that doesn't take a two-thirds vote, but only a majority. I fancy that the Members of Congress are going to have a good deal of trouble along this line. There is coming a change over the American people along the line of temperance. It used to be considered that the subject of temperance was only a subject for the long haired men and the short haired women. We have gotten past that and gotten to the point where the average sober and conservative man recognizes it is coming, from a social point of view, a business point of view, or an economic point of view. We find that nationally the business is on the ways and it has got to go. If you get to talking to the average wet man confidentially he will tell you that the saloon business will not last but ten years, and that it is doomed, and that it is a marked business.

I want to say to my friends in the Illinois Legislature who are looking to the rising and not the setting sun, whether you should vote on this bill or some other bill; if you are looking for the rising sun you better get on the right side of this proposition or you will be doomed to political oblivion.

We hear the gentlemen talking about the constitutionality of this bill. The average man who is interested in that kind of business is generally a great constitutional lawyer. You can hear,—I was going to say theology dispensed over the bar and you can hear morals and everything else discussed. The last refuge of a man in attacking a measure is to say that it is unconstitutional. When you get a man up in the corner and he hasn't any argument against it from a moral standpoint or an economic standpoint he will say that the bill is unconstitutional. I would like to know in the name of the Lord if it be unconstitutional, why shouldn't the wets vote for it? If it would not stand fire in the courts, why don't you vote for it? They will attack this bill in the courts on its constitutionality. They will claim this bill is an invasion of the rights of personal liberty, and I have

thought that as far as the United Societies is concerned their only idea of personal liberty is their right to make a sewer out of their alimentary canal. You can trample on all the other rights they have but so long as they consume intoxicating liquors at the heaven born ratio of 16 to 1, they think their liberties are being conserved. There is nothing in the argument as to the constitutionality, but if there is the gentlemen on the other side need not be afraid to vote for this bill, as they know very well that the courts will knock it out.

As was said by the gentleman who introduced this bill, it doesn't operate in the city of Chicago or in wet territory. It is merely for the purpose of enforcing the law. I have heard many times in this House the argument made against prohibition and against local option that it does not prohibit. As a matter of fact, prohibition does not prohibit, and it never will as long as the stuff is manufactured. For years we have a statute on the books directed against murder, but would anybody think of passing a bill which would abolish punishment for murder and license murder on every day except Sunday if it be done in a humane manner? This bill will to a degree do away with the arguments against prohibition and will strengthen the arm of the law and will enable prohibition to be enforced in dry territory.

A good many of my wet friends in the House, whom I respect, have told me time and again that they don't believe in the bootlegger, but believe in the legal saloon, and they were not in favor of blind tigers. You have a chance to make good on that statement and vote for this bill.

Mr. MOORE (Henry). I will not trouble the House by talking very long. This bill should not be passed, and I appeal to the gentlemen who have read this bill. We will not have any avalanch or snow storms from Dakota, but it says any person who shall in any manner assist or abet in keeping or maintaining any club room or other place—and that might be your own home—in which intoxicating liquors is received or kept for the purpose of use. You are liable to a penalty for a violation of that Act, and for that reason you should vote "no" on this bill and kill it.

Mr. ELLIS (Kane). Replying to the gentleman from Henry and the gentleman from Madison, I simply want to call your attention to the case of the State of Kansas vs. Standish, 37th Kan., page 343, and you will find that this section providing for search of the dwellings is practically a copy of the Kansas law, and that the Kansas court in the above case held a dwelling could not be searched under this law. I wish also to call your attention to the case of Glennon vs. Britton in the 155th Illinois, page 232, which holds that the search and seizure provisions regarding gambling are not a violation of the Constitution, as you claim. This Act simply follows out the Gambling Act, and is constitutional.

Mr. MOORE (Henry). In regard to the matter of the Acts he cites in relation to search and seizure, this section has nothing about search and seizure. Simply by keeping it there you are liable to a penalty. This is there in section 3, and he who runs may read.

THE SPEAKER. On this question the clerk will call the roll.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 66 and the "noes" are 77; the bill having failed to receive a constitutional majority, is declared lost.

Mr. SPEAKER. House Bill 362 is in the order of third reading, and the clerk will call the roll.

Mr. WILSON (Adams). I will take only five minutes, or perhaps three minutes, to explain this bill. I think you all understand it pretty well. It is what is known as the residence district bill and it provides for the creation of dry districts in residence territory. It is a good deal after the plan of the township local option, that is to say, the machinery of the bill is according to that plan. It must all be contiguous territory, and no block can go into this territory unless it is according to the definition of the bill residential territory, that is to say, a measurement would be made around a block and if a majority of the property in the block is residence territory it may be included in the territory. Now, then, there may be buildings that are used both as residences and as business buildings. If the building is only one-fourth used for business then in that event it can not be included

or counted in the estimate as residence property, that is to say, suppose there is a building four stories high, each one of the stories equal in height to the other, if the first story is used for business purposes then it is not to be designated or counted as residence property but as business property. Then it would have to be a five-story building before it could be designated as residence property if the first story was used for business purposes.

I think, gentlemen, that you are pretty familiar with this bill. Two years ago this bill passed the House by just 77 votes, and by the way I have forgotten to state that in this bill we put in the Senate amendment. At the end of section 17, we inserted the Senate amendment that was inserted in your House bill of last year, providing that liquor could be delivered in dry territory under this bill, in quantities of one gallon or more.

Now, then, I could take a great deal of time but I am not going to do it. I think you understand the bill pretty well.

Mr. CURRAN (Cook). This is what is known as the Residence District Bill. This is another prohibition bill. It not only applies to residence districts, but it says that railroad tracks, for instance, that is boundary lines, parks, hospitals and the like, would be counted as residential districts. In fact, it is a very unfair bill.

In the city of Chicago we have what is known as a residence district ordinance, and there no saloon can be started in a residential district without the consent of the property owners in the territory. There has not been a saloon in 20 years started in Chicago in a residence district without the full consent of the property owners in that district. There is no need for this bill because it will not apply to any other place than Peoria, East St. Louis, or Chicago, or some of the larger cities of the State, and all of the larger cities in the State have ordinances covering just what this bill will cover.

Under this bill they could shape their lines in any way they wanted to. One part of the district may be dry, and they could reach out into the next block and take enough dry territory to make their block dry, and they could go along from block to block until they made practically the whole of Chicago dry, and most any small city in the State. And I believe that the members who believe in personal liberty throughout this State and believe in home rule should vote against this bill and defeat it.

Mr. BRUCE (Cook). I would like to say a word. The city of Chicago already has within its boundaries several residence districts, prohibition districts. Not local option districts but prohibition districts, districts in which the sale of liquor is strictly and absolutely prohibited under the powers of the city council. The city council has by ordinance created several of such districts within the boundaries of which any citizen of Chicago may purchase property and build a home knowing, being sure beyond any question of doubt that there never will be a saloon permitted within that territory because he is sure that he is in what is known as a prohibition district.

In a district such as would be created if this bill should become a law, a district in which a vote might be had on the proposition of whether that residence district should become anti-saloon territory or not, and in the event of the vote being in the affirmative, he, after having purchased his property with the idea that he was to raise his family in a residence territory wherein no saloon could abound, might wake up some morning and find that under the terms of this bill that his property had been ruined.

In my particular district the entire village of Oak Park is prohibition territory and if this bill were to become a law the residents of that district would not be protected, but within the boundaries of that village sections might be stricken off and the proposition put upon the ballot and a vote had and a declaration in favor and saloons might be located there after people had invested their money believing that they were secure in residential territory.

This bill is not wanted by real lovers of personal liberty in the city of Chicago. It is not needed and it is a dangerous bill. Within two blocks of my home is a prohibition district that was created 15 years ago by the city council of the city of Chicago, and if this bill would become a law people who have invested their money there would be in danger of having saloons located in that residential territory.

I believe that this is one of a series of dry measures which this House

is to take action on today, and it is not unlike either of the previous measures that we have acted on except that it is more dangerous to the city of Chicago than any of its predecessors.

Mr. BURNS (Cook). Mr. Speaker and Gentlemen of the House: The so-called residential district bill is the same bill that was defeated a short time ago in the Senate Committee and undoubtedly if this were sent across it might meet the same fate.

However, there are some features of this bill, one or two on which I would like to say a few words to this Assembly of this matter of procedure by this bill. Whenever, as this states, a certain number of men request it, it shall go upon the ballot to be voted for either "yes" or "no" at the next succeeding election. The election laws in this State and practically those states which operate under the Election Commissioners Act divide the various districts up into precincts. This divides them again into blocks. There is hardly, I dare say, in the city of Chicago, there is hardly an election precinct in which there is more than one block. In each of those elective precincts there must necessarily be registration of voters. If you were to place this upon the ballot it would require a registration in every block in order that the voters might correctly register and vote in each block upon the question. If this covered a vast territory and that territory could be so divided that there would be districts and bounded by the various elective precincts in any of the cities, either Chicago, Peoria, East St. Louis or any of the cities operating under the Election Commissioners Act there might be some way of tabulating them, but under this law taking in block by block I can't for the life of me see any way this can be eliminated—how you are going to register the votes and vote block by block. It would mean a registration block by block, in every block in which this vote was requested. That would mean a register inside of your register called for now by the election law of this State, and practically an impossibility, especially so in the city of Chicago.

That is one reason why I feel that I will have to oppose this bill and that is one reason why I feel that those who live in districts in which the election commissioners act, owing to the increased cost, owing to the amount of money that will be spent, that will have to be spent, owing to the practical impossibility of registration that this bill should be defeated.

That is one reason and I think it is a substantial reason, and I believe that each and every one of you who understand and live in cities operating under the Act will feel they cannot in any reason or by any means see how this can be placed upon the ballot and the voters can be registered properly.

Mr. WILSON (Adams). Answering the gentleman's question, I think that anyone who looks into the scheme or the machinery of this Act will see that no additional great expense is going to be necessary to carry out its provisions. It is only occasionally that there will be a vote upon this proposition. As to the machinery of the bill it has been carefully worked out and I don't think there is any difficulty along that line. It might be there should be a reason for increasing the pay of Chicago judges which some of the gentlemen seem devoutly to desire.

Now, another thing, the gentleman from Cook County said that if this bill became a law that in that event Hyde Park might become wet.

Mr. BRUCE (Cook). Oak Park.

Mr. WILSON (Adams). I beg your pardon, I thought you were speaking with regard to Hyde Park. I was going to say that it was a part of its contract with the city of Chicago, as I understand, when it became a part of the city that there should be no saloons in that section. But this bill would not make any territory wet; it might or it might not make certain territory dry. Some people are laboring under a misapprehension—

Mr. CURRAN (Cook). Do you think that this is a fair bill?

Mr. WILSON (Adams). I think it is a very fair bill. There are some people laboring under a misapprehension that for instance in regard to county option, with reference to the Township Local Option Law, some people have thought that if counties failed to go dry therefore they were wet, and the individual townships which heretofore had been dry would be wet. This is not the fact at all. This bill as far as Oak Park is concerned or any other territory that might be dry, either by ordinance or by any other means, then

if this bill created a residence district that would be dry, if it failed to carry, it would not affect the previous status of that territory.

THE SPEAKER. The clerk will call the roll.

On the question the "yeas" are 69, the "nays" 78, and the bill having failed to receive a constitutional majority, is declared lost.

THE SPEAKER. House Bill 232 on the order of second reading. The clerk will call the roll.

Mr. KANE (Saline). This is surely a good bill and should pass. This bill aims at the punishment of the typical bootlegger. This is the bill that is not fathered by the anti-saloon league, but has grown out of my experience in the prosecution of the typical bootlegger. There are a number of bills introduced in this House to cut down the cost of your county and township expense. One of the greatest items of expense is keeping these bootleggers in jail. They don't care anything about being in jail. They are as happy as a 'possum in a persimmon tree and they go out and sell liquor all over again the next day. The county pays for their board and keep while they are in jail, and it is a perpetual and endless chain, in the jail and out of the jail, and the county pays the expense. They continue to violate the law. In our county we have the Sherman Anti-Trust law to prosecute those who unlawfully have combinations. In our county, although we are not bragging about, we have the king of trust magnates in the bootlegging business. We have the most famous bootlegger in the State of Illinois. He has two young brothers in the penitentiary and two more ready to be tried that he under his tutorship has brought to their ruin. He has ruined the lives of other boys in our county, and some of them are in the penitentiary today. He starts young boys out selling for him, and he gives them so much commission. During my term as state's attorney for four years, he was in jail four times, and he cost the county several hundred dollars. His last sentence was for 530 days, and when my term of office expired he was still in jail. In the Federal Court, when a man gets up there the third time he goes to Leavenworth. The first offense is not changed at all. For the first violation I can sympathize for the fellow. The second violation is increased just a little, but when it comes to the third time, I think he should earn his own board and keep. I don't think the county should board him at its expense.

Mr. O'ROURKE (Cook). Who buys from him, the drys?

Mr. KANE (Saline). I don't know, as I haven't purchased any. I had some as evidence in my locker, but the witnesses drank up my evidence. In closing, all I have to say is that if you want to save an expense for your township and county, vote for this bill.

Mr. CURRAN (Cook). This bill prevents the storage of liquor in anti-saloon territory or the delivery of liquor purchased outside of such territory. I understand they ship a hundred barrels of beer every Sunday into the town where Mr. Kane lives, at Harrisburg, and my advice to Mr. Kane would be if he wants to save money for the township he should repeal the damn law that makes the people violate it. It is a bad bill, and you should vote it down.

Mr. MOORE (Henry). I find that this bill is akin to the bill I just addressed this assembly on a moment ago. It says, "keep for sale". You might have a brewery in dry territory manufacturing beer for some purpose, and it doesn't sell that beer there, but stores it there for sale in other territory.

Mr. KANE (Saline). Do you know of any brewery in dry territory?

Mr. MOORE (Henry). Yes, there are lots of them. There is one in my town; they sell prairie chicken beer. There is one in Rockford and one in Freeport. Suppose I want to make an agreement in my home for some one to deliver whisky for medicinal purposes, I am liable to imprisonment.

THE SPEAKER. On this question the clerk will call the roll.

(Roll called.)

THE SPEAKER. On this question the yeas are 62, and the nays are 73; the bill having failed to receive a constitutional majority, is declared lost.

House Bill 330 on the order of third reading.

The clerk will read the bill.

Mr. FLAGG (Madison). This bill is the best bill which has been offered

to you today and is the one bill which you can pass. We must have 77 votes for it. It is the anti-treating bill. I don't need to explain it as it speaks for itself. It is intended to abolish the custom which is abominable and well established and much abused, and every man ought to vote for it whether wet or dry as a matter of self-defense if for no other reason. Perhaps some of you gentlemen desire to be candidates for office and if you do you will certainly support this bill. In all seriousness let me appeal to you as a matter of reason and common sense to vote for this bill and give it 77 votes today.

Mr. MADSEN (Cook). Don't you think it is rather severe to send a man to jail for buying another man a drink?

Mr. FLAGG (Madison). Possibly, but he better not buy any drinks. He can get off with a fine in all probability. No jail sentence is absolutely required if you will read the bill.

Mr. MADSEN (Cook). I like the bill, but it is a little too strong for me.

Mr. CURRAN (Cook). This bill is the anti-treating bill and, as I stated on the floor of the House before, I am a great believer in personal liberty. I believe that a man should be allowed to spend his money where and for what he pleases. I don't think there is much danger of any of the dry gentlemen whom I have met in my time down here ever being convicted of violating this law, as I never knew one of them, whether they drank or didn't, that ever bent his elbow and put a 5-cent piece on anybody's bar. I think those who wish to buy a drink for someone else should be allowed to do so. We should defeat the bill.

Mr. BUTLER (Sangamon). I feel that a great injustice has been done to me today. I thought you were going to call up the county option bill and I have been waiting all day to make a speech against it and now the gentleman tells me he is not going to call it up, and therefore I have to say a few words on this matter. (Laughter.) Having been buncoed out of making a speech and bowing gracefully to that situation I will say only a few words.

This bill is to put a backbone in a spineless man, and it cannot be done. If you haven't backbone enough to stand up and say, "I am not going to treat you," the law will not help you. Where you belong is in a feeble-minded asylum. I have gone through a number of campaigns. In some I have been successful, and others not. I have always figured afterwards that where I lost I was better off and when I won I thought the public had achieved a great accomplishment. All I want to say about this bill is that there is a wrong feeling here. Don't try to make men over by this sort of a bill. If a man wants to treat another man he should be allowed to.

In these previous campaigns I have often treated. In the last campaign I was very short of cash and I made up my mind not to treat and I don't think I bought a drink for anybody except once or twice during the campaign, and I never ran better in my life. I don't see why you need this bill. All you need is a little backbone. You cannot make a man by holding him up all the time. You have got to let him learn to walk by walking himself. If he cannot walk by himself, then he is not a man and your legislation will never help him.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 54, and the "nays" 81; the bill having failed to receive a constitutional majority, is declared lost.

Mr. WILSON (Adams). I move that all other wet and dry bills be tabled.

THE SPEAKER. It is so ordered and the clerk will strike them from the calendar.

Mr. COOPER (Wayne). Some days ago I moved that the vote by which House Resolution No. 7, to amend the amending clause of the Constitution, should be reconsidered.

Mr. McCORMICK (Cook). Will the speaker state the question to the House?

THE SPEAKER. On April 14th, the House voted on the report of the Committee of the Whole on the amendment to the amending clause of the Constitution, and the committee reported a substitute for House Joint Resolution No. 7, which the House failed to adopt. The gentleman from Wayne moves to reconsider that vote. On this question the clerk will call

the roll as to whether the House shall reconsider the vote by which House Joint Resolution No. 7 failed.

Mr. PURDUNN (Clark). Does this take 102 votes?

Mr. DONAHUE (McLean). A majority of the House can reconsider, but it would take 102 votes to pass the resolution.

THE SPEAKER. The report of the committee failed of adoption, and was laid on the table. The gentleman then gave notice that he would move to reconsider that vote.

Mr. IGOE (Cook). I would like to ask the Speaker by what authority or under what rule it was laid on the table?

THE SPEAKER. It was laid on the table when it failed to pass.

Mr. IGOE (Cook). There is no such rule.

THE SPEAKER. That is the natural course under parliamentary proceedings.

I don't find in these new rules the old rule of this House, which provided a two-thirds vote to take it from the table. There is a rule that 77 members of this House can make any order of the day, so probably under that rule 77 members can reconsider any proposition.

Mr. BROWNE (LaSalle). I was about to suggest that before you would announce the vote I or someone else would move that further consideration be postponed, the Chair would put that to the House, and it would only take 77 votes to postpone the consideration, and you can call it up the same way.

THE SPEAKER. Yes, and under that rule the clerk would make no record whatever, and it would come up on the regular order.

Mr. SHURTLEFF (McHenry). There has been a motion made to postpone before the vote was announced. A majority vote would postpone, but I don't see how a motion to reconsider can be carried on a less vote than there was for the resolution on the roll call when it was voted on. It takes 102 votes to pass this resolution.

Mr. IGOE (Cook). Why can't a majority do that?

Mr. SHURTLEFF (McHenry). A motion to postpone only takes a majority vote, but here is a resolution that requires a two-thirds vote to be adopted. It went to a roll call and was lost. We will say it was lost with ninety votes. If any less number than 102 could reconsider, you might say it was on the calendar for reconsideration right along, and no power on earth could ever get it off. Some one voting with the winning side, which was the loser, had to make the motion to reconsider so as to give it ninety-one votes, forsooth. I don't see how you can reconsider it on less than 102 votes.

Mr. BURNS (Cook). I want to read to you from the rules of the House, section 799: "A motion to reconsider is agreed to by a majority vote, even when the vote to reconsider requires two-thirds for affirmative action."

Mr. SHURTLEFF (McHenry). The word majority in this case means 102.

Mr. IGOE (Cook). I thought a majority would control this House at any time.

THE SPEAKER. Seventy-seven members of this House can make any order of the House under our rules. We had an old rule that required a two-thirds vote to take a proposition from the table, but under the new rules seventy-seven members can make the order of the day. Seventy-seven votes can reconsider it, but it takes 102 to pass it. Those in favor of reconsidering will please rise and be counted.

(Rising vote taken: "Yeas" 78; "nays" 44, and the motion to reconsider prevailed.)

THE SPEAKER. The question now is upon the adoption of the original motion that the House concur in the amendment to House Joint Resolution No. 7, which requires 102 votes. On this question the clerk will call the roll.

Mr. BROWNE (LaSalle). I voted against the Constitutional Convention proposition upon the theory that it was throwing down all the bars and doing away with a work which had answered the purpose of years and which was still better and more effective than anything that would be produced in this present day under the present existing conditions. I said I would be in favor of an amendment to the amending clause giving an opportunity to present three amendments at one time. I feel that the present Constitution with its amending clause is sufficient, but I feel that in answer to the demands of

those who believe it is not sufficient that we ought to give something and we ought to be for the proposition of three amendments. It will answer the insistent call of those gentlemen who are insisting that under the present Constitution you cannot properly produce the taxing laws and put in force the taxing power. It will answer that proposition. They don't need a new Constitution if you have the three amendments. If we go away from this House at this session and leave this Constitution in the same shape that it now is, the next Legislature that convenes here two years hence will have the same trouble, and will have the same situation put up to them by those who are seeking to eliminate the present Constitution and put it out of existence, that we have at this time. There would be that same trouble all over again and I think we can all afford to vote for this, in the interests of harmony and all the things that have been claimed and urged along the line of a new Constitution, and in the interest of safety for the old Constitution we ought to be for this and I vote "aye."

Mr. BURRESS (Champaign). I think there a few members of the House who have almost forgotten how this resolution came up a few weeks ago. There was something said about the various platforms of the parties and the pledges in regards to a Constitutional Convention. I believe that a large majority of the people wish a Constitutional Convention and I doubt very much if there was any insincerity on the part of the parties when they made the platform. I think if we refuse to give what we promised to do and throw down the bars for two or three amendments that in 1916 this amendment will be used to befog the real issue and for that reason I believe we should give the people what we promised to do, that is a Constitutional Convention. I have heard a great deal of talk about the primary law being bad. Acting upon that theory it is possible that the Constitutional Convention would be in a better position and more able to revise changes to the Constitution than the people themselves would be. I believe that my friends on the other side would have been in a better position if they had adhered to the promises in the platform, therefore, I vote "no" on the proposition.

(Roll call continued.)

Mr. DONAHUE (McLean). I am in favor of a Constitutional Convention or an amendment of the amending clause. I am willing to compromise on the proposition. I think our present Constitution is all right in many respects, but the people have been demanding some change, and we ought to give them a modified change. Let us give them a chance to amend the amending clause, and they can submit three amendments at the same time. There are only fifteen articles of the Constitution, and you can change one-fifth of the constitution at one session of the Legislature. I believe every member ought to vote that way. That is the way I feel, and I vote "aye."

Mr. McCORMICK (Cook). Those who are opposed to a Constitutional Convention are very properly in favor of this amendment. A cogent argument on behalf of this amendment on that ground has been presented to this House. Those who are in favor of this Constitutional Convention must remember that if this resolution passes, no resolution to submit a Constitutional Convention can go to the people at this session or the next. The substance of this resolution has been before the people of this State twice, and on each occasion they voted favorably or unfavorably in such small numbers that it was overwhelmingly defeated. I vote "no".

Mr. MOORE (Henry). In regard to this three amendment clause I would like to say a word. I have noticed the gentlemen who were talking for a convention before this House and some of the House members who are most vociferous in their appeal for a Constitutional Convention are opposed to the tax resolution. The tax resolution has been the most important feature in the argument advanced here that we should have a Constitutional Convention. In all these years it has not been important enough to be placed before the public, and now why should we give them a chance to place three propositions before the public when they will not take advantage of a chance to place one? I vote "no".

Mr. RICHARDSON (Christian). I am in favor of a Constitutional Convention. I believe the people of this State want it, and I want to say to you that if we don't give it to them there will be many new faces in the next

Legislature. I don't think it is treating the people of the State right. I am in favor of giving them what they want, and therefore I vote "aye".

(Roll call concluded.)

THE SPEAKER. The clerk will call the roll for absentees.

Mr. KASSERMAN (Jasper). Mr. Carl Green was here and voted "aye." I heard him.

THE SPEAKER. Is Mr. Green here?

Mr. KASSERMAN (Jasper). No, he left, but I heard him vote.

THE SPEAKER. Continue with the verification of the roll.

Mr. IGOE (Cook). Just a moment. I move that Carl Green's name be recorded as voting "aye" as everyone heard him vote that way.

THE SPEAKER. If the gentleman (Igoe) will take his seat, when the roll is completed, if there is any question about how anybody voted it can be decided then.

(Verification concluded.)

Mr. IGOE (Cook). What is the ruling of the chair?

THE SPEAKER. If he is not present and the clerk hasn't got Mr. Green's name he cannot be counted.

Mr. IGOE (Cook). Mr. Hruby voted "aye" very distinctly and the clerk didn't have him.

THE SPEAKER. For the benefit of the gentleman from Cook (Igoe), I desire to say that there are times in this House when the clerk cannot catch the responses made to the roll call on account of the noise in the chamber and on account of members voting in a low voice. The roll of the absentees is called for that purpose.

Mr. IGOE (Cook). Did he have Mr. Hruby's name there first?

THE SPEAKER. I don't know.

Mr. IGOE (Cook). As to Mr. Green, I now move that the records show he voted "aye."

THE SPEAKER. It don't make any difference as to the result. On this question the "yeas" are 92, and the "nays" are 37, and the House refuses to concur in House Joint Resolution No. 7.

Mr. MAUCKER (Rock Island). I move that the vote by which the resolution was lost be reconsidered.

Mr. SHURTLEFF (McHenry). I move to lay that on the table.

(Motion to table prevailed.)

Mr. ARTHUR ROE (Fayette). In the event that Mr. Green wants to be recorded as voting "aye" he can go to the clerk and be recorded that way.

Mr. WILSON (Adams). We don't want that as a precedent.

Mr. IGOE (Cook). It is not safe for a man to leave the chamber.

THE SPEAKER. It is not safe if he expects to be recorded on roll calls. (Applause.) The members should be here to respond to their names and if a verification is called for and a man is not in his seat or in this chamber and if the name is counted it will be stricken from the roll call.

Mr. SMEJKAL (Cook). I move that this House do now adjourn.

Motion prevailed, and the House adjourned until 10:00 o'clock a. m. Thursday May 6, 1915.

THURSDAY, MAY 6, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. W. H. Tomlins.

Journal of previous day being read. Upon motion of Mr. Maucker (Rock Island), further reading was dispensed with and Journal approved.

Under the order of reports from standing committees the Committee on Contingent Expenses reported back House Joint Resolution No. 20, without recommendation.

Mr. BOYER (Cook). I move the adoption of this resolution.

HOUSE JOINT RESOLUTION No. 20.

Be it resolved, by the House of Representatives, the Senate concurring, That there be allowed, out of the contingent expense funds to the Senate and House, to each member of the House and Senate, the actual railroad mileage of each member, for twenty-one round trips from the Capital of the State to and from their respective homes, at the rate of two cents per mile, the same to be computed at the same mileage as now computed by the State Auditor, and the same to be approved by the Speaker of the House and the President of the Senate, and to be allowed for proper and necessary committee and legislative expenses of the respective members.

Mr. ROE (Fayette). I understand the motion which we are voting on now is the adoption of the committee report.

THE SPEAKER. No, it is on the adoption of the resolution. The committee reports it out without recommendation. It is on the adoption of the resolution that the House is now voting. Those in favor of the resolution will vote "aye" and those opposed will vote "no."

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) I think this is a resolution that ought to pass. We were told many times in the newspapers that all that was necessary was to put the Legislature on a \$2,000 basis, and then they would stay here and attend to business, but there is no business to attend to Saturdays and Sundays and there is no reason why the men should not go home. They were told if you took away their passes that they would stay here. That has been found not to make the least difference, because there is no reason why they should. We have been working here from nine o'clock in the morning until ten o'clock at night on Tuesdays, Wednesdays and Thursdays and half of Friday, and I think that is enough. If you will average that up you will find you are getting your sixty hours a week and a little more. I think in good faith to the Legislature that this resolution ought to pass.

(Roll call continued.)

Mr. FLAGG (Madison). (On roll call.) As a member of the Contingent Expense Committee I think I ought to explain my vote in voting against this resolution. If I could convince myself that this would stand the test as to constitutionality, I would be glad to vote "aye," as I think the proposition is fair, just and right, but it is hardly consistent with the constitutional provisions and I feel that I must vote "no."

(Roll call continued.)

THE SPEAKER. I desire to say that a majority of 77 will pass this resolution, but before this money can be paid out it will be necessary to pass an appropriation bill. I don't want the members of this House to be misled in thinking that the passage of this resolution is all you need to accomplish. You have to pass an appropriation bill to get the money.

(Roll call concluded.)

Mr. HUBBARD (Greene). (On roll call.) This is a just resolution and should be adopted. I am of the opinion that it does not come within the Constitution. It doesn't amount to very much to me as I haven't very much expense in coming back and forth, but I wish I could vote for it. I vote "no."

Mr. FIELDSTACK (Cook). (On roll call.) Did you vote for the foot and mouth disease bill?

Mr. HUBBARD (Greene). Yes.

Mr. FIELDSTACK (Cook). Is that constitutional or do you think it is, in your opinion?

Mr. HUBBARD (Greene). I thought it was, yes.

Mr. FIELDSTACK (Cook). You were told on the floor that it was not.

Mr. McCORMICK (Cook). (On roll call.) I am not able to pass on the question of the constitutionality of this resolution, but I intend to vote on the affirmative side for this resolution. I have lived in Springfield this winter and it is of no moment to me personally. If my vote will add to the number necessary to pass the resolution, I vote "aye."

Mr. BURRET (Champaign). (On roll call.) I don't live very far from the Capital and while I think it doesn't comply strictly with the Constitution, I wish to change my vote from "no" to "aye."

Mr. BRUCE (Cook). I wish to be recorded as voting "aye."

THE SPEAKER. On this question the "yeas" are 79 and the "nays" are 37, and the resolution is adopted.

I desire to state to the House that the Committee on Rules made a report the other morning, presenting a program for the day and set some bills for Tuesday of next week, as provided by the rules of the House. A number of the Committee on Rules find that they are assuming some of the responsibility of running the House and they don't relish the idea of members coming to them and pleading to have their bills put on the order of the day, and there are those who are always willing to put the responsibility on someone else. They find that there is an objection to making a special order for the day, except upon the more important bills that should be considered by the House before adjournment. They have decided that it was much better to proceed as usual under a suspension of the rules and the calling up of bills. If there is no objection that will be carried out.

Whereupon, the House proceeded upon the order of reports from standing committees, reports from special committees, messages on the Speaker's desk, introduction of bills (by unanimous consent), all without debate.

Mr. SMEJKAL (Cook). I desire to call up House Bill 633 on the order of third reading. It appropriates for the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve for the biennium beginning July 1, 1915, \$779,834.00 and a further sum of \$50,000 as an emergency fund.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 121 and the "nays" are none. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 626 on the order of third reading. This bill provides for the re-appropriation of amounts to the Illinois National Guard and Naval Reserve for armories they are building in different parts of the State. The money was appropriated two years ago and they have an unused balance, and this bill appropriates that balance.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 121 and the "nays" 2. The bill having received the constitutional majority it is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 257 on the order of third reading.

This bill provides for an increase in the salary of the librarian of the Supreme Court. It increases the salary from \$2,400 to \$3,000 a year.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 117 and the "nays" are 6. The bill having received the constitutional majority it is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I wish to call up House Bill 586 on the order of third reading. This is a deficiency bill for the Illinois Southern Penitentiary at Menard. It is made necessary on account of the increase in population there.

Mr. PURDUNN (Clark). In reference to this bill, that applies to the Southern Illinois Penitentiary. It is a deficiency bill that is necessitated on account of the increase in population, which is about 200. This bill is itemized and shows just what the cost will be up to July 1, 1915. There would not have been any deficiency if there was no increase in the population. The bill is absolutely proper.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 127 and the "nays" are none. The bill having received the constitutional majority it is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 693 on the order of third reading.

Two years ago the General Assembly appropriated \$15,000 for the installation of three new elevators at the State House, and the present Secretary of State's predecessor installed a freight elevator and there is still \$9,000 available for the installation of two passenger elevators and this appropriation will complete the fund so we can have new elevators in the State House.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 117 and the "nays" 2; the bill having received the constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I wish to call up House Bill 694 on third reading. This is an emergency appropriation that provides for \$140,000 for the rehabilitation of the steam plant of the fire station across the street from the State House. Several of the boilers have been condemned and I have the items here making up \$138,300.00 to equip the plant and we gave them \$140,000 in a lump sum, thinking they might need the money for some unforeseen contingency. It includes the following items:

For two 300 kw. Generators, including equipment.....	\$21,200 00
For one 150 kw. Generator, including equipment.....	5,300 00
For four Water Tube Boilers, 300 H. P. each, including equipment	19,200 00
For Stokers and Attachments, including equipment.....	12,800 00
For Ash Conveyors, Breeching and Headers, including equipment	5,000 00
For 1200 H. P. Feed Water Heater and Receiver, including equipment	2,500 00
For two Boiler Feed Pumps, including equipment.....	1,200 00
For two Vacuum Pumps, including equipment.....	1,200 00
For Coal Conveyor and Attachments, including equipment.....	15,000 00
For altering building, Ventilators and Attachments.....	15,000 00
For Pipe Covering, Steam Traps and Tools.....	2,500 00
For changing Motors 110 to 220 volts.....	1,200 00
For New Smokestack and Attachments.....	10,000 00
For New Wiring for Capital Building and Elevator Circuit, Fixtures and Auxiliaries.....	18,000 00
For Deep Well for water and equipment.....	4,200 00
For Expert Services covering plans, specifications and supervision of construction and installation.....	4,000 00

Total \$138,300 00

(Roll called.)

THE SPEAKER. The "yeas" are 120 and the "nays" are none; the bill having received the required two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 641 on the

order of third reading. This is a bill which appropriates \$34,600 to complete armories at Aurora, Ottawa, and of the Eighth Infantry at Chicago.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 120 and the "nays" one; the bill having received the necessary two-thirds majority is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 365 on the order of third reading.

This bill provides for the re-appropriation of \$400 made by the Forty-eighth General Assembly for the erection of a monument on the battlefield of Kenesaw Mountain, Georgia, and the appointment by the Governor of some suitable person to carry out the provisions of this Act.

(Roll called.)

THE SPEAKER. The "yeas" are 120 and the "nays" are none; the bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House take a recess until four o'clock.

THE SPEAKER. Before putting that motion, I desire to ask all the members to remain for the afternoon session and tomorrow we will have a full session. It is getting late in the session and we must have as many here as possible on Fridays.

(Motion for recess prevailed.)

Whereupon, the House took a recess until four o'clock p. m. the same day.

Four o'clock p. m., reconvened.

Mr. SHURTLEFF (McHenry). I desire to call up House Bill 397 on the order of second reading, being a bill which amends "An Act for the assessment of property and providing the means therefor, and to repeal a certain act therein named," by authorizing the board of review to list and assess all real and personal property omitted in any year or years, or on which the taxes have not been paid through defective description, and to alter, when necessary, any description of real or personal property prior to the date of ownership of the person owning such property at the time the liability for such omitted taxes was first ascertained, but an assessment of real or personal property omitted from taxation by a decedent during his life time shall be made against said property and be assessed in the name of his heir, or executor, and if the board shall determine that the property of any decedent was omitted from assessment during any year or number of years and taxes thereon have not been paid, it shall be the duty of said board to give notice, in writing, to the heir, executor or trustee of the estate of such decedent that such tax or assessment has been omitted, and it shall be the duty of said heir or executor to pay such taxes when extended, and the county clerk shall file notice in the probate or county court that such tax is due, and the court shall order taxes or assessment to be paid. Taxing bodies charged with the enforcement of this Act are empowered to employ counsel to enforce the assessment and collection of omitted taxes.

The Committee on Revenue offered the following amendment:

AMENDMENT No. 1.

Amend House Bill No. 397, by striking out of the printed bill in lines 50 and 51 of page 3, the following words: "And collection of their proportionate share of taxes."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. CONLON (Cook). I desire to call up House Bill 735 on the order of second reading, being a bill authorizing the Commissioners of Lincoln Park to issue bonds from time to time, not exceeding the total amount of \$1,000,000, for the purpose of enlarging and improving Lincoln Park and for

the completion of work already begun. Providing for an election at which the question of the issuance of said bonds shall be submitted. If a majority of the votes cast upon the proposition shall be in favor thereof, the commissioners shall issue and sell said bonds in denominations of \$100 or any multiple thereof, payable in not exceeding twenty annual installments, not exceeding 5 per cent per annum. Said bonds shall be registered in the office of the Auditor of Public Accounts and a tax shall be levied, sufficient in amount to pay the bonds and interest. Emergency.

The Committee on Municipalities offered the following amendment:

AMENDMENT No. 1.

Amend House Bill No. 735, by changing the word and figure 5 in line 5, section 6, to the word and figure 4.

Mr. GORMAN (Peoria). Relative to the change, the amendment is a matter of changing the interest from five per cent to four per cent, in keeping with a similar bill that has been acted on favorably with regard to the West Park Board.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. WATSON (Hardin). I wish to call up House Bill 777 on the order of second reading, and to offer the following amendment, at the request of Representative Foster, changing the terms in the Eighth District. This amendment was not read at the time the bill was prepared. It is now arranged so that it is satisfactory to all the counties in that circuit:

AMENDMENT No. 1.

Amend House Bill No. 777, as follows:

Strike out all of section 9 of said bill, and insert in lieu thereof the following:

SEC. 9. [EIGHTH CIRCUIT]. In the county of Adams, on the third monday of January, fourth Monday of March, third Monday of May, June and September, and the fourth Monday of October; in the county of Schuyler, on the first Monday of January, the third Monday of April and the third Monday of September: *Provided*, that no jury, grand or petit, shall be summoned for the said January term; in the county of Mason, on the fourth Monday of February, first Monday of June and second Monday of November: *Provided*, that no jury, grand or petit, shall be summoned for said June term; in the county of Cass, on the second Monday of January, third Monday of March, and first Monday of October: *Provided*, that no jury, grand or petit, shall be summoned for said January term; in the county of Brown, on the fourth Monday of February, and the second Monday of September; in the county of Pike, on the second Monday of April, third Monday of June, and second Monday in November: *Provided*, that no jury, grand or petit, shall be summoned for said June term; in the county of Calhoun, on the second Mondays of May and October; in the county of Menard, on the first Monday of February, on the second Monday of June, and fourth Monday of October.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. MULCAHY (Cook). I desire to call up House Bill 739 on the order of second reading, being a bill amending section 25 of "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," and changing the time for holding court in the county of Crawford to April and November (now June and December).

The Committee on Judicial Department and Practice offered the following amendment:

AMENDMENT No. 1.

Amend House Bill No. 739, by striking out the word "November" in section 25 of the printed bill and inserting in lieu thereof the word "October."

(Amendment Adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. MULCAHY (Cook). I desire to call up House Bill 616 on the order of second reading, being a bill providing that information for the disbarment or suspension of attorneys shall before being filed in the office of the clerk of the Supreme Court be signed by the Attorney General, the State's attorney of the county where the accused resides or by the president, attorney or a member of the Grievance Committee of the State Bar Association or of the local bar association where accused resides, said information to be accompanied by proof and notice thereof served upon the attorney accused. Provides that the information and proof shall show and the manner in which the trial thereon shall be had.

The Committee of Judicial Department and Practice offered Amendment No. 2 as follows:

AMENDMENT No. 2.

Amend House Bill No. 616, by striking out the word "in" in line 18 of the printed bill and inserting in lieu thereof the word "and."

(Amendment Adopted.)

Amendment Number 3 was offered by the same committee.

AMENDMENT No. 3.

Amend House Bill No. 616, by striking out all of line 18 beginning with the word "as" and striking out line 19, line 20 and all of line 21 to and including the word "guilty" in said line 21.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. DE YOUNG (Cook). I desire to call up House Bill 639 on the order of second reading, providing for the incorporation of real estate agencies, and defines the term "real estate agency" as used in the bill.

THE SPEAKER. If there are no amendments the bill is ordered engrossed and to a third reading.

Mr. DAHLBERG (Cook). I desire to call up House Bill No. 472 on the order of third reading.

In the last Legislature an Act was passed whereby the village of Morgan Park was enabled to be annexed to the city of Chicago, but a portion of the village was not included and became surrounded by the city of Chicago, and this Act is to enable that portion to annex to the city of Chicago. This portion is not now included in the village of Morgan Park and it is not included in the city of Chicago.

Mr. BROWNE (LaSalle). That has nothing to do with a plea in abatement, has it?

Mr. DAHLBERG (Cook). No.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 107, and the "nays" none. The bill having received a constitutional majority, is declared passed. The clerk will report the title of the bill.

Mr. BURNS (Cook). I desire to call up House Bill 687 on the order of third reading.

Gentlemen of the House: House Bill 687 is an amendment to what is known as the Juul Law. With a few exceptions it is the same bill that passed the House two years ago with a three year limit. That limit has only one more year to run and this extends it for five years which takes it past the next session of the Legislature. The exceptions in this bill are that in cities of over 150,000 the rate for the board of education is increased from \$1.05 to \$1.20. The rate of taxes of counties outside of Cook is raised from forty-five cents to fifty-five cents. The bonded indebtedness, the interest on the bonded indebtedness, the issuance of bonds, the scaling process, are all exactly the same as it was in the bill as it was passed two years ago. The increased demand on the board of education in Chicago is such that this

must be in order to meet the increase. The large number of children attending the public schools in the last five years has been such that we are compelled to increase the taxes in order to pay the teachers of the public schools of Chicago. The other features of the bill, as I said, are exactly the same as they were under the bill of two years ago, with the exception of the counties outside of Cook raising them from forty-five cents to fifty-five cents.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 120, the "nays" are 1. The bill having received a constitutional majority, is declared passed. The clerk will report the title of the bill.

Mr. TICE (Menard). I desire to call up House Bill 575 on the order of third reading.

Mr. Speaker, and Gentlemen of the House: House Bill 575 is a committee bill put out by the Committee on Roads and Bridges. The main feature of this bill is that it provided that the county boards in any county may specify the kind of roads to be builded in that county, whether it be earth, gravel, macadam, concrete or brick. If an earth road is builded then the county must maintain that road. It would be built in the first instance, if builded under this law, jointly by the county and State. If a gravel or macadam road is builded jointly by the county and State then that will be jointly maintained. If a concrete or brick road is builded jointly by the county and State then the State would wholly maintain. Those are the salient points of this bill. It was put out by the Road and Bridge Committee as a compromise measure and is supposed to take care of the main objections that have been raised to the present road law in the State.

If there are any questions, I would be glad to answer them.

Mr. DE YOUNG (Cook). This House Bill 575 purports to amend section 9. A sub-committee of the Committee on Roads has now under consideration a further amendment to section 9 of the Road and Bridge Law. That amendment is prepared and affects Cook County. It seems to me that this bill ought to be referred back to second reading so that all the amendment to section nine can be incorporated and make it a single bill.

The reason for it is this: Cook County contributes, as I understand it, about forty-three per cent of the total taxes for State purposes, including that used for State roads. Under the law as it stands, no portion of the State aid tax can be used for the improvement of a highway or street in an incorporated village or city, no matter how small the population. The bill if passed, there is very little if anything in the county of Cook that will have the aid of State road funds. For that reason, it was suggested by a sub-committee of the Roads Committee that an amendment be prepared permitting counties under a certain population to avail themselves of this State aid road fund. And if the sponsor of this bill will permit a re-reference of this bill to a second reading I believe that an amendment can be prepared in the course of twenty minutes so that this can be taken care of speedily.

I move, therefore, that this bill be sent back to second reading for the purpose of amending. I ask that the bill be recalled.

Mr. TICE (Menard). I think that we ought to know the object of the amendment proposed by the gentleman from Cook (Mr. DeYoung), before we are asked to act upon it.

Mr. DE YOUNG (Cook). The amendment is simply this—and as a friend of the sub-committee I will say that in the county of Cook we are perfectly willing to add "throughout the State," which has been done—that in all municipalities under 20,000 in population in the county of Cook alone, a State aid road may be built through a municipality by the most direct route if the State aid road has been built to the corporate borders of the municipality, so that there will not be unimproved streets or highways in the village connecting with State aid roads already completed in unincorporated territory.

It is suggested that the amendment also include cities and villages in the State outside of Cook County having a population of less than thirty-five hundred.

Mr. TICE (Menard). Let me say this that so far as I am personally concerned I am heartily in accord with the amendment suggested by the gentleman from Cook (De Young), but it does seem to me that perhaps it would be better to allow this bill to go through the House at this time as

it now reads and then if the amendments which are suggested by the gentleman from Cook (De Young) are still desired that the Senate amend this bill so as to agree with the suggestions made in relation to Cook County and the rest of the State. Will that be satisfactory to you, Mr. De Young?

Mr. O'ROURKE (Cook). The gentleman from Menard (Tice) practically agreed to this amendment.

Mr. TICE (Menard). No, sir; I beg your pardon. I said the amendment would be perfectly satisfactory to me, that I would explain this bill and then have Mr. De Young make a statement to the House as to his provision.

Mr. O'ROURKE (Cook). Yes; and now you are coming back with an objection, which is not fair.

Mr. TICE (Menard). No, I am not; I think the bill should not be delayed at this time.

Mr. O'ROURKE (Cook). Why, this amendment can be made in fifteen minutes and put right in there and then we will have it all together.

Mr. DAVIS (Knox). If it is referred back to a third reading this bill can be voted on today. This matter has been up in the sub-committee that Mr. De Young speaks of and it is under discussion at the present time. It is not fair to come in here and ask that the bill be referred back to a second reading. This amendment to this road law that Mr. De Young speaks of is incorporated in the bill that came to the Committee on Roads and Bridges, was referred to a sub-committee for the purpose of going over it and putting it in shape suitable, etc., to the committee of the whole, and it will be referred out of these right away and there is no occasion for bothering this bill that is before the House now. That will come out and be acted upon here on the floor. It is an entirely different proposition, it is not germane to what is included in this particular amendment and there is no reason why it can not come up under the other bill which is already introduced and on the way. There is no reason why it can not come up then and not delay this proposition.

Mr. O'ROURKE (Cook). The Committee on Roads and Bridges consists wholly of members outside of Cook County with the exception of two persons. They have absolute control of that committee. Now I believe Cook County ought to be treated fairly in this matter because it only applies to the county of Cook and applies to villages and small cities that can not afford to put in improvements based on the kind of improvements the State is putting in. In going through Cook County the conditions of the State aid roads are such that where you go through you go over a mile of State roads then you go over a quarter of a mile of improved roads, then over a half mile of State roads and then over a stretch of unimproved road and so on on the four or five different outlets and inlets to the city of Chicago, and what the object of the Cook County representatives is is to let the State go right through those villages so that we will have a continuous road right through the villages and I believe this amendment ought to be attached to this bill so that we will be sure of getting it.

Mr. PERKINS (Logan). Well, Mr. O'Rourke, I wish to say that that is just exactly what we are trying to do is to help Cook County. We are trying to get this bill so that the villages will have a chance to participate in this fund, and that matter has been thoroughly discussed, and that is what we are trying to do with this bill and this amendment.

Mr. DE YOUNG (Cook). I want to say that the Committee on Roads and Bridges, or the sub-committee can re-form this amendment so that it will have application only to Cook County. The sponsor for this bill now suggests that he will consent to having this bill recalled to second reading if it can be made a special order on third reading next Wednesday.

Whereupon, House Bill 575 was recalled to second reading for the purpose of amendment, and consideration postponed.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 105 on third reading.

THE SPEAKER. All right, if that is agreeable.

Mr. KESSINGER (Kane). This Bill 105, gentlemen of the House, is the bill that the Modern Woodmen of America, some of them commonly called insurgents, and every other real fraternalist in the State of Illinois, is

against and because it is a bill that will let a fraternal society write old line insurance. This bill, if enacted into a law, will absolutely commercialize fraternal societies and will permit an old line company with old line forms of insurance to be built upon a fraternal structure at the expense of the members, especially of the old members of the society. It provides several things that are absolutely contrary to all of the fundamental principles of fraternal insurance, and the first is this:

In Illinois we have never recognized by law any set rate in fraternal insurance. Several years ago they went down to Mobile, Alabama, in a state where there are not any, or very few fraternal societies, and they had a conference, and they got up what they called the "Mobile Law", and they went into a number of states where a great deal of insurance is not written, and they got that Mobile law enacted into law. They came to Illinois four years ago and were defeated because the fraternalists of this State did not believe in the law, especially section 23-A, which would absolutely destroy fraternal insurance and the principles of fraternalism.

Now, they come back and there is in this law a provision that any society which will show by annual valuation that it is accumulating and maintaining reserves not more than the usual tabulated rates of the American Experience Table at four per cent, can do certain things, and that is the first step to incorporate into the fraternal laws of this State a set rate that all real fraternalists have voted against from the very beginning.

Now, it does something else, it lets the society that has an average rate or a low rate start to write another class of business. They can make it so attractive to the field deputies to write that class that all the new members will join that class and not any other, and that it will leave the old class without any added recruits, and the people that have made your society and have borne its burdens will be left without any money with which to pay their death losses when death comes. You know that if a man is bankrupt he can not be bankrupt in one pocket and solvent in another. The present law is that if a society does not pay its death losses within ninety days the State steps in and appoints a receiver, but under the provisions of this bill a society could be bankrupt in one pocket and solvent in the other, and there would be no way under the laws of the State to regulate it.

This law is absolutely unfair to the old line insurance companies as well as to the fraternal societies, and gives them the right to organize an old line company where you do business on a cold, commercial basis, where you give paid up and extended insurance and all the rest of the things that go to make up old line insurance, and you have to put up so much money for capital stock, but a fraternal society can start to write old line insurance without putting up a dollar.

Fraternal insurance is assessment insurance, it is passing the hat, it is uncertain, it is not a definite business proposition, but when fraternal societies go into the field of old line insurance then they should be under just as strict and just as drastic laws as any old line insurance company.

To illustrate the practical effect, if this law goes into effect you can start a new class of business and the minute that the insurance superintendent recognizes your policy and the minute that you write one member and if that member dies there is no capital and no reserve to draw upon to pay him.

When they tried to get the Mobile law in this State they told us that under the Mobile law we would have adequate rates. That system of rate making loads the mortality rate for expense purposes. This is decidedly wrong and unfraternal. It does not cost one cent more to write an old man than a young man. I am not talking about the mortality rate. I know that when a man is old the rate must be higher because his expectancy in life is shorter. But, the expense part of his rate should not be one cent higher than the rate of a younger man. It does not cost a cent more for the deputy to write his application, or the girl in the office to write out his policy and mail his monthly magazine; it does not cost a cent more to settle with his beneficiaries when he is dead than it does to do all of these necessary things for a young man joining one of these societies. Yet, on the loaded rate provided for in the Mobile Law and in the American Experience table, if your insurance is two dollars per month and the rate is loaded

twenty-five per cent for expense purposes, the old man pays fifty cents a month for expenses, and the young man with the one dollar rate pays only twenty-five cents per month for expense. This is not right. It is not fraternal. The old man ought to have the difference in the expense rate if there is to be any difference.

Fraternal societies are learning that you ought to keep the expense rate and the mortality rate—where you are talking about the brotherhood of man—you ought to keep them separate. You would not send a boy to a grocery store to buy a dollar and a quarter's worth of salt and sugar. You would tell him you wanted a dollar's worth of sugar and a quarter's worth of salt. Every one knows it costs more to do business in every line of business today than it did twenty years ago. No one can tell what an adequate expense rate is. It costs more to do business on the railroads, in the mercantile trades in every line of life, but they told us in the Mobile law they would have an adequate rate that would be adequate for all time. There is no such thing as an adequate expense rate because expense fluctuates.

We had some Mobile bill people come up before us in the Revenue Committee in favor of House Bill No. 106. They told us if they had to pay taxes in this State, if the fraternal societies would have to raise their rates, and yet four years ago they asked the Legislature to enact the Mobile law and they said if you will give us that rate we will not have to raise our rates and we will pile up a reserve and we will never have to raise rates. They say now that they would not have enough money under the Mobile law. That shows the fallacy and the ridiculousness of that whole proposition. And this proposition ought to be beaten because it is unfraternal, because the Woodmen are against it, from the standpoint of political expediency, but there is another thing besides that. Even if a man don't care whether the Woodmen of this State are for or against it, there is a question of right and wrong. And this bill is wrong from the standpoint of an old line company as it allows a fraternal society to do something it has no business to do and no real fraternalist or fraternal society wants to do what this bill will let it do. It is the first step toward the Mobile law that they have fought for for years in this State and I ask the members of this House, as friends of the rank and file, not of the head officers, but the rank and file of the fraternal societies all over the State of Illinois to vote against this bill. It is wrong, it is fundamentally unfraternal, and I hope it will be defeated.

Mr. SMEJKAL (Cook). I trust the young man from Kane does not really feel all that he says. I do not pretend to be a professional fraternalist, I am a volunteer. I belong to the society called the National Union. It is organized in the state of Ohio, and it does business in about twenty-one states of the country. I made this society my preference and joined a local council. I was pushed through all the chairs of the council and of the State body and am now fortunate enough to be the vice president of the national body.

The National Union is the only experience I have had in fraternal insurance. This society operates in the state of Ohio, and in Illinois and 21 other states under the provisions of the Mobile Bill and the New York Conference Bill where that bill is operative. I believe, gentlemen, that the time has gone by even in fraternal insurance when you ought to depend on passing the hat. Fraternal insurance is making the same progress and same steps for stability that other business is making. When you take out a certificate of insurance in a fraternal society you want to know that the certificate is going to be paid, and what does that mean? That means a stable table of rates. And this bill provides that; it does not go as far as the New York Bill or the Mobile Bill.

House Bill No. 105 asks only for the same privileges that are allowed to fraternal benefit societies in the states which now have the New York Conference Bill and the Mobile Bill. The following states have the New York Conference Bill: or have amended the Mobile Bill, previously adopted, so as to conform to the New York Conference Bill: Arizona, Connecticut, Idaho, Massachusetts, Rhode Island, Michigan, New Hampshire, New York, North Carolina, North Dakota, Tennessee, Texas, Wisconsin, Wyoming, Louisiana, Maryland, Georgia.

The following states have the Mobile Bill: Alabama, California, Colorado, Missouri, Montana, Ohio, Oregon, Utah, Washington.

The states of Mississippi and South Carolina and the District of Columbia follow, in departmental rulings, the provisions of the Mobile Bill.

The following states have the old National Fraternal Congress Uniform Bill: Indiana, Iowa, Maine, Minnesota, Oklahoma, Vermont.

I ask leave to print in the record, the parallel on the left-hand side, showing the essential provisions of House Bill No. 105, and on the right, those paragraphs in the New York Conference Bill, and in the Mobile Bill (both bills being identical so far as these provisions are concerned), which give fraternal benefit societies the powers asked for in the State of Illinois in House Bill No. 105:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any fraternal beneficiary society now licensed or that may hereafter be licensed to do business in this State shall have the power to give a member, when permanently disabled or upon attaining the age of seventy years, such portion of the face value of his certificate as the society may provide, and may also provide for the payment of the certificates in installments: *Provided*, any society shall show by annual valuation that it is accumulating and maintaining reserves not lower than the tabular reserves required for similar contracts on the basis of the American Experience Table and four per cent interest either in respect to the entire society or a class or classes of members accumulating and maintaining such reserves segregated and set apart for their benefit, may grant to its members, or to such classes of members who are accumulating and maintaining such reserves, extended and paid-up protection or such withdrawal equities as its constitution and laws may provide: *Provided*, the withdrawal equities do not in any case exceed in amounts the reserves to the credit of such members. Such societies may also issue certificates to the members of such classes payable as temporary or whole life annuities, when permanently disabled or upon attaining the age of seventy years; and they may limit the premium paying period for certificates to a designated number of years conditioned upon accumulating and maintaining the reserves as herein provided.

Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all, or such portion of the face value of his certificate as the laws of the society may provide: *Provided*, that nothing in this Act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued.

SUB-SECTION 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do under a table of mortality not lower than the American Experience Table and four per cent interest may grant to its members, extended and paid-up protection, or such withdrawal equities as its constitution and laws may provide: *Provided*, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

It will be noted from an examination of this parallel, that the provisions of House Bill No. 105, in contradiction of the statement that this bill gives to fraternal benefit societies powers in Illinois that they do not have elsewhere, and ought not to have anywhere, as a matter of fact is only bringing Illinois into line with the other progressive states, and with certain restrictions at that. Please note particularly that House Bill No. 105 restricts the right of fraternal benefit societies to provide for withdrawal equities to those classes of members which make contribution on such a

basis as will provide for full reserve on the American experience table, and not less than four per cent interest. The provisions of the statutes of the other states extend this power to all classes of members, providing only that the society must show by its annual valuation that it is accumulating and maintaining a reserve on the basis of the American experience table and not less than four per cent interest.

The contention that the passage of this bill would transform fraternal benefit societies into legal reserve life insurance companies, does not seem to have much weight. A fraternal benefit society is a fraternal benefit society because it is:

First—Not for profit.

Second—It is carried on solely for the mutual benefit of its members and their beneficiaries.

Third—It has a lodge system with ritualistic form of work.

Fourth—It has a representative form of government, providing in its laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members.

Fifth—Its members are not allowed to vote by proxy.

Sixth—Its classes of beneficiaries and investments are restricted.

These things are the requirements which, duly complied with, make the National Union and kindred societies fraternal benefit societies and not life insurance companies. It does not seem reasonable to suppose that the State of Illinois should intend to grant to life insurance companies a monopoly in the writing of certain forms of insurance, if the fraternal benefit societies wish to write them for the benefit of their members, and if they adopt the safeguards in connection with these forms of insurance which are required of the legal reserve companies.

So far as the National Union is concerned, it does not intend to abandon any of the advantages, nor is it endeavoring to evade any of the restrictions placed upon it as a fraternal benefit society.

Members in either class must hold council membership and must pay council dues. Writing of benefit certificates under the old forms is to be continued.

I submit to you as a fair proposition, gentlemen, that it is time that Illinois came to the front rank in permitting its citizens and its members of fraternal societies to have the privilege of taking out these different forms of insurance if the members see fit to take them out.

This bill provides for standard rates on the old American expense table, and provides for a reserve to be paid up to the extent of the policy, and prohibits loan values and cash surrender values. In a society like the National Union that permits the writing of insurance to the extent of five thousand dollars if I desire to take two thousand dollars and have arrived at the age of forty and they write these different forms up to the age of 56 what is to prevent me from paying adequate rates for a better form of insurance.

Now, then the young man says that it is going to tear down fraternal societies or that it is in favor of the old line companies. This law is for the benefit of the fraternal society and the prime object of a fraternal society is for the benefit of its membership. A fraternal society is not organized for profit, and if you will point out to me how it is going to benefit the old line companies and the fraternal societies at the same time I would like to see it.

I do not see anything infamous in this bill. I do not see anything wrong in it.

Mr. WILSON (Adams). I would like to help you out on this bill, but this is the first time that it has been discussed and I would like to have more time to study it and I do not see why you should have any objection to having it go over for a day or two.

Mr. DAVIS (Knox). I feel very much the same way as does the gentleman from Adams (Wilson). There are those in my district who are interested in these things and I would like to be able to find out something about it and I want to know what they think about it.

Mr. WILSON (Adams). I do not like to vote for anything that I do not understand, and I do not understand this. It was not discussed on

second reading. I would like to help you out with the bill if it is all right.

Mr. SMEJKAL (Cook). Do you know anything about fraternal insurance? This bill provides that before this form of insurance could be adopted in any fraternal society it would have to be taken up by a referendum vote. I have no quarrel with the Modern Woodmen. This is an optional bill. They can adopt it or leave it as they see fit.

Mr. KESSINGER (Kane). I will say in answer to the gentleman from Cook (Smejkal) that there is no referendum vote in the Modern Woodmen of America that would prevent their head officers from writing this class of insurance if this should become a law.

Mr. SMEJKAL (Cook). This has nothing to do with the rates of the Modern Woodmen at all, one way or the other. This will not change their status at all.

Mr. SCANLAN (LaSalle). When this bill was considered in committee by the Committee on Insurance the only fraternalist present was a man who claimed to represent the Loyal Americans. Other officers of fraternal organizations were present and there were no objections made. Now, I think this is a good bill. It is in the interest of the adequate rate society. There is nothing dangerous in the bill and I believe it is a good bill. If they can write this form of insurance in other states there is no reason why they can not do it in Illinois. I believe the bill is all right and that it should pass.

Mr. GRAHAM (Mercer). I simply desire to say a word. It occurs to me that it will be much more satisfactory to every member of this House to have a little more time. I represent the district in which are located the head offices of the Modern Woodmen and in this district it has many thousands of members. This is the first time that I have heard any discussion of the measure. It seems to be one of importance and therefore I think that it ought to go over for a day or two. I know personally I would like to vote for the bill, if it is a good bill I would like to vote for it.

Mr. SMEJKAL (Cook). I do not desire to insist and if it is agreeable I will ask that it be made a special order for next Tuesday.

THE SPEAKER. If there is no objection the bill will be made a special order for next Tuesday, May 11.

House Bill 575 is before the House on second reading.

Mr. DE YOUNG (Cook). I desire to offer the following amendment, and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 575, in House, by striking out the words "within this State shall be improved or constructed" in line 49 of section 9 thereof, and all of line 50 in the same section and insert in lieu thereof:

"Situate within any county of the first or second class, or any city or village having a population exceeding twenty thousand (20,000) inhabitants by the last preceding Federal census situate within any county of the third class, shall be improved or constructed with State aid: *And, provided,* that a road or part thereof lying within the corporate limits of any city or village having a population of twenty thousand (20,000) inhabitants or less, ascertained as aforesaid, situate within any county of the third class, may be improved or constructed with State aid, to connect or complete, by the most direct route, a State aid road already improved or constructed or being improved or constructed to the corporate limits of such city or village."

(Amendment adopted.)

Mr. DAVIS (Knox). This proposition that Mr. De Young has offered has not been talked about in the sub-committee at all. It is not the proposition that was introduced by him before. The only bill that he ever presented to the committee or that was discussed by the sub-committee was in reference to cities of over 200,000. The only objection I have to this is that if you go into the country this will include ninety-nine out of every hundred incorporated cities and villages in the State of Illinois. Now, then, are you going to pass a State aid to build roads in the cities? I can not see why there is any excuse for it. There is no excuse down through the State. In my own district there is only one city, for instance that, has more

than 3,500 inhabitants. There are little towns where this would be necessary and where it might be useful, but I do not believe that it is right to take State aid road money to build pavement in cities. I don't think Mr. De Young cares anything about that.

Mr. DE YOUNG (Cook). The chairman of the sub-committee and Mr. Davis were parties to the discussion. They said, give Cook County anything you want. The gentleman rests under a misapprehension entirely. If he will read the amendment he will find that it is meant for any municipality in counties of the first, second or third class to participate in the fund. This amendment by its very terms provides, as the sub-committee directed, when the application of State aid roads through an incorporated municipality, if the State aid road has reached the limit of that municipality, they may participate in the fund when they are ready to build a State road through it. It is within the power of any municipal authorities to pave or improve any streets with State aid, simply to complete a State road already carried to the limits of the municipality, it is merely to complete the missing link. Now, in the county of Cook, contributing as we do 43 per cent, if you take out the large number of incorporated municipalities in that county besides the city of Chicago, you will have practically nothing to a county that contributes nearly one-half of this fund. We are simply seeking a small measure of justice. There is not any attempt to divert or to in anywise work to the detriment of this State aid road fund.

Mr. BROWNE (LaSalle). Don't Cook County get about everything that it wants?

Mr. DE YOUNG (Cook). Twenty-five per cent is what it gets.

Mr. DAVIS (Knox). The point that I am objecting to is the taking of that portion of the fund that would be spent down State and using it in the city, and in these larger cities. There is no reason why they should not do it.

Mr. DE YOUNG (Cook). I think that the gentleman from Knox (Davis) knows the limitation of this bill prohibiting the improvement of streets—

Mr. DAVIS (Knox). I understand that perfectly.

Mr. McCORMICK (Cook). If your amendment were not applicable to counties outside of Cook, would there be any objection to it?

Mr. DE YOUNG (Cook). Not at all.

Mr. PERKINS (Logan). Now, Mr. Speaker, there is some misapprehension of what is intended in this bill and amendment. This amendment only seeks to authorize State aid in small towns where under the original law they were unable to get any benefit from that State aid. It is simply connecting up. If you are going to build a State road there it is connected up through the villages and towns in this State. I think it is the missing link in the road law of this State. There is not any question about it.

Mr. DE YOUNG (Cook). May I be permitted to read this amendment in connection with the other language of the bill?

THE SPEAKER. The gentleman will read the amendment to the bill.

Mr. DE YOUNG (Cook). Bill 575 as it stood when it was recalled to second reading in lines 48, 49 and 50 provided "that no road or part thereof lying within the corporate limits of any city or village within this State shall be improved or constructed with State aid." This amendment makes this change or this addition, striking out the words, "within this State shall be improved or constructed with State aid."

Now, Mr. Speaker, and gentlemen, you will see that the whole purpose of that amendment is merely to complete as the gentleman from Logan (Perkins) said, to complete the missing link. We have in the county of Cook outside the city of Chicago—if the gentleman from Knox (Davis) will permit me to say that in the township in which I reside there are ten incorporated municipalities having an area of forty-five square miles, and parts of three other municipalities. Under the Tice road law there have been constructed State aid roads in every township in the county of Cook outside of Chicago. So we have a number of stretches of good road and between them stretches of unimproved roads. We have a space where we have a mile of good road, and then you have a piece of just about as

bad road as you can find. Now, we have that situation, but there is nothing in this so far as the city is concerned. I was not necessarily seeking an amendment for the rest of the State but some members of the committee suggested it. We have no objection, we are perfectly willing to limit it to Cook County or to change the population limit. We simply want to make this road law what it ought to be. I never yet have heard of any country or any State that built its highways and did it by pieces and scraps.

It seems to me that this amendment is symmetrical, it is fair, it is equitable, but I am interested in having roads that are roads without all these intervals and it seems to me that this is the proper thing to do.

Mr. BROWNE (LaSalle). I was never a friend of the Tice road law. However, it is not a theory but a condition that confronts us. It is with us; we have got it. It has been wished on us and the question is what to do with it.

Now, let's look back to see what the original theory or scheme of this road law was. Was it for the improvement of cities, villages, incorporated towns? Was it to pave the streets of cities and villages with brick pavement or other substances—concrete, macadam? No. What was it? It was to build roads through the country districts, where there were no roads so that they might be passable for the vehicles of the rich, the automobiles. Therefore, the automobiles were made to bear the principal part of the burden of the tax. That was the theory of it.

Now then, I said at the last session, you are passing something that when you do pass it you are going to have trouble as long as it is on the statute books. You have opened the door and will find them coming in for amendments here and there and you won't be able to head them off, and it has come sooner than I thought.

Now what? Here is this bill which is offered as a committee bill and provides that no road or part thereof lying within the limits of any city—and that was the original intention of this bill. It was never intended to pave the streets of incorporated towns or villages. But here is the opportunity. The doors are open and when you have a road that reaches to the boundaries, the limits, of some city or village, why not embrace the opportunity to grab out some of this State aid and pave a road through. It never was intended to put on the country road brick pavement, asphalt, macadam. That never was intended. It was intended to improve the road as dirt road, as gravel road, as hard road. It never was intended to pave, and this bill with that amendment will give the right to take out of these funds for the improvement of county roads money of the rural communities, money of the people who do not live in those towns to pave those streets through those cities and villages. I don't care whether it is in Cook County, or LaSalle or Logan; it is a shame, it is wrong. It is a thing that was wrong in its conception, it was conceived in iniquity and born in vice and you are bearing the fruits now.

Mr. DE YOUNG (Cook). Aren't the cities and villages taxed for highway purposes?

Mr. BROWNE (LaSalle). Yes, sir.

Mr. DE YOUNG (Cook). And they contribute to the automobile fund?

Mr. BROWNE (LaSalle). Possibly so.

Mr. DE YOUNG (Cook). Is there any doubt about it?

Mr. BROWNE (LaSalle). Possibly so; what of it?

Mr. DE YOUNG (Cook). You will admit that the majority of the mileage of State aid roads is out side of Cook County.

Mr. BROWNE (LaSalle). Very little. Very little. I will grant you this if you want to; that if you let me select through the country the style of road if you want to continue through that city or that village a macadam or dirt road or a common hard gravel road and make it. Do you gentlemen want to do that?

Mr. PERKINS (Logan). In regard to the class of roads, that is just what this bill is intended to do, give the board of supervisors in the counties the power to fix the type of roads, either dirt or macadam.

Mr. BROWNE (LaSalle). My dear friend, you may have reached the point where you want to give the money that was dedicated in the last

House in this bill to the use of the improving of the country roads in your county and mine and other counties. If you do, go home and answer to your people for it. I have not got there myself and I hope I never will. It was dedicated to the use of country roads and not the building of city streets.

Mr. TICE (Menard). If the gentleman will read this committee bill, he will find that the board—the county board, any board, can so designate the type of roads to be built in that county and that when a type is once selected or designated, it shall be continued through the entire length of that road.

Mr. BROWNE (LaSalle). Yes, sir; but that does not waive the amendment. An exception there, when you strike the limits of an incorporated city, it does not mean that road and you know it don't mean it. The board would not have any control over the city streets.

Mr. TICE (Menard). Let me say in reply to that; I realized that very question myself when that gentleman who was pressing this amendment said that we could have. I took his advice for it.

Mr. BROWNE (LaSalle). Indeed you can't convince me that the board of supervisors or county commissioners have anything to say as to the style of road to be built within the corporate limits of a city or village without the consent of that city or village, indeed you can't do that. If you can, my hands are in the air.

Mr. GRAHAM (Mercer). It occurs to me that a reference to the statute would solve some particular doubts on this matter. It may be that it will not have the same effect on the rest of you that it does on me, but I read section 10 of the Tice road law and it settles the question. Section 10 provides: "At their next regular or special meeting following the passage of this Act it shall be the duty of the supervisors in counties under township organization, or the board of county commissioners in counties not under township organization," now, here is the matter that I refer to, "to designate those public highways within their respective counties that shall come under the provisions of this Act. The highways to be designated by the county boards shall be as nearly as possible those highways connecting the principal cities and trading points in each county with each other, and also the principal cities and trading points in other counties."

Mr. DE YOUNG (Cook). Section 10 does not at all militate section 9. It does militate against what is here provided in section 9.

So far as the constitutionality of this measure is concerned, I have not the slightest doubt that the gentleman from LaSalle (Browne), is familiar with what the Supreme Court has said. I am satisfied that his doubts will be solved all together. I have not the slightest fear on that ground if that is his only objection I take it it can be withdrawn.

Mr. TICE (Menard.) I think it only fair to this House and to the members of the Road and Bridge Committee that I make this explanation. In the first place let me say that I am well satisfied with the statute enacted by the Forty-eighth General Assembly. I said to the Committee on Roads and Bridges that I believed that the provisions written into that law were such that the State would receive greater benefit from it, that every individual citizen of the State would receive more benefit than could be received by the then proposed amendment before the committee or even by this so-called committee bill. I still think so, I still believe so.

However, we are confronted with a condition which seems to exist in the State, no matter from what source it comes, or what interests have instigated and continued the campaign against the present road law. We are confronted with a situation here in this General Assembly that seems to demand an amendment to this law. It was and is my purpose to satisfy as near as possible the claims and the wishes and desires of the people of the State of Illinois in regard to their public highways regardless of my individual judgment and regardless of my individual opinion, formed, upon more than five years investigation of this matter, an investigation which extended to the highway departments of foreign countries and every state in the United States, which had undertaken and succeeded in progressive permanent highway improvements. Not only did I secure data and detailed official information from these various sources but by personal inspection

of permanent roads constructed and the system of their construction and maintenance. Regardless of the information obtained, my personal experience and the system established by the practical experience of those in charge of highway improvement in other states, I consented and agreed with the other members of the committee on roads and bridges that this bill should be put out by the committee and that we should stand by it, and I am still ready and will carry out my part of the agreement.

We are, however, confronted by a condition in Cook County which the gentlemen from that county desire to remedy. I know that the greater part of the highways in that county are only just stepping stones from one tract of good road into a mud hole. I am trying to mitigate the conditions in Cook County; I consented and have done everything that I could to help along the condition in Cook County through an amendment to this committee bill to change their conditions there so that they could improve their roadways.

When this amendment was presented today, the gentleman from Cook who has this matter in charge, came to me and said, if this goes through it will give us a possible opportunity of securing relief in the County of Cook. I said, very well, so far as I am personally concerned I will be very glad if this can be incorporated in this committee bill so as to give the relief, but it is my judgment that the same proposition should apply to the small country villages and towns throughout the State. If the situation in Cook County could be improved by the State helping to build these roads, then the situation can be improved throughout the State by helping them build through these little towns and villages. I differ with the gentleman from LaSalle (Browne) when he says that the great conception at the first was only to build the country highways. That was the foundation idea, and the great conception and the great ideal was to make a road that throughout its length would be of the greatest benefit and have the greatest value.

I know that some of my friends down State differ from me, but I believe that you will find that the citizens of your respective counties would prefer to have some little of the money diverted from the country road, so as to build it on through the small town or country village, that they may have a good road through its entire length. That is my judgment. I want to say, however, that so far as I am concerned, if the country members do not want this then make a motion to strike out that part of the amendment which applies to the counties outside of Cook, and let that part which applies to Cook County go through. I am willing. I believe it is a mistake to do it, but I believe that that can be done, and possibly satisfy all elements here.

Mr. THOMASON (Clay). It has been suggested that the object was to get rid of the poor roads. It was said by Mr. DeYoung that you find a mile of good road and then a quarter or a half a mile of bad roads, and now this amendment absolutely does nothing for a community that is too poor, that is a town or a village that is too poor to build a hard road. They except the very class of cities and villages that is unable to pave their streets. Cities of thirty-five hundred are perfectly able to pave their streets, but the villages that are too poor to build the roads are not included in this amendment.

Mr. DE YOUNG (Cook). The gentleman who spoke last has a misconception of the amendment. It applies not to cities of over thirty-five hundred, but applies only to such municipalities having a population of less than thirty-five hundred, the very struggling municipalities to which he refers. Now, the exception in favor of the cities and villages was incorporated at the request of the down State members. If they do not want this and that advantage, I am sure that we are willing that it shall have application only to those cities and villages that are located in Cook County.

Mr. SHURTLEFF (McHenry). I would like to inquire for information where the demand is from down State. Is there a demand from members down State for this amendment? I have not heard any on the floor of this House.

Mr. BROWNE (LaSalle). The only demand that there is from down State is for the absolute crucifixion of this whole law.

Mr. SCHOLLES (Peoria). I want to state for the gentleman from

McHenry (Shurtleff) that as far as Peoria is concerned we have a demand for this amendment. We have good roads outside of Peoria Heights, a little village, and inside the village we have one of the worst roads in the State, known as the Narrows road, and as for this amendment, it would be possible for Peoria to have a pavement or a hard road which would be one of the best roads and the most useful in the community.

Mr. DAVIS (Knox). I move to strike out the words thirty-five hundred wherever they appear in this amendment and insert in lieu thereof the words one thousand.

Mr. BROWNE (LaSalle). I move to lay it on the table.

Motion to table the amendment of the gentleman from Knox (Davis), prevailed.

Mr. DE YOUNG (Cook). I ask leave to withdraw the amendment for the purpose of striking out all reference to the down-State portion.

(Amendment withdrawn.)

Mr. DE YOUNG (Cook). I offer the following amendment to House Bill No. 575, and move its adoption.

Whereupon, a rising vote was taken, and the amendment was adopted.

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. TICE (Menard). Mr. Speaker, it is understood now that House Bill 575 is special order for next Tuesday?

THE SPEAKER. That is the understanding—after the other special order.

Mr. RINEHART (Effingham). I desire to call up House Bill No. 777, for the purpose of amendment, being a bill to revise the law concerning the time of holding the terms of Circuit Court, and of the calling of juries in the seventeen (17) judicial districts outside of Cook County.

AMENDMENT No. 2.

Amend House Bill No. 777, by striking out all of section 7, on page 5, and insert in lieu thereof, the following:

SEC. 7. SIXTH CIRCUIT.] In the county of Champaign on the third Monday in January, the *third* Monday in April and the third Monday in September of each year; in the county of Douglas on the second Monday in March, and the second Monday in October; in the county of Moultrie on the fourth Monday in September and the first Monday in March; in the county of Macon on the second Monday in January, the second Monday in May, and the first Monday in October; in the county of DeWitt *on the second Monday in January; on the second Monday in May and the second Monday in September;* in the county of Piatt on the first Monday in October, the first Monday in February and the *second Monday in June: Provided, that there shall be no grand or traverse jury summoned for said June term of court for said Piatt County, unless by special order of the judge of the said court, which order may be made in term time or in vacation: And, provided, all process issued after the passage of this Act shall be returnable to said terms as herein fixed.*

(Amendment adopted.)

Mr. MOORE (Henry). I move that the House do now adjourn until ten o'clock tomorrow morning.

Motion prevailed; and the House adjourned until 10:00 o'clock Friday, May 7, 1915.

FRIDAY, MAY 7, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Dugan.

The Journal of the previous day being read. Upon motion of Mr. Lyon (Sangamon) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, introduction of bills, (by unanimous consent) and House bills on first reading, all without debate.

Mr. THON (Cook). I desire to call up House Bill 500 on the order of second reading.

Mr. DONAHUE (McLean). I object.

Mr. THON (Cook). This is an amendment to the Municipal Court Act and is simply local to Chicago.

Mr. DONAHUE (McLean). I will withdraw my objection.

THE SPEAKER. I will say for the benefit of the House that we will try to take up as many House bills on second reading early, to which there is no objection, and then as members have to withdraw to catch trains, we will then proceed upon the order of House bills on first reading.

Mr. RODERICK (Cook). I have three amendments which I wish to offer to House Bill 500.

Mr. O'ROURKE (Cook). I object to this bill. This amendment gives the bailiff the power of the sheriff. He can go outside of the jurisdiction of the municipal court. I object to the bill.

THE SPEAKER. If there are objections, the bill will be passed.

Mr. O'ROURKE (Cook). I will withdraw my objections to House Bill 500.

THE SPEAKER. Objection is withdrawn, the clerk will read the amendments:

AMENDMENT No. 1.

Amend the title of House Bill No. 500, by inserting between the word "sections" and the figures "40," the following figures: "16."

AMENDMENT No. 2.

Amend House Bill No. 500, section 1, by inserting in line 2, between the word "sections" and the figures "40," the following figures: "16."

AMENDMENT No. 3.

Amend House Bill No. 500, by inserting a new section before section 40 of the bill, the new section to be entitled section 16, said section to be in words and figures as follows, to wit:

"SEC. 16. That there shall be a bailiff of said Municipal Court whose term of office shall be six (6) years and until his successor shall be elected and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform with respect to said Municipal Court the duties usually performed by sheriffs in respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions of a Circuit Court

He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open for the transaction of business from half-past eight o'clock a. m. to half-past five o'clock p. m. of each working day during the year, excepting that on Saturdays, after the hour of one o'clock p. m., the bailiff may close such of his offices as he may deem proper at one o'clock p. m. Until otherwise provided by the rules which may be adopted under the provisions of this Act, the powers, duties and liabilities, the oath of office, and the bonds and conditions thereof, of such bailiff shall be the same, as near as may be, as those prescribed by law for sheriffs with respect to attendance upon and service and execution of the process, and obedience of the lawful orders and directions, of a Circuit Court. He shall be commissioned by the Governor. When a vacancy occurs in the office of bailiff and the unexpired term exceeds one year, the judges shall appoint a bailiff pro tempore, who shall qualify by giving bond and taking the oath as required by the law of the bailiff, and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court, and shall receive a like salary, and shall hold such office until such person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election as in other cases. When a vacancy occurs in the office of bailiff and the unexpired term is less than one year the judges shall appoint a bailiff pro tempore, who shall qualify by giving bond and taking the oath required by law on the bailiff, and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. It shall be unnecessary to serve any process of summons upon the bailiff in any suit against him commenced in the Municipal Court. In lieu of the service of such process the clerk shall notify the bailiff of the commencement of such suit and the bailiff shall thereupon forthwith enter his appearance therein, such entry of appearance to be made without any advance payment of costs. The salary of the bailiff shall be fixed by the city council: *Provided, however,* that such salary shall not be less than five thousand dollars (\$5,000) per annum and that it shall not exceed the salary which may be fixed for an associate judge of the Municipal Court and that it shall neither be increased nor diminished during the term for which the bailiff shall have been elected: *And, provided, further,* that until the fixing of the salary by the city council the salary of the bailiff shall be five thousand dollars (\$5,000) per annum. Such salary shall be payable in monthly installments out of the city treasury. The bailiff may employ an attorney at a salary of not more than five thousand dollars (\$5,000) per annum, to be fixed annually by a majority of the judges of the Municipal Court, which salary, together with all expenses incurred by the bailiff in prosecuting or defending suits brought by or against him in his official capacity, shall be paid out of the city treasury. *All suits commenced by the bailiff or against him in his official capacity, and pending in any court at the time of the expiration of his term of office or at the time of his death resignation or removal from office, and suits that may be commenced by or against him in his official capacity, shall be prosecuted or defended, as the case may be, by such bailiff or his legal representatives at the expense of the city of Chicago, and said necessary expense, together with such reasonable attorney's fees as shall be fixed by a majority of the judges of the Municipal Court, shall be paid out of the city treasury: Provided, however,* that nothing herein contained shall be construed to require the city of Chicago to pay any judgment or costs recovered against the bailiff."

(Amendments adopted.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. O'ROURKE (Cook). As to the statements I have heard as to certain bills I am supposed to be interested in and since my stand on the civil service question has been placed before this House, some of my friends are going to fight against every bill I am interested in. I want to make it plain to the House that I am not interested in any bill and I want to have House Bill 280 stricken from the calendar. Any other bills that have my

name attached to them are simply bills introduced by request and I am not interested in them.

Mr. PURDUNN (Clark). All bills introduced in the House are under the control of the House and a man can not dismiss those bills.

Mr. MADSEN (Cook). That is a joke.

Whereupon, the following House bills were read the second time and advanced to third reading without debate: House Bills Nos. 710, 290, 291, 186, 143, 144, 530, 529, 772, 270, 403, 425, 781, 667, 43, 188, 189, 394 and 89.

Mr. DAHLBERG (Cook). I desire to call up House Bill 164 on the order of second reading.

Mr. LYLE (Cook). I object to the consideration of that bill at this time. I have some amendments I wish to offer when there is a quorum present.

THE SPEAKER. If there are objections, pass the bill.

Mr. PROVINE (Christian). I desire to call up House Bill 624—call it back from third reading to second reading for the purpose of amendment.

Mr. R. E. WILSON (Cook). I object to that. There are gentlemen who are interested in this bill and they want to know what these amendments are.

THE SPEAKER. Objections are heard. Pass the bill.

Whereupon, on motion of Mr. Ellis (Kane) House Bills 292 and 328 were called from third reading to second reading for the purpose of amendment, amendments adopted and bill ordered engrossed and to a third reading, all without debate.

THE SPEAKER. I want to thank the members who aided in pushing the work forward this morning. Those who are going to catch that train can go with the understanding that there will be no other bills called up on second reading, and no business done except first reading House bills and Senate bills.

Mr. SMEJKAL (Cook). With the exception of House Bill 885, which I wish to call up now on the order of second reading. It is an appropriation bill providing for the foot and mouth disease matter and slaughter of cattle in this State in the future, which is now in the hands of the printer and I desire to have it advanced to third reading.

THE SPEAKER. If there are no objections, it will be taken up. If there are no amendments, the bill is ordered engrossed and to a third reading.

Thereupon, the House proceeded upon the order of House bills on first reading and Senate bills on first reading, all without debate.

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 5:30 Monday evening, May 10, 1915.

Motion prevailed, and the House adjourned.

MONDAY, MAY 10, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

The Journal of the previous legislative day being read. Upon motion of Mr. Scanlan (LaSalle) the House dispensed with the further reading of the Journal and ordered it to stand approved.

THE DOORKEEPER. Mr. Speaker: A message from the Governor by his Honorable Secretary, William L. Sullivan.

THE SECRETARY TO THE GOVERNOR. Mr. Speaker: I am directed by the Governor to lay before the House the following communication:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
SPRINGFIELD, May 10, 1915.

Gentlemen of the Forty-ninth General Assembly:

In my biennial message to the General Assembly, I urged upon your Honorable Body the advisability of taking official action in the way of making appropriations to reimburse owners of the cattle killed during the foot and mouth epidemic.

I understand that you have been diligently engaged in passing a bill which will meet with the approval of both the Senate and House on this subject, and that some delays inevitable to the passage of laws have occurred that have prevented the final passage of such a bill.

Within the last few days several complaints have reached me from stock-raisers whose cattle have been slaughtered in the effort to suppress the foot and mouth disease to the effect that they are suffering from the failure to receive the compensation justly due them by reason of the slaughter of such cattle.

I therefore respectfully urge that your Honorable Body take action immediately on this matter. If the delay in the passage of such legislation is occasioned by any disputes in relation to any particular claim or claims, in my judgment a law should be passed at once providing for the payment of compensation to those about the value of whose property no dispute has arisen. Such items as may be in dispute can be disposed of by supplemental acts after due deliberation.

Respectfully submitted,

E. F. DUNNE, *Governor.*

THE SPEAKER. The message will be placed on file.

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's desk, and House bills on first reading, all without debate.

Mr. TICE (Menard). I desire to call up House Bill 211 on the order of second reading.

THE SPEAKER. This is the bill confirming the sale of the Second Regiment Armory property.

Are there any committee amendments? Are there any House amendments; if not, the bill is ordered engrossed and to a third reading.

Whereupon House bills 146, 804, 828, and 317, all on the order of second reading were taken up and read the second time and ordered engrossed and to a third reading, all without debate.

Mr. HOLLADAY (Vermilion). I desire to call up House Bill 16 on the order of second reading.

Mr. LYLE (Cook). I object. That bill was called up last Friday and inasmuch as I have some amendments I would like to submit, I would like to have this bill go over until tomorrow when there is a full House.

Mr. HOLADAY (Vermilion). I suppose if there are objections, it will have to go over.

THE SPEAKER. The bill will go over.

Mr. MEENTS (Iroquois). I desire to call up House Bill 77 on the order of second reading. It is to amend the Township High School Act, allowing high school districts to disorganize after they have been organized.

THE SPEAKER. I agreed with the chairman of the Committee on Education that no educational bills would be called up if there was any question about them. Is there any question on this bill?

Mr. MEENTS (Iroquois). I don't think there is any objection.

Mr. CONLON (Cook). I object.

THE SPEAKER. Objections are heard; the bill will go over.

Mr. DONAHUE (McLean). I move that the House do now adjourn.

Motion prevailed, and the House adjourned until 10:00 o'clock Tuesday morning, May 11, 1915.

TUESDAY, MAY 11, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

The Journal of the previous day being read. Upon motion of Mr. Mulcahy (Cook), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of presenting of petitions, reports from standing committees, and the speaker thereupon laid before the House the report from the Committee on Rules.

THE SPEAKER. Beginning Thursday morning, the House will hold its session daily, commencing at 10:00 a. m. and lasting until 12:15 p. m. A recess will be taken promptly at 12:15 until 2:30, calling the second session to order at 2:30 p. m., lasting until 6:00. All committee hearings will be held in the evening after Wednesday of this week. Committee meetings will be held this afternoon and tomorrow afternoon and after that all committee meetings will be held in the evening. Two sessions every day will be had. Third readings will be upon Tuesday, Wednesday, Thursday and Friday.

The clerk will call the roll for the introduction of bills, being the regular weekly call.

(Roll called for introduction of bills.)

THE SPEAKER. The special order of the hour is House Bill No. 104 on second reading.

The Committee on Industrial Affairs offered amendments from 1 to 11, inclusive, and same were adopted without debate.

AMENDMENT No. 1.

Amend House Bill No. 104, by striking out the words "portion of any month" in line 7 of section 1 of said bill and inserting in lieu thereof the word "hours."

(Amendment adopted.)

AMENDMENT No. 2.

Amend House Bill No. 104, by striking out the words "closed for their summer vacation period" in line 10 of section 1 of said bill and inserting in lieu thereof "not in session."

(Amendment adopted.)

AMENDMENT No. 3.

Amend section 2 of House Bill No. 104, by striking out in line seven the word "working" and inserting in lieu thereof the words "Special vacation" and by striking out in line nine the words "for their summer vacation period;" also by striking out in line nine following the word "such" the word "summer" and inserting in lieu thereof the word "Special;" also by inserting in line ten following the word "words," the word "special;" also by inserting following the word "issued" in line twelve, the following sentences: "If such special vacation permit be issued for employment during any time that the schools are not in session other than the summer vacation period, the place of such employment and the name and address of the employer shall be stated on the permit. The superintendent of public schools, or person authorized to issue working permits, may cancel

any such special vacation permit if the child to whom it was issued does not attend school regularly or if the employment of such child is detrimental to the child's work in school."

(Amendment adopted.)

AMENDMENT No. 4.

Amend section 3 of House Bill No. 104, by striking out at the end of line three the word "every" and inserting in lieu thereof the following words: "the office of the establishment or the principal room."

(Amendment adopted.)

AMENDMENT No. 5.

Amend section 3 of House Bill No. 104, by adding after the word "years" in line 6 of said section, the following sentence: "copies of this Act shall be printed in English and such other languages as may be necessary to disseminate a general knowledge of the provisions herein set forth and shall be supplied by the Chief State Factory Inspector on application."

(Amendment adopted.)

AMENDMENT No. 6.

Amend House Bill No. 104, by adding the word "special" before the word "vacation" in line 25 of section 5 of said bill, and by striking out the word "working" and the words "for summer employment" in said line 25 of section 5 of said bill. Also by striking out the word "may" in line 37 of said section 5 and inserting in lieu thereof the word "shall."

(Amendment adopted.)

AMENDMENT No. 7.

Amend section 9 of House Bill No. 104, by striking out the word "and" in line 7 of said section and inserting in lieu thereof the word "in."

(Amendment adopted.)

AMENDMENT No. 8.

Amend section 11 of House Bill No. 104, by striking out the word "eighteen" in line 19 of said section and inserting in lieu thereof the word "sixteen," also by striking out the word "eighteen" in line 46 of said section and inserting in lieu thereof the word "sixteen."

(Amendment adopted.)

AMENDMENT No. 9.

Amend section 14 of House Bill No. 104, by striking out the word "factory" in line 24 of said section and inserting in lieu thereof the word "establishment."

(Amendment adopted.)

AMENDMENT No. 10.

Amend House Bill No. 104, by adding after the word "age" in line 46 of section 11 of said bill, the following words:

"Appeal from the ruling of the Chief State Factory Inspector in regard to any occupation so declared to be sufficiently dangerous to warrant the exclusion therefrom of minors under sixteen years of age, or under eighteen years of age, may be made to the Industrial Board of Illinois, the decision of the majority of the members of which shall be final and conclusive."

(Amendment adopted.)

AMENDMENT No. 11.

Amend section 16 of House Bill No. 104, by striking out the word "fifteen" in line 9 of said section and inserting in lieu thereof the word

“ten,” also by adding after the word “fined” in line 21 of said section, the words “except as herein otherwise provided.”

(Amendment adopted.)

AMENDMENT No. 12.

Amend House Bill No. 104, by striking out the words “eighteen years” wherever it shall occur in the printed bill, and insert in lieu thereof the following: “eighteen years in case of females and twenty-one years in case of males.”

AMENDMENT No. 13.

Amend House Bill No. 104, by striking out the enacting clause.

Mr. BROWNE (LaSalle). I am also in favor of protecting minors, and with that in view if we are to protect the gentler sex from the age of 18 years from doing any violent exercise, I am inclined to think we ought to protect the other sex to the age of 21 from doing any violent exercise. I am inclined to think that a boy of 18 years is not anywhere nearly as fully developed, or as able to meet the storms of life mentally as the female is at 18. I am inclined to think that he is more entitled to protection along those lines, mentally at least, and for that reason I think it is only fair to put the limit of 21 for males and 18 for females. I don't know but what if I had an opportunity I would like to insert in this bill 40 years for some of the males who have favored this bill and they have no protection.

Mr. SHURTLEFF (McHenry). This bill in no way undertakes to control the labor of minors over the age of 16 years, that is, so far as age is concerned, excepting in one employment. I introduced the bill in the House and have no apologies to make for it. The amendment is offered and I don't care to go into any discussion, but I move that the amendment be tabled.

(Rising vote taken; motion prevailed; amendment tabled.)

Mr. WEBER (Cook). I believe that this is a bad bill and it works a hardship particularly to the foreign element in this country. I believe that if the State takes a child from the time that it begins to go to school until it is 14 years of age and has passed through the eighth grade, the child has had sufficient education for the ordinary work in life, unless the particular person aspires to some professional career, and perhaps the parents are in a position to afford this additional education, but the ordinary child has the advantages of being able to go through the high schools of this State, which are provided by the taxpayers, and our educational system, such an educational system that no country offers its citizens. I think that is ample. When you undertake to pass a law such as this to say that a child after it becomes 14 years of age can not be set to work as it ought to do to assist the family, particularly where in many instances the family head has been called away by death and there is a mother with many children waiting for the oldest to become 14 years of age to help out—I think it is a hardship to pass such a law to force such children into school and make the rest of the family a charge upon the State. I don't believe this bill ought to pass. There are many things that could be said against this bill but I have not the facts and figures here, but in a general way this bill ought to be killed right now, as I think it is a vicious bill.

Mr. SHURTLEFF (McHenry). I don't care to take up much of the time of the House upon this question. The bill as it originally went into the House possibly was somewhat radical, but as it has come from the Committee on Industrial Affairs that investigated the subject and took up considerable time investigating and did honestly investigate and look into the matter, and as I understand substantially recommend the bill back to the House with the amendments that have been adopted, the bill is not a radical bill, and it is not an over-radical bill, and it is not a bill in my judgment that the members of this House should be alarmed in passing at this time.

Up to the age of sixteen years this bill in no manner changes the form of certificates or rule of requiring a permit to labor that is now required. Any child under sixteen years of age, between fourteen and sixteen is required now to have a permit to labor, and this bill carries along identic-

ally the same machinery. Before we come to that, the bill up to the age of fourteen years is identically the law on the statute books at the present time. There is no change in it at all. Labor is forbidden up to the age of fourteen and school attendance is required. From fourteen to sixteen, under the present law, the minor to labor must have a permit from the principal of the school, either the public school or the parochial school. Under the present law he may labor and get that permit and not attend the school. Under this bill the same permit is required, but he is required to attend school during the school hours from fourteen to sixteen years of age. He may have a permit to work during vacation, working on any day when school is not in session and working any hour or any day when school is in session after school hours. The bill under these changes, as we were advised by the records of the Industrial Affairs Commission in the State of Illinois, affects practically only twenty-five thousand minors in the State of Illinois that are employed in the trades. The bill, if you will notice it, whether rightly or wrongly, exempts agricultural and domestic employments from the bill. The only affect of this measure in any way is to require school during the school hours between the ages of fourteen and sixteen years of age. From sixteen to eighteen it in no manner requires school attendance or limits the right to work in any employment, except a permit must be obtained and supervision is had over the child so far as the medical or physical examination is concerned if any child is found working that is not in a physical condition to work. It limits the hours of females from sixteen to eighteen to eight hours per day. That is substantially the difference that this bill makes to the present law, and with the amendments of the Committee on Industrial Affairs that have been adopted by this House, this bill is not a radical bill and is not going to seriously affect any class of people in the State of Illinois as some of the gentlemen seem to think it will.

I think the amendment should lie upon the table, but I don't care to cut off debate, and I will make that motion at the proper time.

Mr. BROWNE (LaSalle). I have no special interest in this bill myself, except the interest that we ought all to have in the rights of humanity. Unfortunately I have no children of my own that make it a personal concern to me. It does seem to me that each session of this Legislature increases the bondage, so to speak, of paternalism in everything and anything. It has gotten so today in Chicago that no man and wife are safe in their homes from the inroads and encroachments of the juvenile court officer. This is not a matter of personal knowledge of mine, but I am told by gentlemen on the floor of this House who do know personally and who are bitterly against it, that today the sanctity of the home in Chicago, especially among the poor class, is absolutely nil against the inroads of the juvenile court agents. They absolutely control the movements and the habits of the children in the homes in the city of Chicago. Up to a certain point, and especially in view of the abuses which doubtless exist in the raising of children, something of that kind may be necessary. It is not necessary down the State, and it is not necessary in most towns or in the rural districts. The children that were raised before they had any juvenile court and before they had any prohibition laws made the great men and women of this country down through the State of Illinois before they had any of these things which are sought, and they stand out today over and above those that are the product of the new system. There are big men upon the floor of this House that came up when they had to work and had to work independent of these things to help out the funds at home, and had to work as soon as they were able to in the corn fields, the factories, the shops and elsewhere. I was working in the corn fields with a hoe and at an age when these probation officers would think it was a crime to work. It didn't hurt me. I was carrying a hod before I was eighteen years of age. It didn't hurt me. I was working in a blacksmith shop before I was eighteen years of age, and it didn't hurt me. All over this House you will find men that were brought up under that system, and this system of paternalism, instead of helping men and women, is bringing up a nation of sissies, and it is taking away from the father and the mother the responsibility of their brood. It is taking away from them rights which belong to them, it is stepping in and doing away with that which God Almighty intended to place in the

father and the mother. This is another step in the wrong way. It was sixteen, and this is another step toward eighteen.

I feel as good about this as did a very prominent old time member of this Legislature along a certain line of reform in one of the committee meetings a number of years ago before my time, and before the time of, possibly all but one or two upon this floor. I think it was in the Judiciary Committee, and a bill was introduced raising the age of consent to eighteen years. It was then discussed pro and con, and the sentiment was in favor of sending it out. This man, at that time a patriarch, a man long in years, and a man that loved his fellow-men and loved his children, and everybody else's children got up with tears in his eyes and said, "Gentlemen, I am in favor of this bill, but I am in favor of this protection that you are holding out to the unprotected and innocent, but you are not going far enough, and I want to offer this amendment, which raises the age of consent to forty years." It didn't get out of the committee, and that ended it.

At the next session of the Legislature, I don't know where you will stop, but I think the time to stop is now. It ought to have been a long time ago, and I am in favor of the motion of the gentleman from Cook (Mr. Weber), to strike out the enacting clause.

Mr. KANE (Saline). The march of civilization has at all times been marked, and it has been marked by the constant extension of educational privileges to the masses. Higher civilization is only attained by educational privileges for the masses. This country, if it continues in its march of civilization and progress must see to it that the children which compose the masses of the laboring element of this country be protected in the matter of education. The very fundamental idea of our common school education is that an advantage must be given to the masses of children of the State for an education. You take the theory of our State aid for education, and the theory is this, that those that compose the wealthier class, and those that represent the wealth of the country must contribute to the education of the children of the laboring class, and of those who are less fortunate financially. This bill is a movement along that line. This will not affect the rich or the fortunate in this life that are able to send their boys and girls to school as they will receive an education, but the masses that compose and will compose the greater number of our citizenship of this State, and upon which the foundation of this State must rest. While the duty is upon the State to furnish means of education to the masses, the State has a right to consider and regulate, and see to it that the funds which they provide for the common education of the masses of the people is utilized to better advantage.

This bill already provides for conditions like the gentleman from Cook (Weber) mentioned in regard to the mother. If there is a mother in this State that cannot send her boy and girl to school between the ages of fourteen and sixteen, and she is compelled to keep them home to help the family, if that is true, then the State of Illinois is not doing its duty toward that mother. The mother will be taken care of, and if the laws don't meet that condition they should be so enacted that they will meet such a condition as that. I don't intend to go into the details of this bill as the gentleman from McHenry (Shurtleff), has already done that. I maintain that it is the duty of this State to see that the masses of the children who will compose the citizenship of this State, that they are educated and will have an opportunity for an education. I hope that this motion will prevail.

Mr. BURRES (Champaign). Possibly if the energies of youth had never been commercialized there would be no need for the Juvenile Court. It was my good fortune to serve on the Home-finding Committee with my friend Mr. Curran, and we investigated somewhat into the conditions of child labor. I believe that one of the things that has not been touched in the discussion of this bill is the matter of public health of the State of Illinois. I believe that a man who has served on the Appropriation Committee and knows what the State of Illinois is appropriating for the care of the child whose early health has been either neglected or who has been placed in unfortunate circumstances will realize that we are paying a vast sum of money in this State that we might save were we conserving the health of the youth of this State. From a public health standpoint and no other, as I am not competent to state upon the legal question and I am not particularly familiar with the

industrial question, but from that particular standpoint, if for no other, I believe that the motion to lay on the table should prevail.

Mr. DAVIS (Knox). As the chairman of the sub-committee of the Committee on Industrial Affairs to investigate this condition, I would like to say that I started out with this committee, and I felt in regard to the matter as does the gentleman from LaSalle (Browne), but after we had investigated a few of the places in which children were working and after we had heard the statements of people who are familiar with the different conditions that exist in the city of Chicago, I changed my notion about this matter.

The amendments were suggested on account of the fact that the conditions down the State are so much different than in Chicago, and if the same conditions have existed throughout the State that do in Chicago, then there would not have been any amendments offered to the bill. The amendments were made with the idea of taking care of the conditions that exist down the State. Those amendments have been adopted, and this bill in its present form should be passed and enacted into law for the interest of the children of the State of Illinois.

Mr. MADSEN (Cook). It has been said by a great many who are opposed to this bill that they themselves had to go to work at an early age, and the fact that they got through the mill and made good citizens later in life is supposed to be an argument against this bill. I don't believe it is. I went to work at the age of 11 years. I had to leave the home of my parents at that age, and go to work among strangers. I managed to get through, somehow. Somehow, later in life, I managed to get an education, such as it is. I don't think it hindered me somewhat. I believe that it is the duty of society today, and it is in line with what is being done in every country in the world, to see to it that the future citizens get an education and have a right to enjoy life in their young years.

When you speak about the sanctity of the home it sounds to me like a hollow phrase used by the men who are against this bill. You talk about invading the sanctity of the home; we are trying to protect the sanctity of the home. It is invaded when conditions force a child to go to work when the child ought to be in school. This is where you invade the sanctity of the home and not where you try to protect the children. The passage of this bill will create a condition in this country where the men who are able to work will be working in the factories and the children will be able to get an education such as this country holds out to everyone who can afford to go to our schools. Let those who are in favor of protecting the country and the home vote for this bill and we will be taking one step forward toward a condition where everyone born into this world will have an opportunity to share in the good things that every child ought to have as its birthright.

Mr. BRUCE (Cook). Mr. Chairman and gentlemen of the House. My purpose in arising at this time is to set right and clear up a thought that might go out from the remarks made by the gentleman from LaSalle (Browne) in reference to certain information that he has had in connection with the affairs of the Juvenile Court in Cook County. I speak at this time for the purpose of saying to the members of this House, that while I held the position of chief clerk of that board for the past two years, prior to January 1st of this year, that I am not one of the members on the floor of this House who has volunteered that information. I am for this bill and any other bill of its character, that will tend to make this country and the people in it a higher educated people and make them better able to meet the affairs of life. Every American citizen must remember at this time that the experience of one of the countries of Europe, that was the pioneer country in discovering that fact that education of the masses was the foundation stone of its government, is today demonstrating the wisdom of their discovery. And I say that no country, no father—and I am the father of eight—will gainsay that because the child is fourteen that he must contribute before he is able to, to the necessities of the family.

I, like my friend from LaSalle (Browne), was compelled to go to work at a very early age, and I don't believe that it did me good. I was denied the right to an education which I should have had, which ought to have been mine, and which I would not have been able to enjoy. I am willing

to say to my eight children, you are entitled to an education to fit you for the battles of life, as is every other child in this State. I am for this bill and against striking out the enacting clause.

Mr. BROWNE (LaSalle). Do you think the education obtained from books fixes a man as well for this battle in life as the education of life itself?

Mr. BRUCE (Cook). I might answer that by reciting the experience of a friend of mine who was in jail. I went to see him, and I haven't any experience with what went to make up a violation of the law, excepting I had a general knowledge that my experience gave me, and when he stated to me that he was there for nothing, why I said, "They can't put you in jail for nothing," and he said, "Well, I am here." I am not so sure, but what the education gained from books, if properly assimilated in life, is of much greater value than the hard education gained by the hard knocks of experience. Where one is able to survive through the school of experience hundreds fail.

Mr. BROWNE (LaSalle). Isn't this life a survival of the fittest anyway and always?

Mr. YOUNG (Cook). I have never been much in favor of striking out the enacting clause of any bill, yet I have been very much interested in the pros and cons of this discussion. There seems to be a disposition to lay the age limit without any solution of what you are going to do with the boys and girls. I believe sincerely that the Educational Committee have already stricken out the enacting clause of this bill by not reporting out favorably on the Vocational Education Bill. That is a solution by which we may get our boys and girls interested, and this bill will be continued in an interesting way. It is impossible to force against the will of the children. This truant proposition in our large cities is a farce. Those that know about the situation know that is so. Those that go to work in hazardous occupations, so-called, have ample protection provided for them at this time in our factory inspection. I have a point or two relative to some of the schools of the South Chicago District and I would like to refer to it:

(1) A South Chicago boy who was not getting on at all satisfactorily with his public school work was told by his father that he must either continue going to school or go to work. He returned to school, making next to no effort with his school work. When asked why he came to school, he replied that it was "up to him" to either go to school or go to work, and he did not want to work. Failing to make good with such an attitude in regular public school classes, this school loafer naturally became a nuisance and he moved along into a private school very favorably equipped for an effort to meet the special needs of such a class of young persons, with activities which seemed to appeal to their present or prospective interests.

While this school effectively reached some boys of your lad's group, he appeared to have suffered neglect in this line too long; and simply provided for a time a place where this boy could go and avoid work. When the interests of this school were made to suffer from too much of this attitude, exclusion was the only recourse. You can't put such a youth in a reform school until he has paid the price of admission in some criminal act.

(2) Another South Chicago boy who was a public school misfit a year ago last winter, after various vain appeals to his parents, was sent to the Chicago Parental School, from which he was released upon reaching the age of 14 years, not quite a year ago. He promptly lined up with a bad street gang, and through some act of juvenile criminality was sent to the John Worthy School. A few months ago this boy was returned from the John Worthy to the Juvenile Court and released on parole, with the suggestion on the part of the judge that he be entered in a special industrial truant room in one of our South Chicago public schools. While this special room was designed, with several others of its kind, to prevent the formation of just such a type of character as this reform school parole case offered, the principal accepted the boy from the probation officer who brought him from the court. The boy had from the start no proper school attitude; no disposition to fall into line with the specially planned manual and academic activities; in a word, from the start he began to prove a disturbing element in an otherwise well-ordered room. To preserve the welfare of the room for its

definite purpose of organization, this boy who had been irregularly received, had to be excluded.

To return to school all misfit non-attendants with any who may be not profitably employed between the ages of fourteen and sixteen would, in not a few cases, completely demoralize present school arrangements for those attending the grades into which these young people would be unwillingly forced. This is recognized by not a few school principals, who realize the catastrophe as a demoralizing influence likely to compel public school reorganization on very different lines; to include some sort of an outcome in vocational attractive interests to encourage a larger measure of ultimate school liking among our young people who do not attend school at present because of any realizing sense of need for the school activities which prevail under traditional organizations.

I would like to read to you a table of attendance of last year, of the ages of pupils from sixteen to twenty-one, beginning with the first grade. In the first year there were 64,148. Now, notice the drop in the second year. In the second year there were 35,674; in the third year 35,922; in the fourth grade 34,008; in the fifth year 32,332; in the sixth grade 28,175, there being over 7,500 dropped out. In the seventh grade 22,475. There is a drop of about thirteen thousand. In the eighth grade we have 18,241. Now, if we can have something that will bring up the interest and prepare our boys and girls to equip themselves to go out into the world without having to pay an extra college or other educational expenses, I think that will place our school in better shape and it would not be necessary to have a bill of this kind to enforce this proposition, as it would naturally come without any enforcement.

Mr. SHURTLEFF (McHenry). I said that I intended to make a motion to lay on the table at the proper time; but as this amendment effects the life of the whole bill, I think it would be better to take a vote direct as to striking out the enacting clause. I would like just to say one more word on this bill, with the permission of the House, and that is on the criticism raised by the gentleman from Cook County (Young) as to the defeat of the measure for vocational training.

I am inclined to think that the defeat of the measure came about at this session, as it did two years ago, more from the reason that there are in Illinois today two contending forces, contending for a different line or theory of vocational education. As soon as the time comes when these contending forces can agree upon any measure among themselves—one seems to be the school interests of Illinois, and the other the manufacturing interests of the State—whenever they can agree upon a measure that is satisfactory to both of them, this Legislature and the State is ready to put in force a system of vocational education in the State of Illinois. I don't think that there is anything that would tend to force these elements to come together and to solve the disputed question of vocational education any more than it would to pass this bill. If that makes it necessary that we have a vocational law of some kind, if it is going to tend to make these two elements come together and agree upon some bill upon which general subjects everyone is agreed, this bill would be of great good for just that one thing alone.

I noticed in the Manufacturers' News of two or three weeks ago, in one column in the early part of the newspaper, a clipping that tended to rap this bill, or to indicate its lack of necessity, then I turned over two or three pages and read from the same pen of my friend, Mr. Glenn, that gets up this sheet, a column that he has given to this paper giving a set of rules of success submitted by Elbert H. Gary, who started at the bottom and probably has made one of the greatest successes of any man of our day on this continent during this generation, and after reciting various rules of success, Mr. Gary says, as quoted by Mr. Glenn in the Manufacturers' News, "As to the boy and the girl today, he should have a good education, but first of all he should be educated in the fundamental including particularly grammar, rhetoric, spelling, arithmetic, geography and history. The more he knows in the other lines, including the classics, so much the better." I don't know whether the editor of this sheet wants me to believe what he says in the early part of the Manufacturers' News, or whether he means to

say in giving a column of his paper to what Mr. Gary says he is merely "conning" me.

As to the doctrine of paternalism fraternalism in government, my friend on the other side of the hall wants to know where this class of legislation is going to stop. He speaks of the Juvenile Court and its requirements and says that all of these things are tending to produce a race of "Cissies." As intimated by another member on the other side of the House, the one great government in the world today that stands out like a race of giants and is fighting the world is a paternal government that reaches from the crown down, not only as to the school but everywhere in Germany education by government is more drastic and strict than anything contained in this bill, and they go under paternalism. The government reaches down and controls every form of life and I think no man will say today that the people of that government are a race of Cissies.

The gentleman from LaSalle (Browne), in his argument in his own person refutes the very doctrine that he gives, because he is in the highest type an element that education, that improvement, and opportunity has made an engine of force and not a Cissie.

I prefer not to make the motion to lay on the table, but let the House vote whether they want to kill this bill or not. Personally I would like to have a roll call.

THE SPEAKER. The clerk will call the roll.

Mr. LIPSHULCH (Cook). (On roll call.) Mr. Speaker, I, too, would like to have a word in regard to this bill. I think a great deal of merit is to be found on both sides. The gentleman from LaSalle has opened a thought that ought not to be overlooked and thrown to one side. It is not a bill like any other bill that has ever come before the House. It is one in the procedure of the adoption of which I would counsel much premeditation and advise against allowing sentiment to usurp better judgment. It needs a bird's eye view and many angles should, therefore, be taken and a thorough study should be made of the conditions that prompt this measure.

There is not any question in my mind that a law of this kind in a city like Chicago would work tremendous hardships, especially when no provision is made for the cases, where the mothers or the parents cannot possibly sustain the financial burden. The bill of course allows them to work after school hours. To allow the child to work and for the child to be able to obtain work on such conditions are two different things.

Again on the other hand, I am an advocate and have been for years, that the average child should be at school but a half a day and should have no home work. It is not how much you pack into the brain, but how much that little brain can assimilate without working injury for the future usefulness of that brain.

The rich man's child is not at all here in question, and the poor man's child who often is underfed and undercared, should not be forced to assume the additional bodily fatigue, which would accrue to the lot of such an unfortunate child should he be compelled to work after school hours.

You have cited a number of men who survive that kind of treatment and become great men. That is the survival of the fittest, and those who did not survive such a struggle are not here to tell their side of it, so you see that we have a complicated and complex problem, and yet I would be the last man on the green face of the earth to refuse the growing child an additional year or two of childhood, and this point is one that I am afraid will carry me off my feet and make me forego my better judgment. I think I will give this a tryout and see how it works out.

Probably if this passes a companion bill will in the near future be introduced, to help such poor children to enjoy the freedom that is meant to give them, and that a pension will be allowed each child who attends school regularly, and during those years progresses normally well.

Mr. SEIF (Cook). (On roll call.) I have submitted this matter to many parents in my district, and they don't favor this bill, and that is why I vote to strike out the enacting clause.

(Roll call continued.)

THE SPEAKER. On this question the "ayes" are 37 and the "nays"

89, and the House refuses to strike out the enacting clause. Are there any further amendments?

Mr. TURNBAUGH (Carroll). I offer the following amendment, and move its adoption:

AMENDMENT No. 14.

Amend House Bill No. 104, as printed, by striking out section 12 and renumbering the following sections 12 to 16, inclusive, respectively.

Mr. TURNBAUGH (Carroll). Section twelve reads as follows: "The presence of any minor under the age of eighteen years in any establishment where labor is employed shall constitute prima facie evidence of his or her employment therein."

I suppose we can think of no place where labor was not employed, and if the factory inspector should find a boy or girl in any place of business without any definite purpose except maybe he was buying some candy, he can seize him and it is up to him to prove he was not guilty, and I think that section should be stricken out.

(Amendment adopted.)

Mr. TURNBAUGH (Carroll). I offer the following amendment, and move its adoption:

AMENDMENT No. 15.

Amend House Bill No. 104, by striking out the words "English" in line 22, section 5, and insert in lieu thereof the words "their native language."

Mr. TURNBAUGH (Carroll). Section 5, lines 21 and 22, "It shall be the duty of the person authorized to issue a working permit to examine them as to ability to read and write legibly simple sentences in English." You might have a German or a Polish boy or girl who are scholars in their native language, but they could not write English sentences, and still they could not get a permit to work, I think that section should be amended.

Mr. SHURTLEFF (McHenry). I might say that I have not very much objection to this amendment but it seems to me it would be better to leave the bill in the shape it is. I think the bill as drafted with the word "English" in it, and I would be better satisfied if it was the words "American language," but as drafted it will not be used by any department to interfere with any meritorious case, and I think the tendency of education, if it had any tendency at all should work toward education in our language. I think the gentleman is mistaken in thinking that that term in this bill will interfere or be misused, and I would like to ask him to withdraw the amendment, and if not, I move to table it.

Mr. TURNBAUGH (Carroll). I don't see how the amendment can do any harm, and I am not at all in accordance with the statement made by the gentleman from McHenry (Shurtleff), and made to me on the floor of this House, and in committees that we could write certain things into law with the idea that the people who have to do with enforcement of this law will not do any wrong if the opportunity is left there. If I could feel sure that the gentlemen who have to do with the enforcement of these laws are so highminded as not to do any wrong, I would be willing to withdraw the amendment. I insist upon it being adopted.

Mr. SHURTLEFF (McHenry). My judgment that that clause as phrased is practically the present law of Illinois now. I may be mistaken about it, but that is my impression.

(Rising vote taken and motion to table is lost.)

(Rising vote taken and amendment adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

The special order on the calendar is now House Bill No. 207 on the order of second reading. The clerk will read the bill.

(Bill read.)

The Committee on Industrial Affairs presented amendment No. 1.

AMENDMENT No. 1.

Amend House Bill No. 207, as printed, by striking out all of section 1, beginning with line 15 down to and including line 25, and inserting in lieu thereof the following:

"SECTION 1. That no female shall be employed in any mechanical or mercantile establishment, or factory, or laundry, or hotel, or restaurant, or hospital, or telegraph or telephone establishment or office thereof, or in any place of amusement, or by any person, firm or corporation engaged in any express or transportation, or public utility business, or any common carrier, or in any public institution, incorporated or unincorporated in this State, more than fifty hours in any one week, or nine hours during any one day. The hours of work shall be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of any day, nor more than fifty hours in any week: *Provided*, that the nine hours' work of any day shall be done within a period of twelve consecutive hours: *Provided*, that the provisions of this section shall not apply to graduate nurses or nurses assigned to service in operating rooms in hospitals."

Mr. SCHOLLES (Peoria). I desire to offer the following amendment to the amendment, and move its adoption:

AMENDMENT No. 1 TO AMENDMENT No. 1.

Amend Amendment No. 1 to House Bill No. 207, by adding after line 13 of the Committee Amendment No. 1, as printed, the following: "*Provided*, that in mercantile establishments the hours of labor may equal, but shall not exceed more than fifty-four (54) hours in any one week, nor nine hours during the twenty-four (24) hours of any one day."

(Rising vote taken; amendment to the amendment adopted.)

Mr. ELLIS (Kane). I wish to offer an amendment to the amendment now pending.

AMENDMENT No. 2 TO AMENDMENT No. 1.

Amend Amendment No. 1 to House Bill No. 207, as amended, by adding at the end of said section 1 the following words: "*And, provided further*, that the provisions of this section shall not apply to mercantile industries which are engaged exclusively in the manufacture of coarse yarn cloth made from raw cotton."

Mr. ELLIS (Kane). There is only one institution in the State of Illinois that this covers, that is a factory located at Aurora, employing about 350 women. In every state in the Union north of the Mason and Dixon line, where they have adopted a nine-hour schedule, they have driven out this industry, so that the only industry of this kind in the United States now north of the Mason and Dixon line is at Aurora. And this law will certainly drive it out of the State of Illinois. It has done it in every other state, and it will certainly do it in Illinois. They manufacture coarse yarn out of raw cotton. They make coarse sheeting. I believe this amendment should be adopted.

Mr. McCORMICK (Cook). I move to lay the amendment of the gentleman from Kane (Ellis) upon the table.

THE SPEAKER. I desire to call the attention of the gentleman from Kane (Ellis) to the fact that his amendment will not fit in at this place. Your amendment would repeal the amendment offered by the gentleman from Peoria (Scholles).

Mr. ELLIS (Kane). I don't desire to do that, and I will correct it so it will.

THE SPEAKER. Your amendment would practically repeal the amendment offered by the gentleman from Peoria (Scholles).

Mr. McCORMICK (Cook). I want to explain the amendment already adopted for the information of some of the members of the House. The Committee amendment was introduced by myself after I had heard the testimony of some of the employers. In substance, it provides for five days of nine hours each, and a Saturday with a half holiday, or as an alternative thereto, six days of eight hours and some minutes each—twenty minutes each. I sought, as did others who are friends of this bill, constructive criticism from these gentlemen who came down here opposed to the bill, and they advised us that it was not their duty to offer constructive criticism, that they were opposed to this bill, root and branch, as they had been to

the ten-hour bill some years ago, nevertheless I have found that many employers employ their women workers nine hours a day and give them Saturday half holidays. Later, as I was able to make inquiries among members of the House, I found, as did the friends of this bill, that in certain districts people felt that it would bear with undue hardship on the smaller storekeepers in the outlying districts of Chicago and throughout the State. To mitigate the rigors of the bill in this case the gentleman from Peoria (Scholes) has proposed the amendment which has been adopted, that mercantile establishments instead of being limited to fifty hours a week, should be limited to fifty-four. I will not speak to the amendment of the gentleman from Kane (Ellis) until he has put it in a form as to be acceptable.

THE SPEAKER. Read the amendment as offered by the gentleman from Kane (Ellis).

Mr. McCORMICK (Cook). Now, Mr. Speaker, I will move that that amendment lie upon the table.

With the permission of the House, I would like to say a word upon my motion. In the first place, although I am no lawyer, I gravely question the constitutionality of an amendment which will except a single industry from the provisions of the whole Act. But whether it be constitutional or unconstitutional, I question the public policy of an amendment which will make an Act applicable to all manufacturers of the State of Illinois, saving one only. If that were a rule to be followed here in legislation, every member on the floor of this House, in duty bound, would be compelled to seek exemption of industry in his district from the provisions of this Act, or any other.

I hazard the guess, Mr. Speaker, that this particular industry has gone south of the Mason and Dixon Line, not by reason of the nine hour legislation in the northern states, but by reason of the criminal absence of child labor legislation in the south, and the even more criminal lack of the enforcement in the south of such legislation as really exists. Those southern states where children at eight to ten years of age are employed in the cotton mills to which capital from Massachusetts, from New Hampshire and Vermont has gone in order that it may earn outrageous dividends out of the wretched lives of wretched children driven into those mills, starved for sun-light and play. We should not make any exception in this State which will put in Illinois competition with these ogres that devour the children of the south. I move to table the amendment.

Mr. ELLIS (Kane). I believe that this bill, unless amended, will put out of business this particular industry in this State. There is no question about it. A similar bill has put these industries out of business in New York, Connecticut, Massachusetts, and in Massachusetts there is a fifty-six hour law, and not a fifty-four hour law, as this bill proposes. My attention has just been called to the fact that it has put the industry out of business in California, where there were ten factories of this kind. The present factories are at Danville, Virginia; Huntsville, Alabama; Lyndale, Georgia; and Greenville, South Carolina. Those are all south of the Mason and Dixon line. This factory has invested in Kane County, approximately three-fourths of a million dollars, and have a bond issue of \$200,000. They have just installed new machinery, and it is not fair to put this industry out of business in Illinois as this bill certainly will if passed without this amendment.

Rising vote taken, and motion to table is lost.

THE SPEAKER. The question now is on the adoption of the amendment offered by the gentleman from Kane.

Rising vote taken, and amendment adopted.

THE SPEAKER. The question now is upon the adoption of the amendment as amended.

Mr. THOMASON (Clay). I desire to offer the following amendment to the amendment:

Mr. SMEJKAL (Cook). It is very evident that the discussion on this matter will take a great deal of time, and I move that the House take a recess until four o'clock this afternoon.

Motion prevailed, and the House recessed until 4.00 o'clock p. m., of the same day.

Four o'clock p. m., re-convened.

The Speaker in the chair.

THE SPEAKER. House Bill 207 on the order of second reading, and the pending amendment is the amendment offered by Mr. Thomason (Clay).

Mr. LE PAGE (St. Clair). I move that the House reconsider the vote by which amendment offered by the gentleman from Kane (Ellis), was adopted. I am told from very good authority that it will invalidate the law.

THE SPEAKER. How did you vote on the proposition?

Mr. LE PAGE (St. Clair). I voted with the gentleman from Kane (Ellis).

Mr. McCORMICK (Cook). Before we have a roll call on this motion I want to say that during the recess of the House I consulted the most eminent attorneys on the floor of this House and the Attorney General of the State and they were unanimous in the opinion that the amendment of the gentleman from Kane (Ellis), was unconstitutional and would invalidate the bill if it were adopted, and the bill were passed including that amendment. We have amended this bill, and Mr. Thomason, who is not on the floor now has prepared another amendment striking out the limitation of twelve hours within which the workers may be employed for any time. If this bill is to be defeated, let it be defeated as it should be, upon third reading, and not by incorporating an unconstitutional amendment in the bill. This is an old question in this House. Let us face it candidly as individuals and vote "aye" or "nay" on the measure. I hope that the motion of the gentleman from St. Clair (LePage), will prevail, and the bill will be purged of this unconstitutional amendment. I will ask for a roll call on my motion.

Mr. ELLIS (Kane). I rise to a point of order. There is no record to show how the gentleman who made the motion to reconsider voted on the original motion.

THE SPEAKER. The point of order is not well taken.

Mr. ELLIS (Kane). Whenever anybody wants to kill an amendment to a bill, they nearly always raise the constitutional question. In this instance they rush over to the Attorney General, who is nothing more than a man with an opinion, and an ordinary lawyer who has happened to be elected to a political office, and they get his curb-stone opinion that it is unconstitutional, there must be some reasons why it is unconstitutional. The gentlemen have failed to state any reasons why it is unconstitutional, but I can cite many reasons why the average lawyer would say it is constitutional. This class of factory is a different kind of factory in the State of Illinois. I know of no factory within its class. Here are some of the reasons: The only labor performed is to feed the yarn or thread into the machines. The spools of yarn weigh, not to exceed one pound. The female labor done is not heavy lifting or carrying, and a child could easily perform the physical labor that is required. There is no mental strain whatever. The attention given and the work is not continuous, and it is not exhausting to the brain or body. The main duty of the female labor consists in handling little cotton thread. There is no strain on the eye. The rate for accident insurance in this kind of a factory is less than in any manufacturing industry in the State of Illinois. The insurance companies recognize that their risk in this industry is the lowest. Now, there are other reasons why, and logical reasons why this amendment is constitutional, and I move to lay the motion to reconsider upon the table.

Mr. McCORMICK (Cook). What advantage would there be in tabling it?

Mr. KANE (Saline). Independent of what the Attorney General may have said, I don't think there is any member in this House who has given any consideration to this proposition but what would say that this amendment makes this bill unconstitutional. The Supreme Court has repeatedly said that where you make an exception of a particular business in a bill of this character there must be some reasonable, sound distinction upon which to base that classification, or it is unconstitutional.

What is the difference between manufacturing of woolen goods out of cotton? (Laughter.) That was what the gentleman said in his argument. We have all kinds of manufacturing plants in this State. The same things that would apply to this would apply to many others. I was in a judiciary committee, and the members who are both for and against this bill all

stated that it makes it unconstitutional to put this in. If you are going to kill this bill, why stab it in the back? If you are not in favor of this bill, why betray it with a kiss? And in this case most of the people for it are ladies. There is no question but what you are stabbing this bill in the back

Mr. ELLIS (Kane). I don't know why the gentleman should accuse me of attempting to stab this bill in the back or that I am not sincere in my motion. Isn't it true that the present law excepts the canning industry?

Mr. KANE (Saline). That is based upon a reasonable condition. That is under the head of perishable goods and they must be canned in season or they are gone. I suppose you make these woolen goods out of cotton for winter as well as summer? (Laughter.) I do not question the sincerity of the gentleman from Kane (Mr. Ellis). I believe he offers his amendment in good faith, with the object of protecting the industry in his district and not with the object of killing the bill.

THE SPEAKER. Will Mr. Ellis withdraw his motion and have his vote direct?

Mr. ELLIS (Kane). Yes.

Mr. McCORMICK (Cook). Will the chair please state the question so that the House can thoroughly understand what they are voting on?

THE SPEAKER. The gentleman from St. Clair (LePage), moves to reconsider the vote by which the amendment offered by the gentleman from Kane (Ellis) was adopted. Those in favor of reconsidering will vote "aye," and those opposed will vote "no."

On this question the clerk will call the roll.

(Roll called.)

Mr. WILSON (Adams). (On roll call.) It is apparent to my mind that the sponsors of this bill do not expect to get their bill in shape so I can vote for it on third reading. I am satisfied that this amendment is unconstitutional, but I am willing that it should be put in shape so that I might be able to vote for it; I therefore vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 74, and the "nays" are 29, and the vote is reconsidered.

The question is now upon the adoption of the amendment.

Mr. McCORMICK (Cook). I move that the amendment offered by the gentleman from Kane (Ellis), be tabled.

Motion prevailed; amendment tabled.

Mr. McCORMICK (Cook). I move the adoption of the Committee Amendment as amended by the gentleman from Peoria (Scholes).

Mr. THOMASON (Clay). I have an amendment to the amendment.

AMENDMENT No. 3 TO AMENDMENT No. 1.

Amend Amendment No. 1 of House Bill No. 207, by striking out of lines 10 and 11 the words "provided that the nine hours work of any day shall be done within a period of twelve consecutive hours."

Mr. McCORMICK (Cook). The purpose of this amendment is to permit the employment of workers for nine hours without the limitation of the twelve, as fixed by the bill. Personally I would rather not have that in the bill, but speaking for those who have supported the bill, I make no objection to the incorporation of that amendment.

(Amendment to the amendment adopted.)

(Amendment as amended adopted.)

Mr. PURDUNN (Clark). I offer the following amendment, and move its adoption:

AMENDMENT No. 2.

Amend section 1 of House Bill No. 207, by adding after the word "employed" in line 15, the words, "as a domestic servant, or."

Mr. McCORMICK (Cook). I move that amendment lie on the table.

Mr. PURDUNN (Clark). This enactment is offered in all good faith, and is to protect the domestic servants who are on duty from eighty to

ninety hours a week. It is an amendment that should have your serious consideration, and I move its adoption.

Mr. BUTLER (Sangamon). I move the following as a substitute for the gentleman's (Mr. Purdunn's) amendment, and move its adoption:

Amend House Bill No. 207, section 1, line 15, by inserting in line 15 after the word "any" the following: "private residence as house wife or domestic."

Mr. BUTLER (Sangamon). I am offering this substitute in more good faith than anybody who has offered an amendment or the bill. If there is one person on the face of the globe, or at least in this country, who is entitled to legislation in her behalf, it is the housewife of Illinois. (Applause.) It is an old saying that a man's work is from sun to sun, but the housewife's is never done, and I want to say that from my observation, not only at home but in a number of homes and in a great number of homes, if there is anyone who is entitled to a let-up, to a vacation, to a stay in work, it is the housewife and the mother of the sons of Illinois. It seems to me, in the flood of sympathy that it is poured out by the sponsors of this bill, they have overlooked the main and the chief person who should be benefited thereby. I want to say that I have been trying to regulate the matter in my own home for a long time, and I think that when a job gets too big for one man he ought to turn it over to the State, and as I am absolutely unable to manage the proposition, I move the adoption of this substitute. And I call your attention, gentlemen, if I may be pardoned a moment, that when you vote this amendment down, you will have to have a reckoning at home.

Mr. KANE (Saline). I agree with the gentleman from Sangamon (Butler) as to the high tribute that has been paid the housewife, but we do know, so far as this bill is concerned, that is mere horse play. This bill provides that "those employees" shall not be employed beyond a certain number of hours. Now, if the gentleman recognizes his wife as a servant and a hired individual, a hired servant in his household, then it might apply to his household, but my wife does not stand on that footing. This bill provides that those employed so and so shall not be required to work any longer than a certain number of hours. The housewife is not employed at all. This is on a par with the other by-play going on to kill this bill without giving it a square show.

Mr. TURNBAUGH (Carroll). If this bill is a health measure—and it can not be taken for anything else, as it is claimed to be by those who are in favor of it—the other employees are entitled to as much protection on account of their health as those specially named in the bill.

Mr. KANE (Saline). You know that no housewife in the world is considered as an employee. The amendment is not germane to the bill at all, and I raise the point of order.

Mr. McCORMICK (Cook). What is the question?

THE SPEAKER. The question is up to the speaker whether a man hires his wife as a servant, and I will not answer it. Those in favor of the substitute will please rise.

(VOICES. Roll call.)

THE SPEAKER. There being five members demanding a roll call, the clerk will call the roll.

(Roll called.)

Mr. KANE (Saline). Such absurdly ridiculous propositions as this are beneath the dignity of this House. This is a mere joke, and every member knows it. It is not germane to this bill, and it is child's play and worse than a bunch of kids. I vote "no."

Mr. MADSEN (Cook) (On roll call). I suppose I ought not try to explain my vote, as I may say something that I will regret afterwards, but this seems to be a peculiar situation. When I was elected as a member of the General Assembly of the State of Illinois, I thought that this House was a dignified body, and I felt proud that I was elected as a member of this body. I thought in some respects I might be unworthy of the trust placed in me, and I never expected that this body would conduct itself in such a manner as it has done today. We ought to be ashamed of ourselves. We come here to enact laws for the people of this State, and we take one of the most im-

portant problems, a proposition that has been enacted into law in dozens of states in the United States, and a problem that is one of the most vital to this State and the motherhood of this State, and because of the fact that we are too cowardly to go on record on this proposition, we try to kill it in this manner. We ought not demand a roll call and take up the time of the House, but if it had not been demanded this amendment would have carried. It will not carry now because you don't dare to vote for it on a roll call. You make a joke out of this thing and degrade the State of Illinois before the country and in the eyes of the world. You are supposed to represent the State and you ought to be proud of it. You are unworthy of the trust the people of Illinois have placed upon you, and I hope it will not take very long before some of the women who are demanding legislation will have seats on the floor of the House and you then will not treat the women of the State of Illinois as a joke. I vote "no."

THE SPEAKER. On this question the "nays" are 81 and the "ayes" are 13 and the substitute is lost. The question now is on the adoption of the amendment offered by the gentleman from Clark (Purdunn).

Mr. McCORMICK (Cook). I move to table the amendment, and if the gentleman insists upon a vote I will ask for a roll call.

Mr. PURDUNN (Clark). This is a question in which the constitutionality is not raised. I have heard no gentleman on the floor of this House take up the question of the servant girl, the girl who works eighty or ninety hours a week, and many a girl is driven to factory work on account of the shorter hours. I am offering this in good faith and for them, and would like to have the House adopt this amendment.

Mr. McCORMICK (Cook). This bill was before the committee for some time and amendments were adopted by the committee, and although I was not present at all the hearings of the sub-committee, I assume it considered this bill from every aspect. I realize, with my friend Purdunn, that girls employed in domestic service too often are employed for inhuman hours, but, Mr. Speaker, this bill is offered to solve a problem which will afford a measure of relief. The gentleman knows that no bill including his amendment can pass this Assembly. The House has indulged itself in consideration of amendments which cannot be seriously considered if the bill is to live. This is not my bill. I only introduced it at the instance of these working girls, whose representatives are sitting in the galleries. If they were on the floor of this House they could speak better than I, or any other man here for their needs. There are about 150,000 girls in factories who will be affected by this legislation. Let us, Mr. Speaker, seriously consider this bill if it is to be amended and then send it to a third reading where we may candidly, and honestly vote our conviction, "aye" or "no," as to whether it should pass or not. I move to table the amendment of the gentleman and ask for a roll call.

(Rising vote taken; the amendment lies on the table.)

Mr. WEBER (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend section 1 of House Bill No. 207, as amended, by adding thereto the following: "*Provided further*, that said section 1, shall not apply to any mercantile establishment, laundry, hotel or restaurant employing less than 15 females."

Mr. WEBER (Cook). I offer this amendment in behalf of the small merchant who runs a little store in the outskirts of a city or the country town. There are many merchants who do not employ a great number of girls, but they do employ from four to five and six and a dozen, and their work is not as arduous, and as laborious as the females who are employed in factories. I realize that it is fair to regulate the hours of labor in the factory where they are employing a large number of girls, but I do believe that the bill is too drastic in some respects and one of them is that it should not affect the small merchant who employs two or three persons to assist him in his business.

I venture to say that in a large city like Chicago, if this bill becomes a law, instead of making it possible as the advocates of labor say to make

it necessary to employ more help you will drive out of work a great many people who are employed in small establishments who will be obliged to close up the shop for the reason that they cannot exist under the conditions. And so I am speaking for the small merchant; for the man who runs a little store, or the men who run a little laundry, or men who have small bakeries, and do not employ a great number of assistants. I think they ought to be protected, and they ought to be given the right to run such hours as they see fit. Now, if you are going to close up the little fellow who is out in the outskirts of town, you will simply drive the business into the department stores in the loop district in Chicago. You are simply creating a monopoly, giving the big stores of State Street a monopoly of the business, and preventing the little fellow from continuing his business. I don't think it is fair to the small business men who have a small business, and who is trying his best to make out a fair living.

Mr. McCORMICK (Cook). May I ask what is the limit fixed in that amendment?

THE SPEAKER. Fifteen.

Mr. McCORMICK (Cook). Suppose in a small town there were two stores, one employing fifteen and the other twenty girls, then what?

Mr. WEBER (Cook). I will agree that it ought to read twenty.

Mr. McCORMICK (Cook). No matter what the figure you fix, suppose there was a store employing five more girls, you would drive that store out of business?

Mr. WEBER (Cook). We don't drive them all out of business.

Mr. McCORMICK (Cook). I move that the amendment be tabled, and if the gentleman insists, I will ask for a roll call.

Mr. ROE (Fayette). I believe the gentleman from Cook has no conception of the business carried on down the State. I don't believe he has any consideration for the small merchant. Small department stores or similar institutions down the State are different. Now, down in the country, I can say that the girls in the department stores, in the laundries and small factories are probably on duty some days twelve to fifteen hours, and at the same time there is not half of that time that they are working, they are loafing and talking. There are days in the week that they may be on duty the same length of time mentioned in this bill. I might say though that they are not working, they may be sitting around in the store talking or writing letters, but while they are in the store, they are waiting for customers that may come in. I don't think the gentleman from Cook (McCormick) has a conception of the business carried on down-state on a small scale. He looks at it on a large scale as they carry it on in Chicago. I say it is a good amendment, absolutely, and think it ought to be adopted. It goes for some relief for the small man down-state, and he is entitled to it.

Mr. BRUCE (Cook). Will you vote for this bill, if this amendment is adopted?

Mr. ROE (Fayette). I will not promise that, but if this amendment is not adopted it will go a long ways toward my not voting for it.

Mr. McCORMICK (Cook). I move to lay the amendment on the table.

(Rising vote taken and amendment to table is lost.)

(Rising vote taken and amendment adopted.)

Mr. THOMASON (Clay). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 207 by striking out of lines 3 and 4 of section 2 the words "or during any ten consecutive hours."

Mr. McCORMICK (Cook). That is merely to make the provision in section two identical with the one in section one.

(Amendment adopted.)

Mr. PIPPUS (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 207 by striking out all of said bill after the enacting clause and inserting in lieu thereof the following:

"That no female shall be employed or permitted to work in any mechanical or mercantile establishment, factory, laundry, hotel, restaurant, telephone or telegraph establishment or office thereof or in any place of amusement, or by any express or transportation or public institution incorporated or unincorporated in this State for such period or periods of time during any day, night or week as shall be dangerous or prejudicial to the life, health, safety or welfare of such female.

"It shall be the duty of the Industrial Board, created by an Act approved June 28, 1913, in force July 1, 1913, and it shall have the power, jurisdiction and authority to investigate, ascertain, determine or fix such reasonable classification and issue general or special orders fixing a period or periods of time, or hours of beginning or ending work during any day, night or weeks, which shall, in the opinion of such board be necessary to protect the life, health, safety or welfare of any female, and in order to carry out the purpose of this Act, said board shall have power to conduct hearings, administer oaths and subpoena and compel attendance of witnesses: *Provided*, that no special order shall issue hereunder except upon notice and hearing had thereon.

"Any action or proceedings on suit to set aside, vacate or amend any such order of said board or to enjoin the enforcement thereof, shall be pursued in like manner as are the proceedings in sections 68 and 69 of an Act entitled, 'An Act to provide for the regulation of public utilities,' approved June 30, 1913, in force January 1, 1914.

"Until such time as the Industrial Board shall so investigate, ascertain, determine and fix and shall issue a general or special orders, that periods of time specified in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of females.

SCHEDULE.

"At day work more than ten hours per day or more than sixty hours in any one week.

"At night work more than eight hours in any one night or more than forty-eight hours in any one week.

"Day work if done between the hours of six o'clock a. m. and eight o'clock p. m. of the same day: *Provided*, that employment not more than one night in the week after eight o'clock p. m. shall not be considered night work.

"Night work is work done between eight o'clock p. m. and six o'clock a. m. of the following day.

"SEC. 2. Any employer who shall require or permit or suffer any female to work in any of the places mentioned in section 1 of this act more than the number of hours provided for in this act, during any day, night or week or more than the number of hours prescribed by the Industrial Board or who shall fail, neglect or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this Act as fixed by order of said board, shall be guilty of a misdemeanor and upon conviction thereof, be fined for each offense in the sum of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) and shall stand committed until such fine and cost be paid."

Mr. PIPPUS (Cook). This amendment to the bill I am offering after a thorough investigation as a member of the sub-committee appointed by the Industrial Committee of this House. We held conferences in the city of Chicago which were quite extensive and from those conferences it was quite evident that a law that could touch all equally in the nature of a blanket would undoubtedly be unjust to some on account of the shortage of the hours in which they were allowed to work and which were equally injurious to many others who were employed in occupations that were of such a nature that possibly eight hours was more sufficient. After that investigation this committee went to the city of Milwaukee, and there thoroughly investigated the law under which the state of Wisconsin is now operating. That law will allow of the regulation of these matters by a commission, and the law allows those who are occupied in vocations that are not injurious that are not hard and laborious, to work a longer number of hours. It will also empower this committee when occupations in which the conditions are

such that nine or ten hours would be injurious to the health of the worker to shorten those hours.

After a conference between different members of this committee we came to the conclusion that this would be the most equitable law that could be passed in the State of Illinois inasmuch as it was understood that this was a question of health only, and it must be so treated. I believe that this substitute amendment should be adopted by the House.

Mr. McCORMICK (Cook). The sub-committee which went to Wisconsin and investigated the unique method of limiting the hours of labor in that state did not report a recommendation in favor of adopting that method in Illinois. There are some thirty-five states which limit the hours of labor by statute. The testimony which I have been able to get from Wisconsin is contradictory. There are those, and I think persons without bias, who pronounce it admirable, there are other persons equally without bias who pronounce it damnable. In this State the commission upon which it is proposed to confer these vast powers under our Constitution would be removable at any time by the Governor, like any other commission in this State. This amendment proposes to permit such a removable commission to determine in every factory and every industry whether nine hours or eight and a half, or eight hours a day is the sum of hours which women may work without injury to their health. In an ideal government I dare to say that would be an ideal system, but under a government which we might very well have in Illinois such a commission might easily be the most powerful engine of oppression which could be created by this Assembly. Suppose that a governor wished to use such a commission to fry the fat for his campaign fund. They could say to a man that we will reduce a number of hours in your factory by four hours a week, unless forsooth, you should believe enough in this administration—I am not referring to the present administration, but to a hypothetical administration—to come across with \$5,000. I will tell you, gentlemen, that this would be the most dangerous encroachment upon the rights of the manufacturer that could be devised. If this scheme had any merit in Wisconsin why wasn't it recommended by the committee which unanimously reported the other amendment? If those of you who are seeking exceptions for and speaking for the manufacturers think that their interests would be adversely affected by this bill, just consider their lot under an autocratic and omnipotent commission that could lengthen or shorten their hours as proposed by this amendment.

Mr. TURNBAUGH (Carroll). Just a minute on this proposed amendment. We must consider this bill as a health measure as that is the only light in which we consider it if we are to take the words of those who appeared before the committee. I will agree with the gentleman from Cook (McCormick) that you get different opinions as to how it operates in Wisconsin. I think there is in this House today a letter from the labor member of the commission in Wisconsin that it has worked so admirably that neither the employee nor the employer would like to have it changed. Let us consider this amendment separate and apart from its operation anywhere else. It is a health measure. Girls employed in this State are employed in so many varying occupations that I contend it is impossible to pass any law which will reach down into the factory where it is dark and stuffy, and where there is no light, and where the air is foul, and where she is compelled to stand at a machine and work all day, and not do an injustice to the employer of girls in other occupations where there is plenty of light and plenty of air and an opportunity to sit down and rest. This amendment if adopted and the bill enacted into law will do this; it will not only give the Industrial Board an opportunity to regulate the hours in the different classes of work under the different conditions, but it will compel the employer to get his factory and his store, or wherever he has girls working in a sanitary condition. It will compel him to get light in there and get air in order that he may take advantage of this law and get the longer hours of labor.

The only real objection that seems to be offered by the gentleman from Cook (McCormick) to this amendment is that the industrial board may not be on the square. By that same token we could say that we should repeal the Public Utilities Law because the Public Utilities Commission might not

be on the square and they would use their great powers to force people to do thus and so. We could say that the bill which we asked to enact into law gives the factory inspector so much power in his hands that possibly he would not administer it in a proper way, or would not use the power given to him properly. This amendment is the only solution to this question. You will never solve it in any other way. You had this matter before you four years ago when you enacted a ten hour law. It was said at that time that ten hours was necessary to protect the welfare of the motherhood of this State. It was said ten hours was short enough. What happened between that session and the next session when it was said that eight hours was the proper number of hours, what were the changed conditions that called for the eight hour law? It was not passed however, and two years more went by and they came to us again for an eight hour law. What was the changed condition from four years ago that demanded an eight hour law? It is simply a question of asking for certain legislation. If they cannot get all they ask for, they will take what they can get and come back for some more. If you will adopt this amendment, it will settle this question.

Mr. MADSEN (Cook). I don't believe, judging from the temperament of this House, that it is in the frame of mind to adopt this amendment. I don't think we have reached the point where we are willing to put the power to legislate for the women of this State into a body of three men appointed by the Governor. This is exactly what it means. The gentleman referred to the factory inspector. He has no power either to lengthen or shorten the hours of labor. This board would have the power to lengthen or shorten hours in any industry in the State of Illinois. In some cases it might not work out so well for the manufacturers as some of you think it would. We went to Wisconsin to investigate the law up there when we came to the border line of the State of Illinois, in company with the attorney for the Manufacturers' Association of Illinois; we were no sooner across the line than we were delivered into the hands of the manufacturers' organization of the state of Wisconsin. Every one that testified before us was representing manufacturers of Wisconsin. Not one single laboring man or woman in the state of Wisconsin was heard before us. The gentleman states that a certain laboring man in Wisconsin has said that this law works so well that he is in favor of it. I don't know who he has reference to. I have in my hand an extract from a letter written by Mr. Weber, a member of the Wisconsin State Legislature. He says, "If I am again elected to the legislature, I will try to have a law passed that will take the power to lengthen or shorten the hours of labor from this commission."

On Saturday, May 1st, Mrs. Mary H. Dewey, a member of the State Board of Labor and Industries of Massachusetts, was in Chicago, and, being asked with regard to the wisdom of placing discretionary powers with any commission in regard to the hours of labor, she emphatically advised against it, and informed us that the Massachusetts commission, which has this power, went before the legislature this year and asked that this power be taken away.

I believe that this amendment offered by the gentleman from Cook (Bippus), ought to be laid on the table.

Mr. TURNBAUGH (Carroll). In view of the fact that those representing labor are not willing to accept what we think would be a good measure, to settle this question I think we might as well go to a vote, and I therefore move to strike out the enacting clause of this bill.

Mr. BIPPUS (Cook). I will say in answer to the gentleman from Cook (McCormick) that I was at the meetings of the sub-committee, and when he makes a statement that the bill was reported out unanimously he is correct technically, but I wish to say that that was done at the request of the gentleman, and at the time when I voted to report the bill out, I notified them that that was not to be taken as an indication that I was going to vote for it, or that I was in favor of the bill. I think we had better let the bill stand and take a final vote on it.

Mr. McCORMICK (Cook). I move to table the amendment offered by the gentleman from Cook (Bippus), and want a roll call.

Mr. TURNBAUGH (Carroll). Does not the motion to strike out the enacting clause take precedence by our rules over every other motion?

THE SPEAKER. Do you offer it as a substitute?

Mr. TURNBAUGH (Carroll). I offer it as a substitute for all pending motions.

THE SPEAKER. On that question the clerk will call the roll.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 27 and the "nays" are 84, and the House refused to strike out the enacting clause.

The question now is on the amendment offered by the gentleman from Cook (Bippus).

(Rising vote taken; amendment lost.)

Mr. McCORMICK (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 207, by inserting after section 6 another section to be known as section 7, as follows: "This Act shall not take effect until January 1, 1916," and also by renumbering section 7 as section 8.

(Amendment adopted.)

THE SPEAKER. Are there any further amendments to this bill? If not, the bill is ordered engrossed and to a third reading.

House Bill 105 on the order of third reading is a special order.

Mr. KESSINGER (Kane). Mr. Speaker, and Gentlemen of the House: I don't wish to take up much of your time in making any remarks about this bill because we had it up on Thursday evening of last week. I trust by this time that you have had time to spend among your constituents in speaking to the members of the Modern Woodmen, the Royal Arcanum, of the Royal League, of the Mystic Workers, or of the Court of Honor, and the various other fraternal societies licensed to do business in the State of Illinois, and that you have made up your minds that this is a bill that is against the interests of the common average rank and file member of every fraternal society. Today I am not going to question the motives or the sincerity, or the honesty of any man or men behind this measure, but I want to leave it to you as to what it means.

Section one says, "Be it enacted by the people of the State of Illinois, represented in the General Assembly: That any fraternal beneficiary society now licensed or that may hereafter be licensed to do business in this State shall have the power to give a member, when permanently disabled or upon attaining the age of seventy years, such portion of the face value of his certificate as the society may provide and may also provide for the payment of the certificates in installments: Provided, any society which shall show by annual valuation that it is accumulating and maintaining reserves not lower than the usual tabular reserves required for similar contracts on the basis of the American Experience Table." That is what the present law does not establish as a part of the fraternal law in the State of Illinois. Common sense will teach us that if this becomes a law in our State these societies doing those things without the American Experience tables will have to go on that table or they cannot continue to grant those privileges.

The New York Conference Bill is just another name for the Mobile Law. The name got so rotten that they had to get another name for it. They went down in Mobile, Alabama, and concocted that bill. New York has been known as the Old Line State, and Illinois has been known as the Fraternal State. In Illinois today there are more home offices of fraternal societies than in all the other states of the Union combined, and when they break the backbone of fraternalism in Illinois, they destroy it in the entire country. Fraternalists have always been against any set rate being established by law. If this law is enacted its sponsors say the only thing they want it for is further privileges. This law would let fraternal societies just do one thing, and that is to go into the old line insurance business. There was an amendment in the committee and I think it was the amendment of April 13, which says, insert in line 15 of the printed bill the following

words, "which in no case shall include cash values." That must not have been satisfactory to someone, and on April 21, they have another amendment which says insert, "shall in no case include loan values except for the purpose of paying premiums and assessments."

If this law will not let fraternal societies do anything except what they are doing now, what is the use of it? I claim, gentlemen of the House, that there is nothing new in it except the American experience table. I want to read you what the gentleman from Cook (Smejkal) said last week, as published in the House debates. This is what he says:

The contention that the passage of this bill would transform fraternal benefit societies into legal reserve life insurance companies, does not seem to have much weight. A fraternal benefit society is a fraternal benefit society because it is:

First—Not for profit.

That is exactly what he says, and he is right. A fraternal society is not organized for profit. It has no stock holders. It pays no dividends. To show you the profit that there is in old line insurance where they have this high rate provided for fraternal in this bill I call your attention to the fact that the Illinois Life Insurance Company, one of our younger and smaller old line companies started a little over ten years ago. It sold its capital stock at one hundred dollars a share. Today that stock is listed in this book I hold in my hand at eighteen hundred and fifty-four dollars a share. In less than ten years the capital stock has increased in value almost nineteen times. And this company operates on old line rates that this bill would foist upon the fraternal societies of this State which are organized as the gentleman from Cook admits, "not for profit." If a fraternal society does not need any profits, and it does not because it has no stock holders, if the highest paid fraternal officers are paid less than the lowest paid old line officials, then it is evident that fraternal societies organized and operated not for profit, do not need as high a rate as the rate charged by old line companies.

The gentleman from Cook says that this bill would not force a higher rate upon the members of a society, but there is no referendum in the bill. Mr. Butler (Sangamon) offered a clause for a referendum, but upon the request of the gentleman who introduced this bill the amendment was defeated and laid upon the table. Senator Smith sent an amendment to this bill, and that amendment was rejected. Senator Smith and Senator Clerry, Mr. T. E. Ryan of St. Charles, and other Woodman leaders, know that this bill, if enacted into law, will let societies create new classes of business that will leave the old members in a class where the reserve fund will eventually fade away.

If you have a department store, and you have a hat department and a shoe department, and your business becomes bankrupt, the entire store is closed. The shoe department can not be considered solvent and remain open and the hat department insolvent and remain closed. It is the same with fraternal societies. When a fraternal society fails to pay its death claims the State steps in, appoints a receiver and winds up the business. But if this bill is passed providing for new classes and separated funds, one fund of the society could be solvent and another fund insolvent. A member could knock at one door of his fraternal home and go away penniless. Another member could knock at another door and receive a hundred cents on the dollar. This bill would cause confusion and injustice and intricate legal questions to be thrashed out to the detriment of the entire fraternal system.

One gentleman said there was no reason why fraternal societies should not go into old line business and write old line policies because they have the machinery with which to do it. What machinery has a fraternal society? It has members and a reserve fund that belongs to its members. It has head officers elected by those members, and responsible to those members just as you men are elected by your people and are responsible to the people of your district and your State. I know of some societies that have become old line companies. Some societies have stolen the funds of their members, and have transferred the funds that belong to the members into capital stock in an old line company belonging to themselves. The reserve fund

of a fraternal society, the field force and all the machinery of its organization and operation belongs to the members. If you spend all the years of your life to build a home for your old age you would not expect to be kicked out of it when you grow old and weak. It is the same with the members who join these societies, who pay their dues for years and then when they are old and cannot get insurance in any other place, certain head officers or members of the legislature try to pass a law that will force them out of their fraternal home to the upbuilding of which they have contributed most of the years of their life. I claim, gentlemen, that this is not right. It is unfair, and if we pass any law we ought to pass a law which will keep societies from amalgamating and which will prevent officers from selling them out or transferring them into old line companies.

I will admit, and all of us know, that there are societies, many of them, which will have to raise their rates because when they started they were organized to operate on a rate that is too low. Then it costs more to do every kind of business today than it did when most of these societies were started. But this is a question to be settled by the societies themselves. If the head officers of the society see, from the experience of their own society, that they are not collecting enough money they should have the courage and the foresight to go to their members and tell them the facts. Then let the members, in convention assembled, through their chosen representatives, run their own affairs, fix their own rates and determine their own destiny.

But, if head officers want to hide behind some legislative action, if they want to go out and say to their members, "We did not want to raise your rates, but the legislature made us," then I claim it would be a mistake for us, as representatives, to take into our hands the business that belongs in the hands of the members and the officers of each society. We should not let any head officer use us as a cloak to shield them in any action that they have not the courage or the ability to take themselves. It is their duty, it is the business of the members of each society to run that society. It is not our duty to interfere with them or to place any restriction upon them that would be unjust or unfair. And certainly we should vote against this bill which is fundamentally unfraternal, which is unfair to the older members and which would be a detriment to every real fraternal society in the State of Illinois.

Mr. DONAHUE (McLean). This bill effects every fraternal insurance company doing business in the State of Illinois. Those societies as they have existed in the past were based on the merit plan. This bill if it becomes a law, all fraternal insurance societies that adopt this act will be run on the old line insurance plan. This bill forces the creation of different classes within the same fraternal society writing the same policy for each of these classes and they may have a vastly different policy within the society. Each one of those classes must maintain itself within that class, and the effect of this bill will be to force out all the old members in any of these fraternal societies that are in there today, and start writing new insurance for the members that might come in and the effect of that is the killing off of that branch of the society. No fraternal society has been able to live unless new blood came into that society and if you adopt this act it will have the contrary effect. They may say this law will not go into effect without being approved by the different societies. Who controls the organizations of the different societies? The head officers. They can say who will be seated as delegates and the delegates have nothing to say about it. We had an example of that last year. In the states of Illinois, Nebraska, Iowa and Minnesota, the states that control the Modern Woodmen organization. Here in the State of Illinois they have about three hundred State delegates, about twenty-five members bolted the convention. The result was that they threw out the delegates elected by nine-tenths of the members of Illinois, and seated the delegates elected by one-tenth of the membership. You cannot trust the head officers of these societies, it is a machine, and a well organized machine, and they have their by-laws so fixed that the rank and file cannot get their just dues at any convention. This is a dangerous and vicious bill.

Mr. SMEJKAL (Cook). As I stated the other day House Bill 105, in

a way affects the present arrangement of the present fraternal insurance companies, and when the young man from Kane makes the statement that it will increase the rates, he either does so maliciously or through ignorance. It is like having one household, and you put an addition onto it. This provides simply for additional forms of insurance and these additional forms of insurance are provided for by the American Experience table and it will provide for cheaper insurance on these additional forms. The societies are not organized for profit, and when the young man says that the old line companies make \$850 a share I fail to see why the members of fraternal beneficiary societies should not get the benefit of that kind of insurance and get it that much cheaper.

This bill is an enabling Act. It does not compel any society to issue these additional forms of insurance. The object of writing these additional forms of insurance and before adopting them the supreme body must adopt the constitution, law, or resolution providing for these additional forms of insurance and, therefore, I say that it is an indirect referendum of the proposition whether or not they will write these additional forms of insurance. They don't have to use it. There are sixty or seventy other societies in Illinois that desire to write these different forms of insurance and are doing it now.

This is a good bill and should pass for the benefit of the members of fraternal societies. If the conditions are as bad as the gentleman from McLean says, we should make every effort to better them, but I don't believe they are. We are making progress, and we are not going to build up our own society and say we are just going to write this kind of insurance and stop there. Fraternal societies should be given the opportunity to write the other form at lower rates for that class of insurance. It is a good bill. It is a law in thirty different states of the Union, and I don't see why it should not be done in Illinois.

Mr. SCANLAN (LaSalle). I have not heard anything along the lines that the gentleman from Kane spoke of in opposition to this bill among fraternalists. I belong to most of the fraternal societies that he mentioned, and I have not heard a word in opposition to this bill. I met one of the men who led the insurgent movement in my county, and he didn't say anything against the bill or in opposition to it, and I don't think there is any danger in the bill. I think it is a good bill and I think it ought to pass. I don't see any reason why fraternal insurance organizations should not be permitted to write in Illinois the same kind of insurance they write in other states.

(Roll called.)

Mr. BASEL (Fulton). (On roll call.) I am sure there is a joker in this bill. I don't believe that it is right where the members in the fraternal organizations that have worked and toiled, and especially the poor man, for the last twenty-five or thirty years, that has kept up his insurance in the fraternal organizations, and today by a law drag in the old line life insurance companies, coming in and passing a little joker and letting the head officials that are drawing large salaries in these fraternal orders conducted for the benefit of the old line companies and say we will give the young members in here a cheaper insurance. The object is to put the old members out and put the thing in the control of the old line company, and I am the last man that will vote to put the widows and the orphans of the poor man that toils all day and day by day for his daily bread out of the shelter and turn his children out into the cold streets. I vote "no."

(Roll call continued.)

Mr. BRUCE (Cook). (On roll call.) I would like to say just a word in explanation of my vote. I am at present holding the position as State Superintendent of the Insurance Department of the Knights of Pythias in this State. Our organization is opposed to this bill because of the two words that are contained in the title of the bill. I asked, as a member of the Committee on Insurance, that the bill be amended by striking out the words "withdrawal equities" as appear in the title and in the bill. We fear that if this bill is enacted into law that under its provisions classes of policies may be issued to members of the various fraternal societies under the terms of which the members holding such policies might be

given the option of a cash surrender value or of a loan value. I can not see under the provisions of this bill how you could stop any fraternal insurance company from issuing such a policy, and as soon as such a fraternal insurance society issues such a policy it ceases to be any longer a fraternal insurance society. The policy ceases to be a fraternal policy and at that moment becomes a commercial policy. If these two words were stricken out of the title of the bill and all reference to them out of the bill, the order which I represent in this State would have no objection to this bill being enacted into law, but on that account I vote "no."

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) May I have a short time to explain my vote? The other day on the floor of this House when this matter came up I was not sufficiently advised so I could vote intelligently upon this bill. In the interval I have tried to acquaint myself with the facts as thoroughly as I could, and I think I know something about this proposition. It seems from what I can learn that this bill would permit the Head Camp of the Modern Woodmen, which is very strong in my district, to establish a reserve fund without a referendum or a vote of its membership. If that would be the effect of it I must necessarily be against it on account of the great interest in my locality.

Mr. SMEJKAL (Cook). I desire to challenge that statement now and for all time. It does not do anything of the kind. It provides for the passage of the law by the supreme body. If you make any such inference as that you do it for the same reason that the gentleman from Kane (Kessinger) did, either maliciously or through ignorance.

Mr. GRAHAM (Mercer). I dare say that my information on that point is as good as the gentleman from Cook (Smejkal). Delegates are elected to the State Camp, and from the State Camp to the Head Camp, and the membership has no voice as to what the policy shall be. It is provided in the by-laws and the rules and regulations of the society. The Head Camp can enact any resolutions and rules and regulations of that kind that the membership have nothing at all to do with. An amendment has been refused by this House and by those who are sponsors for this bill, and therefore I vote "no."

(Roll call continued.)

Mr. SMEJKAL (Cook). I move further consideration of this bill be postponed pending roll call.

Mr. KESSINGER (Kane.) I move to lay that motion on the table.

(Motion to lay on the table is lost.)

(Motion for further consideration to postpone prevailed.)

THE SPEAKER. House Bill 575 is on the order of third reading.

Mr. TICE (Menard). This is the bill on roads and bridges. If there are any questions anybody wishes to ask I would be very glad to answer them.

(No debate.)

THE SPEAKER. On this question the "ayes" are 114 and the "nays" 5 and the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. PIERSON (Cook). I desire to call up Senate Bill No. 135 on the order of second reading. This is the Teachers' Pension Bill.

Mr. HUBBARD (Greene). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend Senate Bill No. 135, by striking out all of section 14, and inserting in lieu thereof the following:

SEC. 14. Any person becoming a teacher in the public schools of this State coming under the provisions of this Act, after this Act takes effect may become a contributor and beneficiary of this Act by complying with the terms thereof and by giving the notice as required in section 15.

Mr. HUBBARD (Greene). This amendment changes the law so that it becomes optional with the teacher whether he takes advantage of this pension law or not. This bill makes it compulsory for every teacher under

the provisions after this bill becomes a law, whether he or she wishes to avail themselves of this pension or not. I want to call your attention to the workings of that part of this bill. I want to say to you gentlemen that I am speaking here today in the interests of more than three-quarters of the teachers of the State of Illinois who don't want this bill passed in its present form. I want to speak in behalf of the teachers who wade through mud and snow to get to the country schools and who will never receive any benefit from this bill if it should be enacted into a law. You are going to compel these teachers, whether they want to become a part of this enactment or not, or whether they want to avail themselves of that privilege, to take from them a portion of their meager salaries and create a pension fund for those who are now receiving from three to five times the salary that these teachers are receiving. This bill as it stands is one of the most injurious measures ever introduced in this House. It is going to compel teachers who are receiving low salaries to create a pension fund for those who are receiving a great big salary. It is injurious and unfair to enact a law that will say to those teachers you have got to go into this pension fund.

Mr. PIERSON (Cook). This amendment is contrary to the wishes of the teachers of Illinois as represented by their representatives before this body, and I move to lay the amendment on the table. This amendment destroys this bill and prevents the accumulation of a pension fund adequate for that purpose. I move that the amendment lie on the table.

Mr. BROWNE (LaSalle). I think the gentleman from Cook (Pierson) summed up in the last sentence just what this amendment does. It destroys the bill and if you want to destroy it you might as well move to strike out the enacting clause as to favor the amendment. The gentleman insists that there are three-quarters of the teachers of Illinois who don't want it and he offers this amendment as an avenue of escape for this three-fourths. If that is true the amendment ought to be to strike out the enacting clause. That is not true from my understanding. I have letters and communications from practically every teacher in my county. If there is any class of people on God's green earth that are entitled to their pensions, outside of the men who go to war and lay down their lives in the defense of their country, or the firemen who jeopardize their lives every day in the week—if there is any class on earth that is entitled to a pension outside of those it is the people who put their souls, their minds, their bodies and their hearts into the educating of this country. (Applause.)

It is the hardest job that any man or woman ever had to contend with. It is a nerve racking job, and it don't take many years to destroy all that is in the body or mind so that this fresh and vigorous heart loses its resilience and is worn out and youth is gone. If there ever was an honest bill that came in here I believe this is that bill. Those teachers out in the country are the recruits. All of those are the younger teachers, men and girls that are starting there and they go up the ladder until they reach these positions you have talked about where the higher salaries are paid. This amendment ought to be killed, or the bill ought to be killed.

Mr. HUBBARD (Greene). I don't care to enter into a lengthy discussion of this bill until it reaches third reading. I can answer the arguments made by the gentleman from LaSalle (Browne) and I will make this statement in reply to him. He says this is a dangerous bill, and it came from the teachers of the State of Illinois. I, myself, taught school four years and was county superintendent of schools four years and I know something of the duties and responsibilities resting upon the teachers. There is no one in this House that has a more kindly feeling for the teachers of this State than I have. I am standing as a representative of the 38th District, believing that I represent the great mass of the people of the State in opposing this bill in its present form. I wish to say that in this Illinois Teacher's Association it don't come from the lower grades, but they are made up of principals of high schools and county superintendents, and it does not come from those receiving the smaller salaries. The gentleman from LaSalle (Browne) says that all the teachers asking to create a pension for themselves, and they will sustain it. You know that bill does not do that. The State of Illinois will have to sustain that fund, as the State of Illinois is

permitted by that bill to make that teacher's fund sustaining, and the one-tenth of a mill is only the beginning of a fund that will have to be created after that. This does not kill this bill at all. The State of Illinois is back of the bill. If the annuity created is not sufficient, the State of Illinois is committed to make good the amount that will meet the requirements under this bill. If the teacher does not want to create a pension for himself, why compel him to contribute to a fund whether they want to go into it or not. This amendment should be adopted.

THE SPEAKER. The question is on the motion of the gentleman from Cook (Pierson) to lay the amendment offered by the gentleman from Greene (Hubbard) on the table.

(The motion prevailed; amendment tabled.)

Mr. HUBBARD (Greene). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

SEC. 14. Any person becoming a teacher in the public schools of this State coming under the provision of this Act, after this Act takes effect may become a contributor and beneficiary of this Act by complying with the terms thereof and by giving the notice as required in section 15.

Mr. HUBBARD (Greene). Under the bill as it is drawn the teacher teaches twenty-five years and reaches the age of fifty years and she may retire and have leave to receive a pension of \$400 per year. It appeared to me that that it is not a just bill. If this bill had been in effect when I began teaching school, and I had continued teaching until the present time, I could have retired from the teaching profession, and could have lived anywhere I saw fit to live, and I could have gone into any occupation I saw fit to engage in, and for the rest of my natural life received \$400 a year. If I lived twenty years, I would draw from this pension fund the sum of \$8,000. I appeal to you in all seriousness and earnestness. Do you think that in that length of time where I perhaps had been engaged in other work and lived in other cities that I have earned the \$8,000? I am a very healthy looking sample for a pensioner, and would be ashamed to look the tax-payers of the State of Illinois in the face, and say look at your chosen, select pensioner. I would blush to think that I was a load on their shoulders to such an extent as that. I don't see anything wrong with the amendment. You say the teachers want this. The teachers say that is what they want and they come down here and get after us. You say, Lord bless you, you can have it. They first had a bill where they could retire at forty-three, and get \$400 the rest of their natural lives. They finally amended it, and accepted the age of fifty. This amendment should be adopted.

Mr. LIPSCHULCH (Cook). Mr. Speaker and gentlemen of the House. This is one of the bills that I awaited with anticipation and pleasure. I am only sorry I dare not substitute another bill for this, making it possible for any teacher, woman or even man, to retire after twenty years of arduous service, instead of making them wait until they are 50 years of age, or in other words, after they have served on an average of thirty-two years—because most girls begin teaching when 18. It strikes me as being very strange for the gentleman from Greene not to wish to give the same privileges, the same recognition and at least extend the same hand of sympathy to the girl who is willing to forsake her rosiest dreams and her balmiest days to help train for future citizenship and honorable and wholesome and useful living the next man's boy and girl that you would to the strong and manly policeman. Gentlemen, we are willing to retire the policeman on half pay at an age when his manhood has reached its maximum, but deny the same recognition to her who after thirty-two years has worn out soul and body on the altar of humanity. Shame, shame to the person who would not adopt himself to the next man's pain.

The gentleman from Greene persists in pointing himself out as an example. It is possible that he is trying to establish himself as the standard by which everybody is to be measured. Heaven forbid; it would be a sorry world. The gentleman from Greene seems to have forgotten that nearly all of the session he associated and seriously fought for an unjust—unjust because it was an overcharged and overloaded appropriation on behalf

of the cows, swine and chickens—he did not then demur, he wanted more—more—he was hungry—he had a ravenous appetite then. It occurs to me the gentleman from Greene probably overfed on appropriations and now cannot understand the next person's appetite. However, be that as it may, I want to say that nothing is so cheaply bought as education, no matter what price you pay for it. Look at the crocodile tears the gentleman is shedding—he fairly screams, "The State will have to make up the deficiency, the State will have to sustain that fund." Allow me, therefore, to wipe your tears and rock you to peaceful rest by telling you that the grand State of Illinois is very wealthy and is not asking for your false jingo prophecy, nor does it appreciate heart broken fatherly admonition. Stand up like men, my friends. Be honest, give the girl who is willing to sacrifice unstinting and reserved manly protection.

(Prolonged applause.)

Mr. PIERSON (Cook). I move to lay the amendment on the table.

(Rising vote taken; amendment tabled.)

Mr. WEBER (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 4.

Amend Senate Bill No. 135, in the House, by striking out all of section 23, and renumbering succeeding sections.

Mr. WEBER (Cook). I believe that the teachers of this State should be given the privilege of creating a pension fund. I believe that the bill is all right in every respect, except insofar as it requires a contribution from the State to the pension fund. In this House we passed a joint resolution creating a Pension Investigating Committee whose duties it shall be to investigate the financial arrangement of a sound pension fund. I believe it is our duty not to fasten upon this State any obligations until we have heard from that committee at the next General Assembly, and have a detailed statement as to the financial arrangement necessary to maintain this fund on a sound financial basis.

Mr. PIERSON (Cook). I move to lay this amendment on the table.

(Rising vote taken, motion prevailed; amendment tabled.)

Mr. PURDUNN (Clark). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend Senate Bill No. 135, by adding in line 12, section 6, the words "and shall receive a salary, not to exceed the sum of \$2,500.00 per annum."

Mr. PURDUNN (Clark). I offer this amendment to control the expenses of collecting the teacher's pension in order to keep the expenses of collecting the money at the lowest possible amount.

Mr. BROWNE (LaSalle). I move to lay that amendment on the table. It does not mean anything because the provisions of this Act leave the management in the proper place to fix the salary, and nobody has the right to assume there will be an attempt to fix salaries at more than is right or just.

(Rising vote on motion to table; amendment tabled.)

Mr. BASEL (Fulton). I offer the following amendment and move its adoption:

AMENDMENT No. 6.

Amend Senate Bill No. 135, as printed, by striking out the word "and" in line 5, section 34, page 13 of said bill, and all of lines 6, 7, 8, and 9.

Mr. WILSON (Cook). I move to lay it on the table.

Mr. BASEL (Fulton). I don't know how I can go back to my people and explain to them what reason I had for voting for a bill that would put a county officer on a pension list. Our county superintendent has been drawing a salary of \$2,250 a year; he has served four years, and will serve four more. I believe that the teacher that has spent his life for the service of the schools till old age has overtaken him should be provided for, and that I am ready and willing to do, but if the county superin-

tendents of this State are to be put on a pension roll, I am against it. I would support this bill, but I cannot support a bill that asks our taxpayers to place our county officers on the pension roll.

(Motion to table amendment prevailed.)

THE SPEAKER. Are there any further amendments to this bill? If not the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 885 on the order of second reading. There has been a great deal of pressure brought to have this bill passed. It is a second appropriation bill for the foot and mouth disease.

Mr. MITCHELL (Cook). There are several committee meetings and I think we ought to adjourn. We have been here all day, and I think ought to adjourn. If you don't you will kill these committee meetings.

Mr. SMEJKAL (Cook). This is a bill on the foot and mouth disease, No. 2, providing for the burial expenses, damage to property, assistant veterinarian's expense, and disinfectant expense.

(Roll called.)

Mr. MITCHELL (Cook). I challenge the correctness of that roll.

THE SPEAKER. The gentleman challenges the roll call. We will have a verification of the roll call.

Mr. MITCHELL (Cook). I want it.

(Roll call verified.)

Mr. MITCHELL (Cook). I want to say that Mr. Epstein wasn't here, and didn't record this vote. I want the roll call corrected, and the speaker ruled unjustly that way last week.

THE SPEAKER. The doorkeeper will gather in the members as we have not yet adjourned.

Mr. MITCHELL (Cook). He was not in his seat and he didn't vote.

Mr. PERKINS (Logan). He came down here and voted and I heard him.

Mr. MITCHELL (Cook). He may have voted, but he didn't vote in his seat.

THE SPEAKER. Is Mr. Epstein in the room?

Mr. BROWNE (LaSalle). Yes, sir. He was in the room and voted; I heard him.

Mr. KASSERMAN (Jasper). I didn't vote on the bill; I answered present when my name was called.

Mr. MITCHELL (Cook). I desire to vote "aye."

THE SPEAKER. Is there any name on this roll call that is counted; if so the name will be stricken off if the man is not in the room.

Mr. MITCHELL (Cook). In mentioning the vote of Mr. Epstein, he may have voted, and if he did he wasn't in his seat. I am laying down the rule that the speaker laid down last week unjustly.

THE SPEAKER. On this question the "yeas" are 102, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Motion prevailed; and the House adjourned until 10:00 o'clock Wednesday, May 12, 1915.

WEDNESDAY, MAY 12, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

Journal of previous day being read. Upon motion of Mr. Curren (Pulaski), further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions and reports from standing committees.

Whereupon, the Committee on Education reported back House Bill 611 with the recommendation that it do not pass.

Mr. HUBBARD (Greene). I move that this House do not concur in the report of the Committee on Education and that House Bill 611 be placed on the calendar.

Mr. BURRESS (Champaign). I move that motion of the gentleman from Greene (Hubbard) lie on the table.

Mr. HUBBARD (Greene). I desire to make a statement in reference to this bill. I don't oppose this bill with the idea of doing any harm to the Illinois State University. The Legislature of 1911 passed an act requiring a one mill tax to be levied each year to be used for the State University of Illinois. The money so raised by this tax if not appropriated by the Legislature remains in the treasury and can not be used for any other purpose. This one mill tax now in the time between the two sessions amounts to something over \$4,900,000. I hold that this law is purely class legislation and it is just as reasonable for the county of Sangamon to ask that a certain amount of money be levied for the use of the county whether it is in debt or not as it is for the tax to be levied for the University whether it is in debt or not. I think that the institution should be placed on the same footing with all other State institutions, the State Normal School and have it left for the Legislature to say how much shall be appropriated and how much shall be levied upon the people of the State to support that University.

I doubt if very many in this House know just what that one mill tax raises in this State. I will call the attention of the gentlemen from Cook County and show you what you in Cook County pay every year to the support of the State University. In 1913, Cook County alone on the one mill tax paid \$919,872, and yet this year you have cut the salaries of your own teachers seven and a half per cent in order to conduct the schools in Chicago and yet you are paying nearly one million dollars each year toward the University. Now, perhaps the University needs that amount. If it does this Legislature can appropriate that amount. If not, then why levy that amount? Why not pass a tax levy bill for the city of Chicago and say Chicago shall have a certain amount levied to run that city whether it is needed or not and leave it to the city council to appropriate that money. The money lies in the treasury and can not be used. It is purely class legislation, and it will only be a short time when this one mill tax will raise six million dollars as our assessments are increasing. The State University will ask for every dollar of it. This year they are asking for over five million dollars in addition. They are asking for every dollar taken in of student fees, laboratory fees, income from the farms, and so forth. It holds up to the University the means of extravagance.

Dean Davenport said, "I suppose it is not a question as to the amount you are going to appropriate, but you want to know now what we are going to do with it." That is the way they look at it. I am not striking at the University. It is a great institution and doing a splendid work, but let us repeal this law and let it stand on the same footing as other universities. I

believe that when an institution gets so big and so great that it becomes afraid of its creator it is time to begin watching it and watching it closely. This institution seems to be afraid of this body. This body created that University. You come down here and say, you might as well appropriate that as it has been taken from the tax payers. It will not hurt the University to repeal this one-mill tax. You cannot say I am opposed to the University.

I stood on the floor of this House two years ago and voted for the taking over the P. & S. College in Chicago as a part of the University. I am not making any fight on it, but making an appeal that you should not levy a tax that is not needed. Leave it where it was until 1911. If it don't need the one-mill tax let us repeal this law and let it stand where the other universities stand. If we don't appropriate the one-mill tax it lies in the treasury. Mr. Merritt tells me there is over a million dollars in the treasury that has not been used. I would like to have this advanced to third reading and let us have the sentiment of the House on this bill.

Mr. BURRET (Champaign). I believe the gentleman is sincere in his effort this morning. There are a number of people who do not understand the one-mill tax. For a number of years the University had been conducted on such appropriations as the House and Senate saw fit to give it and after the one-mill tax was put into effect, the advancement of the University became so apparent that to those who have kept in touch with it, will see the advantage of having a fixed rate which the University will know it can spend in the matter of expansion and growth.

We don't realize what the University means to the State. One statement was made as to what Chicago paid. Originally when this land grant was given to the University it was primarily an agricultural college. We have arrived at the position where the agricultural interests are not the largest interests of the State. The manufacturing interests of this State, taken altogether, are four times the aggregate of the agricultural and horticultural interests, consequently the city of Chicago and the large manufacturing centers are interested in education along the lines of commerce, mechanical engineering, railroad engineering, etc. Something has been said about the expenditures of this University in regard to the Armory which is the largest Armory in the United States, and which the government inspector said housed more students than any armory in the country as calculated by cubic feet on the number of students in attendance. The young men in that University are officers and they could go out into the State or the United States, if we needed them, and raise a regiment, if we needed that.

Mr. HUBBARD (Greene). I think the gentleman is not speaking to the point. I am not claiming that you should not build that armory; I am not claiming you should not build anything.

Mr. BURRET (Champaign). I am showing what has been done on the one-mill tax in regard to the matter of the mill tax and part of it is expended to build a chemical laboratory and experiment station and extending the work along that line. As soon as the University knows that it can depend upon the one-mill tax, it can extend its operation, and I am safe in saying that it now has the largest chemical laboratory in the world. That means no longer that you will have to rely on foreign countries as has been done in the last century in the manufacture of our raw material, and supply the dye-stuffs and have the goods shipped back to this country manufactured. They are training the students to do this—those things that have been done in the old country for a half a century.

We have been maintaining a Department of Highway Engineers and it has been increasing on the ground that the mill tax would be a matter of permanency. The claim has been made that we educate foreign students. We do, and they pay their tuition. When these foreign students go back into their native land, they go there as the advocates of your steel and your locomotives and all of the commodities that are produced in the American market, and you as a nation become a contestant in the foreign land, and in that way we are helping to build up for the United States an international commerce as a result of the education given to the boys and girls. The Legislature has the right to retain such part in the treasury as is necessary to be appropriated.

Mr. HUBBARD (Greene). What becomes of it?

Mr. BURRET (Champaign). It remains in the treasury.

Mr. HUBBARD (Greene). Why not leave it with the tax payers?

Mr. BURRET (Champaign). There is no expenditure that has not been accounted for in such a way as not to be a benefit to the people of Illinois.

Mr. HUBBARD (Greene). I understand all those things and I am not making a fight against the University.

Mr. BURRET (Champaign). If there has been any evidence produced or any claim made by the gentleman that one dollar of the mill tax has been expended unnecessarily then I might agree with him in his motion.

Mr. O'ROURKE (Cook). We understand there is \$1,800,000 lying idle to the credit of the University in the treasury of the State, which should be in the tax payers' pockets or somewhere else, and not lying in the bankers' vaults down there, loaned out at five per cent interest.

Mr. BURRET (Champaign). The gentleman is mis-informed. That money was to be left in the office of the State Treasurer and was taken out of the hands of the local banks, and when it was placed back there by the State Treasurer, I have no knowledge of it.

Mr. IGOE (Cook). Is that amount downstairs now?

Mr. BURRET (Champaign). There is some part that is not expended. For fifty years we have been building up a university whose campus has already become congested with buildings and there is not a part of a building which is not being utilized in some way by the work of the University.

Mr. PERDUNN (Clark). What did they pay for the land purchased last year?

Mr. BURRET (Champaign). I think it was somewhere near \$240,000.

Mr. PERDUNN (Clark). How much per acre?

Mr. BURRET (Champaign). A great deal of it was within the city limits, and it cost nearly \$1,000 an acre.

(Rising vote taken on the motion to table, and motion to table prevailed.)

THE SPEAKER. The special order of the day will be the pension bills.

Mr. BOYER (Cook). I desire to call up House Bill 320 on the order of third reading.

This bill affects the city of Chicago only. It differs very little from the present pension bill in force only as to the method of obtaining the money from the fund and not as to the amount of money obtained. The major portion of the money for the police pension fund comes from the license money of the city of Chicago. At the present time there is 75 per cent of the dog license and 25 per cent of the pawn-brokers' license and 4 per cent of the saloon license, together with other ways of making up small amounts of money, and they are all placed in this fund. Under the present law the police pay 1½ per cent of their salaries into this fund. Under this bill they will pay 2 per cent into the fund, which increases it that much.

Mr. McCORMICK (Cook). Perhaps the gentleman has already explained, but I would like to ask him this question: What takes the place of the sum secured from licenses and fines? What other public revenues are appropriated to supplement the sum paid in by the policemen?

Mr. BOYER (Cook). Under the old law——

Mr. McCORMICK (Cook). I understand that, but in this bill.

Mr. BOYER (Cook). They would be entitled to the sale of unredeemed and stolen property.

Mr. McCORMICK (Cook). What under the present law?

Mr. BOYER (Cook). Fines at the police department, fines of policemen for violations of the rules of the department and practically everything which goes to this fund except the license money that is hereafter given to this fund.

Mr. McCORMICK (Cook). What section of the bill covers that?

Mr. BOYER (Cook). Page 8, and in line 25, is where that appears.

Mr. McCORMICK (Cook). In addition to the 2 per cent, the sum appropriated and the fines or deductions from the salaries of policemen is appropriated from the taxes.

Mr. BOYER (Cook). On page 10, line 8, is the rest of it.

Mr. McCORMICK (Cook). How much will come from the taxes to supplement the sum derived from the casual sources?

Mr. BOYER (Cook). I can only answer you in this way: I can give you the money that was paid into the fund in 1914.

Mr. McCORMICK (Cook). Does the law fix a total which must accrue from public revenue each year?

Mr. BOYER (Cook). It doesn't fix a total, as we don't know what it will be.

Mr. McCORMICK (Cook). On what basis is the direct tax to be determined?

Mr. BOYER (Cook). On the amount fixed by the board of trustees of the pension fund.

Mr. McCORMICK (Cook). Are the board of directors of the pension fund to fix the taxation?

Mr. BOYER (Cook). They are to fix it in this way: They report to the city council of Chicago, but they don't fix it without advice from the mayor and the city council.

Mr. McCORMICK (Cook). To what amount may the city council tax the citizens? The city council may fix the rate of taxation.

Mr. BOYER (Cook). It takes out of the taxes to the amount to pay the pension fund.

Mr. McCORMICK (Cook). The gentleman does not seem able to give us a definite statement on that point.

Mr. BOYER (Cook). You are asking for a definite amount and the amount is not there.

Mr. McCORMICK (Cook). How much can the aggregate of the pension be?

Mr. BOYER (Cook). In 1914 there was paid out \$718,739.33.

Mr. McCORMICK (Cook). How much under this bill will be derived from the assessment on the policemen, and from the casual sources?

Mr. BOYER (Cook). I can best answer that by giving you the figures for 1914.

Mr. McCORMICK (Cook). They will not be identical in this bill?

Mr. BOYER (Cook). We cannot answer that. We have answered this according to the past experiences.

Mr. McCORMICK (Cook). I only ask from the gentleman as to what will come from these new sources. How much do you estimate will be paid into the fund from fines imposed on policemen, casual sources, etc.?

Mr. BOYER (Cook). I can answer that for 1911; the dog license was \$128,000.

Mr. McCORMICK (Cook). Will the dog license be applied?

Mr. BOYER (Cook). No.

Mr. McCORMICK (Cook). What is the value of your answer then? Will these things be put into the new fund under the bill?

Mr. BOYER (Cook). Yes.

Mr. McCORMICK (Cook). Can the gentleman answer this question: Of the revenues from casual sources under the old law, how much will remain under the bill?

Mr. BOYER (Cook). In 1914 there was raised a fund of about \$200,000, which would leave to be assessed by taxes against the general tax approximately \$5,000.

Mr. McCORMICK (Cook). Two hundred thousand dollars in round numbers would go into the fund from what you have called casual sources?

Mr. BOYER (Cook). Yes.

Mr. McCORMICK (Cook). How much from the 2 per cent?

Mr. BOYER (Cook). That includes the 2 per cent.

Mr. McCORMICK (Cook). How much will come in from the 2 per cent without revenues and miscellaneous receipts?

Mr. BOYER (Cook). I didn't figure that.

Mr. McCORMICK (Cook). It would be interesting to the House to know how much the policemen are willing to contribute to their own pension fund.

Mr. BOYER (Cook). I cannot answer any particular fund. I give you the figure of 2 per cent. If you want to sit down and figure it out you can do so.

Mr. McCORMICK (Cook). I don't want to figure it out, but the sponsor of the bill may figure it if he wishes to get any support.

Mr. BOYER (Cook). The question does not sound right.

Mr. McCORMICK (Cook). How much went into the fund from the 1½ per cent before?

Mr. BOYER (Cook). I have already answered that.

Mr. McCORMICK (Cook). We may expect \$150,000 to be contributed by the policemen and \$50,000 from miscellaneous sources?

Mr. BOYER (Cook). That is approximately.

Mr. McCORMICK (Cook). You think, then, that \$500,000 must be raised from taxation, which will be equivalent to the sums obtained from miscellaneous sources under this bill?

Mr. BOYER (Cook). To a certain extent this is guesswork.

Mr. McCORMICK (Cook). You think it would cost the public no more?

Mr. BOYER (Cook). No, sir.

Mr. WEBER (Cook). Do I understand you to say that under this bill the maximum is \$900 and the minimum \$600?

Mr. BOYER (Cook). Yes.

Mr. WEBER (Cook). Has that been changed from the old law?

Mr. BOYER (Cook). No, sir; that was in the old law.

Mr. WEBER (Cook). I have heard someone say that at the present time, under the old law, some people were drawing as much as \$3,000 a year. Is that so?

Mr. BOYER (Cook). That was the case formerly, but not under the law we are working under now.

(Roll called.)

Mr. McCORMICK (Cook). (On roll call.) This is a bad bill, but it is so much better than the law it replaces that it is entitled to the support of the members of this House. It does not cure all of the defects in the existing pension law, but cures most of them, and I vote "aye." (Applause.)

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 131, and the "nays" none; the bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. IGOE (Cook). On the special order I desire to call up House Bill 231.

This is the Park Policemen's Pension Bill. In 1911, the Legislature passed a bill substantially in the form in which this bill now is. In that bill they provide that certain fines and forfeitures collected because of violations of certain park ordinances, should go to the park policemen's pension fund. That fund has been tied up in court ever since, and recently the Circuit Court of Cook County has decided that none of the fund shall go to the park policemen, so since 1911, while these men have had a pension law, they have had no pension fund whatever. The chief differences between this law and the law of 1911, are that the policemen under the law of 1911, contributed 1½ per cent of their salaries, and under this bill they contribute 2 per cent. In the 1911 law, a policeman could retire after 20 years' service, but under this bill they cannot retire after 20 years' service, unless they are 50 years of age. This takes care of the women or dependent children participating in the pension fund. The bill provides that the different park systems shall raise sufficient funds to take care of those pension funds. It is not compulsory upon the park board but merely an enabling Act. So you will know how much this tax will amount to, it has been figured out by the actuary and under the several park systems for the next five years, the tax rate in the South Park System will be one-thirtieth of a mill; in the West Park, one-fifteenth, and in Lincoln Park, one-twelfth of a mill.

This is merely to correct some of the defects in the Act of 1911, and as it is merely an enabling Act, I don't see how there could be any opposition to it, and I believe the bill should pass without any such opposition becoming apparent.

(Roll called.)

THE SPEAKER. On this question, the "ayes" are 130, and the "nays" are none. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. R. E. WILSON (Cook). On the special order of the day I want to call up House Bill 118 on third reading.

This bill is known as the Firemen's Pension Bill. It only changes the law as it now stands, in regard to the widows. It changes their allowance

from \$35 to \$45, and it provides for the levying of a tax of seven-tenths of a mill. This amount of money will perhaps never be used, and it is regulated by the council. The board of trustees, when there is a deficiency, reports to the city council the amount of money that will be needed to continue to pay these pensions, and that amount is taken from the seven-tenths of a mill. You heard about this bill on second reading and I would like to have you vote for it. If there is anything that is not right in the bill, it will be amended in the Senate, but we consider it a very meritorious bill and it should pass.

(Roll called.)

Mr. ELLIS (Kane). (On roll call.) Under this bill how much does the chief get?

Mr. WILSON (Cook). He gets one-half of the salary he gets now.

Mr. ELLIS (Kane). How much does the first assistant chief get?

Mr. WILSON (Cook). The same.

Mr. ELLIS (Kane). He gets \$3,000 a year?

Mr. WILSON (Cook). Yes.

Mr. ELLIS (Kane). How much does the second chief get?

Mr. WILSON (Cook). All the way down the line, they get one-half of their salaries, from the chief down. I don't know just what this amount comes to from the pipeman up to the chief, but they get one-half of the salary they now have.

Mr. ELLIS (Kane). I don't think I can vote for a bill that gives \$4,000 to the chief, and such a small amount to the men in the ranks, and I vote "no."

(Roll call continued.)

Mr. LIPSHULCH (Cook). (On roll call.) I just want to call your attention, Gentlemen of the House, that the fireman, unlike the soldier, is at war all the time, and at no time have we seen fit to praise him or give him honors, or meet him with bands, or suggest memorials for those who have been killed in the discharge of their duties. It is necessary that the chief receive a proper compensation, and if you don't take care of him, you will be unjust to those who survive—the men who after many years of service have reached the top of the ladder; if you take away this emolument from the chief, you will destroy the incentive of the men at the bottom of the ladder. I vote "aye." (Continued applause.)

(Roll call continued.)

Mr. BIPPUS (Cook). (On roll call.) At the time this bill was on second reading, I stated that I believed that the feature of this bill that paid a larger amount of benefit to the chief and the assistant chiefs was wrong, and it was not in keeping with general principles of a pension service. I also said at that time that this was not an agreed bill by the different departments and the heads of the city of Chicago. Since then I have investigated the matter and I am more satisfied than ever that it was correct. I simply wish to add this to verify my statement. Since that time that the committee that brought this matter to the House for the purpose of passing that bill have separated and are no longer together. The rank and file of that department have since entered their protest by withdrawing from it their representatives. The hour has now arrived when I must make a choice between the unjust features of this bill, features that verge on dishonesty and between the question of the orphans and the widows of the fire department, and in choosing between the evils of this bill and the question whether the widows and orphans shall receive a pension, I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 119, and the "nays" 6. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. DONLAN (Cook). The next bill on the special order, I wish to call up on third reading is House Bill 426.

This bill amends sections 13 and 14 of an Act to provide for the formation and disbursement of a pension fund. This applies only to the civil service employees of the city of Chicago. The only source of revenue for that pension fund is the sum of \$2,000 a month it takes from the salaries of the participants in that fund. I want to say, Gentlemen, that the principal item

in this bill provides for the appropriation of an equal amount by the city council of Chicago with the participants in the fund. It is a good bill and I think it should pass.

Mr. GORMAN (Peoria). This bill was before the Committee on Municipalities, and Alderman Richert, the chairman of the Finance Committee of the city of Chicago, appeared on behalf of the bill and urged this favorable action by the committee. I think it is a very good bill and should receive the support of every member of this House.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 98 and the "nays" are 6. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. GARESCHE (Madison). I move that the House take a recess until 4:00 o'clock.

Motion prevailed and the House recessed until 4:00 o'clock p. m.

Four o'clock p. m., reconvened.

The Speaker in the chair.

Mr. GARDNER (Cook). I wish to call up House Bill 37 on the order of third reading.

This is a bill for the formation and disbursement of a pension fund for county employees in cities with a population of 150,000 or more. It does not provide for any taxation whatsoever. Nobody can derive any benefit from this pension fund until five years after this bill goes into effect. In view of the resolution introduced in the Senate and concurred in by the House, the framers of this bill thought it best to wait for two years before they asked for any taxes. This is a good bill and it only affects about 200 people who are in the employ of the county institutions.

(Roll called.)

THE SPEAKER. On the question the "ayes" are 95 and the "nays" 9. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. YOUNG (Cook). I desire to call up House Bill 119 on the order of third reading.

The new matter in this bill known as section 9½ to the Municipal Pension Act, refers simply to the Civil War veterans who were in active service from 1861 to 1865. There are about 30 of them who are now employed and are contributing to this fund and this Act simply gives them permission to retire after ten years' service by paying the amount due for the balance of the ten years' service in contributions of \$10 per month. The effect would be very slight and might be that only 10 or 15 would receive any compensation, but it gives a little advantage to our old soldier friends. I believe it is a good measure and I would like to see it passed.

(Roll called.)

Mr. McCORMICK (Cook). (On roll call.) I want to explain my vote, as I am not certain that the gentleman who spoke for this bill made its provisions clear. As I understand it, this simply permits veterans of the Civil War to retire at the end of ten years' service and to pay a sum equivalent to their assessments if they have been in the service 20 years; is that right?

Mr. YOUNG (Cook). Yes.

Mr. McCORMICK (Cook). I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 98 and the "nays" are 3. The bill having received the constitutional majority of votes, is declared passed, and the clerk will report the title of the bill.

Mr. F. J. RYAN (Cook). I desire to call up House Bill No. 244 as special order on third reading.

This bill does not provide for any public fund. It is a bill putting under the provisions of the pension fund the engineers and all the other employees of the schools of the city of Chicago. It also increases the present rate of pension from \$40 to \$50 a month. I think it is the most meritorious pension law that has been brought up on the floor of this House today and I hope all the members of the House will vote to pass this bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 97 and the "nays" are 4. The bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GARESCHE (Madison). I desire to call up on special order House Bill 314 on third reading.

This bill was introduced by Mr. Pace (McDonough) at the request of the Illinois Firemen's Association. It does not create any pension fund, and it does not change the per cent that is now paid by the insurance companies on the policies they are writing in Illinois. It simply provides that the 2 per cent which is collected now under the various ordinances adopted by the cities and villages of this State may all be used for the pension fund. As the law now is only 50 per cent of this amount so collected can be used in their pension fund, and this amendment simply changes one word of the now existing Act, namely, in place of "fifty" per cent, we have substituted "all" of the two per cent.

(Roll called.)

THE SPEAKER. On this question, the "ayes" are 104, and the "nays" are 3. The bill having received the constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BRUCE (Cook). I desire to call up House Bill 10, a special order on third reading.

This bill amends the present Mothers' Pension Law in two or three respects. While I was acting as chief clerk of the Municipal Court the present law went into effect on July 1, 1913. Prior to that time we had on our statute books a very good Mothers' Pension Law, in my judgment. Up to July 1, 1913, under the provisions of the law which now adorns our statute books, 704 children were deprived of relief who had been receiving relief under the old law. It became my duty as clerk of the Juvenile Court, to enter the order of Judge Pinckney of record, depriving those mothers of that help and making it necessary in many instances for the court to take the children from their mothers and commit them to dependent institutions at a greater cost to the county than it had cost the county to engage the mother to take care of her children.

This bill was amended by a sub-committee of the Committee on Charities and Corrections, after it had visited the Juvenile Court in Chicago and had gone over the records. Several objections had been made and they were met and it practically stands now without any opposition in the open. I believe that every member of this General Assembly can afford to vote for this bill and satisfy himself and its sponsors.

Mr. ROTHSCCHILD (Cook). May I ask the gentleman if the Juvenile Court is in favor of this bill?

Mr. BRUCE (Cook). I will say that Judge Pinckney practically agreed with each of the amendments that the sub-committee recommended to the Committee on Charities and Corrections. They were accepted by the committee and the bill reported out unanimously.

Mr. ROTHSCCHILD (Cook). The gentleman said that five or six hundred children were taken out of the custody of the mothers on account of the Act of 1913.

Mr. BRUCE (Cook). 704.

Mr. ROTHSCCHILD (Cook). I was a member of this House and also a member of the Committee on Judiciary that considered this amendment that took these 704 children out from under the Mothers' Pension Fund. It was possible for anybody to live in Cook County and secure a pension under the Mothers' Pension Act. In 1913, we restricted the mothers so that there would be some protection. Some of these children who were brought into Cook County to receive pensions are perhaps some of the children which the gentleman is talking about.

Mr. BRUCE (Cook). The gentleman is mistaken.

Mr. ROTHSCCHILD (Cook). I insist that the gentleman don't interrupt me unless I yield. At that time Judge Pinckney came before the committee and we had the county agent appear before the Judiciary Committee and they were all agreed that there should be a mothers' pension, and it is professedly better that the child should remain in the custody of the mother than be sent to a county institution. We don't want a Mothers' Pension Act that will let any person come into Cook County and get a pension. The criticism I am

expressing I am expressing it openly, so that every man may know something about this matter.

Mr. WALSH (Cook). How long does a person have to live in Cook County before they are entitled to a pension?

Mr. ROTHSCCHILD (Cook). Three years. That is the amendment that made the 700 children come out from under the operation of the mothers' pension. People cannot come into Cook County and get it. You will agree with me that that is desirable, if we do not wish to take care of the orphans of the world.

Mr. BRUCE (Cook). This law does not change the qualification that the mother must be a resident of Cook County for three years before she can make application for a pension. This merely changes the present law that a mother that is not a citizen of the United States may make application for a citizenship papers and receive a pension for such of her children as were born in the United States.

Mr. CURRAN (Cook). I want to say in behalf of the Mothers' Pension Bill, that I was chairman of a committee that investigated the Home Finding Society and all the orphan asylums of the State of Illinois, and had occasion to look up the Mothers' Pension Law and the way it worked. This bill that Mr. Bruce has introduced here is a model bill and should become a law. Under the present Mothers' Pension Law, it deprives over half the people of the State from receiving mothers' pensions, who are entitled to them. If the gentlemen of this House want to do something in behalf of the mothers of families that have been deserted and also the children who have been left fatherless through death, they could not do a more noble thing than to vote for the Bruce bill that is now pending.

Mr. THOMASON (Clay). There are some things about this bill that I think are dangerous. When a mother is deserted by her husband she is entitled to a pension regardless of whether or not her husband is able to pay alimony or separate maintenance, and it was not intended to have deserted wives rely on getting a mothers' pension rather than rely on getting their husbands to pay separate maintenance money. If a woman desired to get rid of her husband who was worthless possibly in the way of assisting her very much, it would be an incentive to her to compel her husband to leave by some action on her part and no provision is made for such a case. It seems to me that it ought to have an amendment upon second reading.

Mr. BRUCE (Cook). I want to say right here that the bill was amended in committee, making it necessary that the mother shall show that she has made every possible effort to locate her husband who deserted her, and she must come into court with clean hands.

Mr. THOMASON (Clay). I would like to have that amendment read for the benefit of the House.

Mr. McCORMICK (Cook). Will you tell us what section is amended by the committee amendment?

Mr. BRUCE (Cook). Section 2 is the amendment of the committee.

Mr. McCORMICK (Cook). If a mother is at fault she can't avail herself of the provisions of the Act?

Mr. BRUCE (Cook). That is right.

Mr. McCORMICK (Cook). I will return to my question. Assume that under this Act the woman will not have incentive enough to recover an escaped husband, what about the unfortunate children? This bill is not merely directed to the relief of the deserted wife but to the relief of the dependent children upon whom must be vested the sins of the mother, and I don't believe we will often find such a mother who is willing to make her children fatherless, without support, in order to be rid of her husband. What of these children?

Mr. THOMASON (Clay). I was sneaking in reference to the mother.

Mr. McCORMICK (Cook). The children are involved. You cannot distinguish between the children and the mother, can you?

Mr. ROTHSCCHILD (Cook). It has been the history of every system of pensions that someone has tried to evade them. That is the history of the Mothers' Pension in Cook County and that was the occasion for the amendment in 1913. If you are going to permit the mere desertion to be the only requisite for receiving a pension, you will find more cases than you can take care of. The poor will dump their children on the county. I

am giving you the experience of the county agents. This is not the only provision for relief of the poor in a city. This is something special and a pension should be granted only in cases where the parties are deserving. Nobody should get a pension unless they come within the strict requirements of the law and the law should be strict or it will be evaded. When this war is over Europe will be dumping on us all the widows and orphans they have and we will have to take care of them on a pension fund system.

Mr. BRUCE (Cook). I will answer the gentleman from Cook (Rothschild) by saying that any mother who desires now under our present law to get rid of her husband without caring for her children may have such children committed to the dependent institutions and at an expense of \$12.50 per month to the county for each of those children.

In answer to the last part of his argument, I would say that the bill provides that a mother can receive a pension only for such of her children as were born in the United States of America. We need have no fear as to the result of the European war.

Mr. McCORMICK (Cook). I would like to ask the gentleman from Cook (Rothschild) for whose opinion I have great respect, if he will specify the objections to this bill as amended. Some of us want to know how to vote on this measure and I want to know wherein this bill changes the act as it now stands.

Mr. ROTHSCILD (Cook). The gentleman from Clay (Thomason) has the floor and I don't think these interruptions are in order.

Mr. THOMASON (Clay). I find no amendment covering where the wife is deserted without cause. There is no amendment covering that. This simply provides where the husband has deserted, no matter what the cause may have been, whether the wife is blameless or not.

Mr. BRUCE (Cook). Under the provisions of this act no mother can qualify for a pension who has not established herself as a fit and proper mother in every respect.

Mr. THOMASON (Clay). I would like to know what provision you find in this bill providing for that?

Mr. BRUCE (Cook). The bill provides for that; read it please.

Mr. THOMASON (Clay). I move that this bill be recommitted back to second reading for amendment.

Mr. F. J. RYAN (Cook). I move that the motion be laid on the table. (Motion prevailed; tabled.)

Mr. WEBER (Cook). I was a member of the subcommittee that had this matter in charge, and at a meeting of the subcommittee Mr. Bruce presented numerous amendments which he stated were agreed upon. He finally convinced me that the amendments were all right and I was satisfied, but I have received a letter from the county agent to the effect that Judge Pinckney did not agree to the change of the maximum from fifty to sixty dollars. I have the letter here from the county agent and I think it is my duty to make it known to the House.

Mr. BUTLER (Sangamon). I am astonished beyond expression that the gentlemen here this afternoon will quibble about a pension for mothers and yet stand up and fight like dogs and cats over an eight or nine hour law on the floor yesterday. I want to say that if there is one piece of laudable legislation that will take place on the floor of this House during this session, it would be to give the mothers of Illinois who are destitute some support from the State. (Applause.) I hope that the gentleman from Cook who almost shed tears yesterday afternoon and who could not see anything but horse play in a proposition to help the housewives and the domestics of the State of Illinois will raise his voice in behalf of this bill.

Mr. McCORMICK (Cook). To whom do you refer?

Mr. BUTLER (Sangamon). Anybody that wants to take it. There is before this House a large number of pension bills. There are three that should receive your most earnest attention and yet during the hearing of these matters before this House, I must say that during the proceedings of the last five speakers, I never saw any more disorder on any bill before the House and yet you stand here as the sons of mothers and treat that mother with disrespect. I think the first pension bill that should go on a

State or national rule should be a pension in behalf of the destitute mothers, and next the old soldiers.

Mr. ROTHCHILD (Cook). Will the gentleman yield?

Mr. BUTLER (Sangamon). No. Even if this bill has some faults; if it is the best bill that you can get passed, I hope that you will vote for it. When you lose track of the sanctity of the home and the memory of the mother then this State and nation will come to a point which I don't want to live to see. I hope that during the consideration of the roll call on this bill that we will have better attention.

Mr. MADSEN (Cook). I would like to say just this. The Mothers' Pension Bill introduced four years ago was fathered by a man that lives in my district, and was in my opinion the most important piece of legislation along this line. Two years ago I objected to the amendment made to that act that deprived a large number of children from participating in this pension, as has been referred to. We will all agree now that the amendments passed two years ago were too radical and that the bill ought to be put back again somewhat near to its original shape. I hope everyone in this House will vote for this bill, and there will be no member more pleased to see this bill go through than myself.

(Roll call.)

Mr. LYLE (Cook). (On roll call.) I was informed by a representative here that Judge Pinckney, who has devoted a great many years of his life to child welfare and the welfare of mothers, is against this bill. That was certainly news to me. I would almost take his word on anything of this nature and yet I hardly know what to do. I want to vote for this bill, and I want to serve notice that if this bill is wrong that it will discriminate against mothers and children, that there will be one of the greatest upheavals in Chicago in the pension line that Chicago has ever seen. Take the police pension, and the park pension bills, and the firemen's pension bills, and the school pension bills all together and they are not nearly so important as this one bill. I will vote "aye" but I do it rather hesitatingly.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 126 and the "nays" are none; and the bill having received a constitutional majority, is declared passed. The clerk will report the title of the bill.

Mr. PIERSON (Cook). I desire to call up Senate Bill 135 on the order of third reading.

Mr. HUBBARD (Greene). I object to having this bill considered at this time, and I refer the House to House Rule No. 22 providing for the printing of amendments.

THE SPEAKER. The clerk informs me that the amendments are printed. I will state that the pension bills were set as special orders for today. This Senate Bill was on second reading and would have been called last Thursday or Friday, but some members asked that it go over until Tuesday. I think that the gentleman from Greene (Hubbard) feared that he would not be here on Thursday or Friday, and for that reason the bill went over until Tuesday on second reading.

Mr. PIERSON (Cook). I move to suspend the rules.

Mr. IGOE (Cook). If there is no question about the rule, I think it is proper for Mr. Pierson to make a motion to suspend the rules and to let us go ahead.

Mr. PIERSON (Cook). The amendments have been printed and all the requirements of the Constitution have been complied with.

THE SPEAKER. The clerk informs me that the amendments have all been printed. They may not be on the members' desks but they are in the clerk's office.

Mr. PIERSON (Cook). I move to suspend the rules.

Mr. SHURTLEFF (McHenry). I rise to a point of order. I don't think the question is one that requires a suspension of the rules. It may be a question of constitutionality. The rule that has been followed has been for the speaker in behalf of the House to make the declaration and enter it in the Journal that the amendments have been printed and the bill is in order. Upon one occasion it went to the House by motion, causing it to be entered in the Journal that the amendments had been printed and the Constitution was complied with.

THE SPEAKER. Does the gentleman (Shurtleff) insist on his point?

Mr. HUBBARD (Greene). Yes; I raise the point. It is getting late and this is one of the most important bills to come before this body and we want ample time to consider it and discuss this amendment. I am willing to take it up tomorrow morning and let this be completed and go ahead with it tomorrow.

Mr. PIERSON (Cook). This is one of the pension bills set for today, and I would like to go ahead and dispose of this now. We had ample discussion yesterday, and there is no occasion for any more discussion tonight, as I look at it, and I insist that it be heard now.

Mr. HUBBARD (Greene). I don't want him to get away with the impression that we are not going to be permitted to discuss the bill. I want to be heard on this bill, and expect to be heard as long as the speaker will give me time to present what I have to say.

THE SPEAKER. Every member will have full time to discuss the bill.

Mr. HUBBARD (Greene). You don't want to railroad this thing through, do you.

Mr. PIERSON (Cook). Not at all.

Mr. HUBBARD (Greene). It seems as though you are trying to.

THE SPEAKER. The clerk informs the chair that the amendments adopted by the House to this bill have been printed and it is also printed in the Journal and meets the requirements of the Constitution. The Journal of the House will so show. The bill is now on the order of third reading, and the clerk will read the bill.

Mr. GREENE (Crawford.) A year ago last September I began teaching in the high schools of Crawford County. The first Monday of next September will find me in the same position, and I wish to inform the gentlemen of this House that here is one teacher that don't desire a pension. Who has been down here lobbying for this bill? Who is its mother? A glance in the galleries will convince any man. Who is the father of this bill? Downstairs we keep an animal cage in which we have the State Superintendent of Public Instruction. Here is a letter that has been scattered broadcast over the State of Illinois purporting to be in the interests of the taxpayers. I will read you a few extracts from that letter: "It is upon this ground of common interest that taxpayers, patrons and teachers are uniting to secure the establishment of a teachers' pension and retirement fund." I deny that absolutely. The teachers are not asking for any such a thing. If I should vote for it they would consider me lower down than the snakes. "The argument for such a law could be based solely upon the grounds of justice to the teachers who grow old and infirm in the service of the State." Does Illinois compel any man or woman to enter the service of the State as a teacher? No. If I had gone to work as a hired hand on a farm or in a store and worked for fifteen or twenty years does that obligate the farmer or the merchant to give me a pension? I say it does not. Neither is the State of Illinois under any obligation to pension its hired hands. I don't consider that I am any better than any other State employee. If you are going to pension one State employee pension all of them. If you are not going to pension all of them, don't pension any of them. I say that this statement which Mr. Blair has made and scattered over the State is absolutely unfounded. Again, he says, "The teaching profession is being skimmed both ways. It is all the richer and the better for the skimming that goes on at the bottom." Yes; it is skimmed at the bottom. In other words, he means that there are no ladders of fame in the teacher's profession by which a person may advance round by round. He must be at the top when he begins. Blair has shown this to be the case in the examination he has given for a teacher's certification which he gave two years ago. It provided that the boy whose parents were too poor to send him to high school or college was entirely out of the running.

Blair further says, "It tends to drive out the incompetent and the unfit by the pressure of the well trained, to enter the profession. It skims at the bottom." Later on he says, "The teachers will pay more than their share to make such a fund possible. Let us see if that is true. The bill provides that a teacher must pay \$400 into this fund. After a certain length of service he can retire, and he retires on an allowance of \$400 per year.

(VOICES. You say it is "he," don't you think there are any shes?)

Mr. GREEN (Crawford). I don't care whether it is a he or a she, if some of the shes in the galleries were out raising pigs and chickens they would be doing a better service for their country.

(A VOICE. No.)

Mr. GREEN (Crawford). The teachers pay into this pension fund \$400, and they retire, and in the first year they take the \$400 out, and if the teacher lives twenty years after retiring he would withdraw from the fund \$8,000. Let us see if Mr. Blair's statement is true that the teacher pays more into the fund than they take out? Mr. Blair knows that the taxpayers are suffering, and his law is not in the interest of the taxpayers. He further says, "they do not apologize for their efforts on behalf of a measure whose benefits in so far as they extend to the present teaching force, represent only tardy justice, but whose far reaching benefits will be a better qualified, a more permanent teaching profession, and better taught and better educated children." There is their brand of dope that has been waved from one of the states to the other by that skunk downstairs.

(VOICES. No, no.)

F. J. RYAN (Cook). Mr. Speaker, I rise to a point of order.

THE SPEAKER. The gentleman from Crawford (Greene) has the floor. Proceed please.

Mr. GREEN (Crawford). This bill does not affect Chicago. Your teachers don't come under the purview of this act.

Mr. F. J. RYAN (Cook). This is no reason why you should insult the Superintendent of Instruction of this State.

Mr. O'ROURKE (Cook). I move that that portion of the gentleman's remarks which were derogatory of the ladies in the gallery and the Superintendent of Public Instruction be stricken from the record.

THE SPEAKER. The gentleman from Crawford (Greene) has the floor; proceed.

Mr. GREEN (Crawford). I will have the privilege and the honor of contributing to this fund whether I care to or not. I will not vote for this bill.

Mr. HUBBARD (Greene). I fully realize that there will be no vote changed by any speech making on the floor of this House. I want to say at the beginning that I have no feeling toward anybody who disagrees with me as to my opinion of this bill. I think you are just as honest in your opinions in believing that this bill is right as I am in my opinion that it is wrong and should not be passed.

In my short legislative career, gentleman, I want to say to you that I have never been placed in a position where I have felt a greater depression than I have in the consideration of this bill. Some of the best friends I have in this world, men and women with whom I grew up from childhood, and whom I respect and honor, and love, are affected by this bill. These men and these women, or some of them, if this bill becomes a law will in a short time, as soon as they can qualify, come under the provisions of this law. It is a matter which concerns a vital principle which we should all consider before we cast our vote for this bill. I am not voting for or against it because of my personal feelings. I am not swayed by personal feeling or prejudice in any manner. I am simply voting against this bill because I think it violates a great principle in the law of this State. It starts a principle here that will work badly in the end. I think it is paternalism rampant. I can not see it any other way, and it is with the deepest feeling of regret that I can not stand on the floor of this House and raise my voice in support of some measure that will give relief to those people whom I hold in the highest regard.

There is no profession which has better women and men and I honor and respect them and they stand in character and attainment second to none and I respect them to that extent. I believe we should seriously consider this bill. We are entering upon dangerous ground in adopting this bill and adopting this extreme paternalism and pick out one class of laborers in the State and say I believe that you are doing a labor that is a little bit better than someone else's labor and I am going to make you an object of special legislation and I will give you a law that you may retire at 50 years of age and receive \$400 a year the rest of your natural life.

I tried here on the floor of this House in all sincerity and all honesty,

doing everything I could to put an amendment into this bill which I thought would be more acceptable to me and some others and more acceptable to nine-tenths of the taxpayers of the State than it will be in this form. I have tried to eliminate some of the worst features of the bill. When you compel by law any teacher that goes into the teaching profession to subscribe to this fund without his consent, it is going a little bit too far. I know you have a similar law in Chicago, and I want you gentlemen from Cook to listen to me just a minute in comparing conditions in Chicago with down the State. You in Chicago have your graded schools and you have splendid schools and good teachers but your teachers receive stated salaries in all the grades. Although I don't know whether you would call them good or not, I don't believe they are over paid. You have different grades where they receive stated salaries, all on an equal footing, and there are conditions surrounding them which induce them to stay in the teaching profession in Chicago a greater number of years than elsewhere in the State. A bill like this that will compel your teachers to subscribe to the fund may not be as hard as it is down through the State.

We have different conditions down here. We have rural schools where a teacher must teach all the grades and there is no fixed salary, and very poor salaries, especially in the southern part of the State. You compel those teachers to pay just as much—those teachers who get from \$35 to \$50 a month, to pay just as much into the pension fund as the man or woman that is getting three times the salary that your poorer teacher is getting. Do you suppose that this vast number of teachers out through the State are going to stay in the teaching profession, getting \$35 to \$50 a month for a period of 25 years? You know they will not do it. Who will be the beneficiary of this pension fund? It will be the teachers in the graded schools of Chicago, like Springfield, and like the larger cities where conditions are more favorable. They will receive the benefit of this fund, and the teachers who are receiving the small salaries will be the ones who will be contributing more of the annuity than those receiving three times the salary. This bill is not fair. You should have the bill so you take a certain per cent of the salaries of the teachers away from them, and then you have it nearer right. You are going to compel them to come in. What harm would it do to let each teacher contribute a certain amount to the fund. It would not hurt one teacher in the State to do that. Under this bill it does not make any difference whether there are 50 or 10,000 teachers that come under the provisions of the bill. It does not make any difference. Each teacher pays a stated amount, and it does not matter whether it amounts to one dollar, or a hundred thousand dollars, because the State under this bill is committed to pay the balance, and the State must pay all the balance. You are standing up here representing the State of Illinois, when there is not one thing in here that you can show in this bill and what the State of Illinois will have to pay under this bill, and you are voting because you know of some party that you would like to favor with this bill and you are willing to have Illinois pay the bill—for how long? Let us stop and think of this policy that you are going to start. Can you stop it this year, or the next year? Do you think someone is going to be hurt? There is nothing in here that has been done on a scientific basis. It is just a question of voting for the bill and letting the teachers have what they want. The State must pay whatever the balance amounts to.

I want to make another plea for the rural schools throughout the State. This provides that every dollar of the fund paid by the State shall come out of the distributive fund of this State. It is another blow at our common schools. A few teachers in the graded schools will be getting from \$250 to \$500 out of this fund that ought to go to the public schools throughout the State, and it goes to the few, who, perhaps, will retire and take the world easy. I want to say that no business man would start on a proposition like this. No business firm nor corporation, nor insurance society, would for one minute consider such a bill as this as safe and sound. You just go on the theory that the State of Illinois is able to do this and pay this amount and let it go. If it was your own individual money you would consider it, and consider it closely, my friends. Here, you think this is the State of Illinois, and we will give the people's money away. We don't care about the country schools, and whether we have money enough, you will say, I know a lady, and

I want to benefit her; God bless her, I would like to also. I know of quite a number that I would like to see taken care of some way, and be provided for in this bill, but I say that I don't want to put such an unjust bill on the statute books of this State just because of my personal feelings in the matter.

You are creating heré class legislation, pure and simple. I hold that all labor is honorable. I care not whether a man is working on the street, or whether he is down in the coal mine, or whether he is at the forge, or in the factory, or teaching school, or in the legislature, or Governor of Illinois. The man that is laboring on the streets, his labor is just as honorable as another man's labor. You say, we are going to pick out a class that is a little bit better labor, and we will pension that class of people. I heard the honorable gentleman, who is superintendent of schools in Springfield, with tears almost running down his cheeks, and it almost made me cry to see it. He said he knew of a school teacher who was taken to the cemetery for burial, and as she was passing there another teacher said it would be better for me if I was going to the cemetery than my friend. Where you find one of that kind by going into the homes in this country you can find a hundred mothers that are far worse off and dragging their lives out with no chance of getting \$400 a year after the days of their usefulness have gone. If you are going into the sympathy end of the game I can bring you thousands of cases of that kind that are deserving of attention. If you want to treat them all alike, why not create an old age dependent pension bill? I think it is absurd for a man like myself, if this law had been in effect when I taught school I could now be drawing \$400 a year and go where I pleased, and engage in any business I pleased, and do what I pleased, and draw from the State of Illinois under this proposed bill a salary of \$400 a year. It is beyond conception that we are going to pass such a bill as this.

Why do you want to rush this matter through at this time? There has been a commission appointed to investigate and get the facts in regard to these matters of pension, and I say to you gentlemen, that we had better wait and get the report of the commission. I will consistently go into these matters and report back a sound pension bill.

There are some serious objections to this bill. I suppose it was my fault that my amendments were not taken up before the committee. I happened to be called down to the Appropriation Committee and was gone about fifteen minutes, and when I came back found that this bill had been reported out. It was my fault. I had to bring my amendments up here in the House. There are provisions in this bill that I cannot understand, and I would like to have the gentleman from Cook (Pierson) explain to me when he gets on the floor, clause "C" of section 25. I want to know when you get up to reply, how you are going to get your teacher out from under the pension fund. What provision is made for safeguarding the fund of this State. What are you going to do with a teacher who gets sick, or has something the matter with her, and they say, I want to retire, I am not able to teach. They can send to the commission. Now who is this commission? It is composed of teachers. They have two doctors and examine the teacher, and you retire the teacher, and he or she receives \$400 a year the rest of their natural lives, or as long as the disability continues. No provision is made who shall determine when the disability ceases. I am not saying it would happen, but a law is a law, and conditions are conditions. I don't know whether it doesn't make any difference to the teachers how many are participating in this fund, they pay a flat rate, anyway. They say that commission might as well retire that teacher and that will make room for someone else. There is no provision about her reporting. She may go away and live in another state, and they may be satisfied to let her be there. You may retire many in that way. Isn't that a beautiful piece of legislation for a House like this to pass, and for an intelligent body of men to put out before the people of this State?

Now, this commission is to be composed of teachers, and they will select the doctors that do the examining, and can retire the teachers upon the findings of those doctors. I believe this bill was drawn by the teachers. It has every indication of it. They drew it in a way that anybody could

tell that it was drawn by those whom it was going to benefit. The State of Illinois is not protected in any sense of the word. It is all in the hands of the teachers, throwing the treasury wide open to them. You stand here representing, not the teachers of this State, but you are representing the great body of men and women of this State who are paying the taxes, and I want to say to you, that you should consider them as well as you consider the interest of the teacher here in this bill.

I have heard this statement made that this bill is intended to make up for the deficiency in the salaries, and the lack of ability of teachers to invest their funds. If we are going to appoint a commission because people haven't the ability to invest their funds, I could come under that very well. If that is the case we would have to have pensions for nine-tenths of the people in this country. The teacher who is not looking for his own personal gain will admit what I say is true and will not deny it. If there is a drone in the teaching profession and he can stay in the profession until he can become a pensioner, he will stay there, and when he gets near enough he will go out and apply for a school to help him stay in the game until he gets on the pension list. That is what they are doing in California today. They are sick of some of the provisions of their pension bill.

I want to say something about the amendments I tried to get through, and you wanted to laugh and ridicule me. I respect the teachers from the bottom of my heart, and I am not fighting them because I have anything against them but you made sport of me and my point and wouldn't listen to me when I attempted to offer the amendments that graded this pension. I propose that the fund be graded from forty-five to fifty years to \$250; from fifty to sixty, \$300; and over sixty, \$400; during their natural life. What was wrong with that? The average country teacher is not receiving \$400 a year. Is it right for him when he is able to work, and able to do something that he should be retired, and given \$400 a year? I claim this bill should go back to the committee, or else be tabled and come up two years from now, when we have a more scientific basis to work on than is before the House now regarding pension matters.

You refused to adopt my amendments, making it elective yesterday, and you reported the bill as it is written. Why didn't you compel the teachers that are now teaching to go under the provisions of this act, or else make it elective. Those teachers who are now teaching may elect to go under it, and still a new teacher must come under the provisions of this act whether they want to or not. That one thing if it comes to the courts will defeat this bill. If I go out and make a contract, when I have a license to teach school, and I go to the board of directors, or board of education and I make a contract with them there that I will teach school for a certain number of months for a certain salary, I claim that not one dollar shall be taken from my salary to go into this fund. That contract will stand. Let us not jump into this thing. If I could do anything to better the conditions in this State other than such a fraternalism as this I would go as far as anybody in this House would go. I cannot agree with my friend Mr. Greene, in reference to that teachers' certification bill. I think it has had a tendency to place the teaching profession on a higher plane.

You are beginning at the wrong end when you want to offer a premium for them to stay in the business and offer a premium at a certain age for them to go out of the business. We are coming to the time when there is going to be consolidation in our common schools and when conditions are going to improve in the country, and when we can have our graded schools and pay better salaries. Then we can induce teachers to stay in the profession. Let us not offer a premium of a pension to get them to go into the profession, and then offer them a premium to retire. It seems to me ridiculously absurd. I don't want to make sport of those who are voting for this bill. I am here to present my side of it. It is for the county superintendents and city superintendents, and assistant superintendents, superintendents of city schools receiving \$5,500 to \$6,000 or \$8,000 a year, and they don't pay any more into this fund than anybody else, and you give them \$400 a year. Here is Mr. Magill, and I think a great deal of him. He is one of our best school men in the State, and he is getting a salary of \$5,500 a year, and yet he can retire and draw his \$400 a year out of the treasury of this State as long as

he lives. Don't that seem absurdly ridiculous to retire a man who has been drawing a salary that he is drawing, and he pays no more into this fund than the teacher drawing \$35 or \$50 a month. I say, gentlemen, it is ridiculous, and we should calmly consider it before we vote on this bill.

It is the younger men that start into the game. We have to depend upon the young men coming out of the high schools to teach our country schools. We must take the high school graduate, or the eighth grade graduate of this State. They go into the country school. We found that the young man who is ambitious, and who has made up his mind that he is going to get higher than the country school is not satisfied to settle down for life, and he throws his energies into that school and makes a success of it. The best class I had when I was in the game was composed of that class of young men and women. The young women get married and take up the higher duties of life. Those are the conditions. Those are the ones you will compel to contribute to this pension fund, and again I refer to the absurdity of making those people receiving the small salary of \$35 to \$50 a month contribute equal to the men and women receiving the higher salaries. It is wrong, and I call your attention to it in all seriousness that you may seriously consider it before you finally vote on it.

I stand for everything that will raise the teaching profession. I stand for the teacher who is doing a splendid and honorable work, and may she live long and prosper. She has the confidence and respect of all people. I don't want to place her in a position when she will be called a pauper or a pensioner, when she is able to go out and make her own living. I ask you to seriously consider this before you cast your vote, and I thank you for your indulgence in listening to me.

Mr. LIPSHULCH (Cook). Gentlemen of the House: The hour is growing late and you all want to get away and though I would like to speak at length, I am going to occupy but a few minutes. I don't see how I can feel having done my duty without raising my feeble voice against and in my humble capacity protest the undeserving onslaught on the fine character of the man who occupies the honorable position in the world of education and who the gentleman from Crawford (Green) calls a skunk, and the high minded women who labor untiringly for the welfare of the human race, and whom the gentleman from Crawford (Green) invites to feed swine and so forth. It is not possible to overlook it, and I want to be recorded having vehemently resented the insult. Now as to the plea of the gentleman from Greene (Hubbard) claiming to speak for the profession, I want to ask where are all these teachers that protest, where have they been when this bill was in progress of formation, why do they send the gentleman from Greene at the late hour to protest? Where are these protesting or opposing forces? I don't see them, do you?—No, no one does—but we all see flocks of teachers who beg for its passage. Every member in this hall received a multitude of letters urging the passage of this bill and not a letter from the opponents. If the opponents have a good cause why do they fear the open combat? The answer is plain—no one opposes the bill except those who fear the additional \$5 per year in taxes. It is amusing to hear the gentleman from Greene (Hubbard) in his magnanimity stand on the floor and wish the teachers "may they live long and prosper." Imagine the prosperity they may expect on \$35 a month! The gentleman admits that \$35 a month is the average salary of the teacher and he hopes they will lay by enough out of this to prosper. What a mockery—what a sham! I do admire his nerve and fortitude and would expect the gentleman, after all the experience he had with the \$35 a month job to advocate better pay, better conditions, more recognition. Instead, he wishes them live long and prosper on \$35 a month.

Mr. WATSON (Hardin). It is true that this bill has some defects. No bill that passes this House is going to be perfect, but I say to you that it is a step in the right direction. I regret very much that my colleague, the gentleman from Crawford (Green) made this statement about the spectators in the galleries, because I believe that the people represented by the gentleman from Crawford (Green) and myself have just as high a regard for the teaching profession as any other portion of the State of Illinois. The gentleman from Greene (Hubbard) paid a beautiful tribute to the mothers, and said that they had no prospect of drawing \$400 a year from the State. We just voted on a bill that gave the dependent mothers some sup-

port from the people of the State. There is no class of people in this State that is doing more to make good citizens of the boys and girls, other than the mothers are doing, than the school teachers of Illinois. (Applause.)

Mr. HUBBARD (Greene). Did we pass a bill that gave a pension to the mothers who have plenty of property, and are able to work?

Mr. WATSON (Hardin). No, we didn't do that. He said that many of the teachers in the country schools were teaching for less than \$400 a year. He made that statement as a reason why you should not pass this bill. I think it was the best reason you could give for the passage of the bill. When a man or a woman gives twenty-five years of the best years of his life to instructing the young men and women, the boys and girls of this State for \$400 a year, and after they have done that, why should not a pension be given to them, and I claim they have earned it. (Applause.)

I have no personal interest in this bill. I only taught three weeks during my life, but during that time, I had enough experience to know that the man or woman that spends twenty-five years of his life in the school room for the small salary paid to the teachers in the country districts would deserve my vote on this bill.

Mr. HUBBARD (Greene). How about those that are getting \$25 to \$50 a month? They will never stay in the profession.

Mr. WATSON (Hardin). It will be an incentive for them to stay in the profession, and secure higher salaries. After they have stayed there twenty-five years, I don't think that any man or woman in Illinois will deprive them of this small amount of pension. I regret very much that my colleague will have to spend a part of his salary this winter in support of this pension bill. I think he will be required to pay the sum of \$5 in support of this pension fund for this coming year. I regret very much that he will have to do that against his will, but he is doing that for the good of the profession in which he is engaged, and I think it will be money well spent and money which the people of the State of Illinois will gladly give to the teachers of this great State.

THE SPEAKER. The clerk will call the roll.

Mr. FOSTER (Schuyler). (On roll call.) Mr. Speaker, and gentlemen of this House, I had the pleasure of introducing one of the first teacher's pension bills ever introduced into this Legislature. Without going into details I think that the committee has done their work as well as it could. I take pleasure after all of these years of being able to vote for this bill when it is going to pass, and I vote "aye."

(Roll call continued.)

Mr. TAYLOR (Harding). It would give me very great pleasure to do anything on earth that I could do for the interest of education in the State of Illinois. I was a teacher myself, once, and I appreciate the situation, but I would be unwilling to encroach the educational interests of the State of Illinois, and I desire to say that in my county no man has ever yet qualified for a pension in the last twenty-five years, and perhaps none will in the next twenty-five years. It would be voting money away from my home teachers to send away to some other part of the State to contribute to some other teacher, and I don't think that is fair. For that reason I vote "no."

(Roll call continued.)

Mr. KANE (Saline). Since I have gotten over the foot and mouth disease I have been quiet and hope you will give me a few minutes in regard to this matter. I desire to borrow some of my friend Lyle's notices. He serves notices on us from time to time, and with his permission, I will borrow one. I have had the experience of a school teacher that trudges through the snow and slush and of the mixed school in the country, of the graded school in the country, of the mixed school in the city, of the graded school in the city. When I was in the city I will say that I didn't teach the languages. I was teacher of mathematics and not of the languages. Now, here is the notice I desire to serve. The school teachers of this State are taking this two mill fund, this fund that should be two mills, at this time it is one and one-half mills that is being raised and it is not enough, and not nearly enough, and still the school teachers are taking part of it away from the children who have no other means of obtaining an education. The notice I am going to serve is that I am going to vote for this bill, depending upon your fairness, depending upon you to be just as fair to the little chaps

of the country as you are to the school teachers. I will vote for this bill depending upon you to vote for my bill, and I think you will be inhuman if you don't, and I think that these teachers who wore their shoes out looking after their interests to buy another pair of shoes and wear them out helping to put the two mill tax on the statute books, and in the furtherance of education, gentlemen, I vote "aye."

(Roll call continued.)

Mr. QUISENBERRY (Logan). (On roll call.) Inasmuch as we have voted pensions for nearly every other kind of State service and municipal service, I am in favor of voting for this bill and will vote for it, and I serve notice on Mr. Kane also that I will vote for his two mill tax.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 119, and the "nays" 17; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. GORMAN (Peoria). I move that H. B. 820 be read a second time. (Bill read a second time.)

THE SPEAKER. Are there any committee amendments? Are there any amendments by the House. If not the bill is ordered engrossed and to a third reading.

Mr. WOOD (Wayne). I have an amendment which I wish to offer.

THE SPEAKER. It is a little late to offer amendments; why didn't you offer it when I asked if there were any amendments by the House?

Mr. WOOD (Wayne). I don't think the Speaker saw me, but I was standing here with the amendment in my hand waiting for recognition.

THE SPEAKER. If you desire to present an amendment send it down to the clerk.

AMENDMENT No. 1.

Amend House Bill No. 820, by striking out the enacting clause.

Mr. WOOD (Wayne). I only have a few objections to the bill. I will present them in just as short a space of time as I can because I know you are all tired. The first objection that I have to the bill is that it makes the State of Illinois a partner in this business. The promoters of the bill have concluded that this State has been so liberal today with the pensioning laws that this bill will now go through. They, perhaps, will want it published so the State can obtain some revenue from the same.

The first objection that I have is that it makes the State a partner in this business. It brings the State of Illinois into the game and makes it a party to the boxing law as I see fit to call it; but it is the prize-fighting bill, and I was censured two years ago for using that term, and I think that if you will attend these 10-round boxing matches you will find that it resembles a fight pretty well.

My second objection is the brutality of the game. I don't care to speak very long concerning that. It is sufficient for me to say that to the gentlemen of this House, that inside of the last 15 years, in round numbers a total of a hundred men have lost their lives in this game. It is entirely different from the boxing game. I know the question will be raised that no decision is rendered. Possibly that is technically true. I am saying to you that it is based upon the same principle as the Wisconsin law, and while they have no legal decisions by the referee, they have an agreed decision and the bets are surrendered according to the decision of the editor of that paper, and that will govern this case.

It violates the fundamental principle that we have heard so much about in this House, and that is Home Rule. I am a believer in Home Rule, and that is one of the reasons why I am against this bill. We hear so much concerning the principles of Home Rule, that I hope when you come to vote for this bill, you will have that in mind.

It provides for no decision, but the decision will be granted.

The next objection is the commission selects the referee. There is nothing said in the bill what the salary of the referee shall be. It will give him this privilege of setting his own price.

The last objection, and then I am through, and you can amend it as you please with the lying of my amendments on the table. It creates another

commission. A commission of three, and they receive a salary for their services of \$2,500 per year, making something like \$7,500 to be paid out of the State treasury for this commission, and yet we are asked to keep down the appropriations. When you ask for a small appropriation for some ward, or some man that has met with an accident, the cry goes up "keep down expenses." They are allowed traveling and general expenses to the extent of \$1,500. That would make in round numbers an annual expense of \$9,000 which will be taken from the State of Illinois in order that this State may have the grand and noble privilege of going into the boxing business.

Mr. GORMAN (Peoria). Don't you know that the report of the New York Commission, as well as the Wisconsin Commission, shows that the revenue to the State over and above the expenses runs all the way from \$20,000 to \$35,000 a year?

Mr. WOOD (Wayne). Granting that my friend from Peoria (Gorman) is right in the statement, and it would bring to us that much revenue, I am not willing to go into the boxing business in order that the revenue of the State of Illinois may be increased. If you are going to appoint a commission that will preside over the boxing matches, if you will allow us to have these fights throughout the State of Illinois, can't you broaden it just a little for the benefit of some of us who would prefer a dog fight and let them preside over that. Perhaps some member takes pride in the game chicken fights. Let us broaden the powers of this commission so that they can give us cock fights. Other people who take pride in the cattle will not have to go to Spain to see a bull fight but we can see the whole thing right here in this country. I would take more pride in seeing a bull fight between animals whose instinct it is to fight than I would between two individuals in a pugilistic battle.

It is the heart stroke that they are after. It was the heart stroke in the 26th round that knocked a Johnson out of the ring. I say that they watch for the heart stroke. You say it is not brutal, but you have noticed in the reading of the reports that when the first fellow that draws blood is announced in the reports, he is the fellow that gets the applause. When they read that he has landed on the chin or the chest or over the heart, that is when they score and yet you tell me it is not brutal.

I ask you to consider this matter seriously and do with this bill what the great citizenry of Illinois asks us to do with it, and strike out the enacting clause.

Mr. LYLE (Cook). I had not intended to speak on this bill until it arrived at third reading. I intended on third reading to vote against the bill and possibly say just a few words against it. I am going to take advantage of the opportunity which is my right, to read some of the reasons which are sent out in the form of a circular letter, and some of you may have read them and are well-acquainted with them, but I will read them:

1. Amateur boxing right now is as free as the air and as harmless as lawn tennis. The sport itself needs no legislation.

2. When boxing is made a business, with big gate receipts, it develops a swarm of professional pugs, and is no longer boxing but fighting.

3. Fighting and horse racing are alike in this respect, that it is impossible to conduct either without a crowd of the most disorderly and disreputable sports and a demoralizing epidemic of gambling.

4. It violates the fundamental principle of home rule. The proposed commission could stage a fight anywhere regardless of the wishes of the local community. Hudson, Wisconsin, has frequent prize fights pulled off, always with a deluge of sports, gamblers and criminals from St. Paul and Minneapolis, Minnesota, and the little town has no redress and no appeal.

5. Approximately one hundred men have been killed in the fight ring during the past fifteen years. Morally, at least, every legislator who votes for a fight bill in Illinois will be an accessory to the murders which are sure to be committed if the bill becomes a law.

6. Fighting arouses all that is worst in human nature. Chief of Police John T. Janssen of Milwaukee who has never been classed as a reformer, says, in the Milwaukee Sentinel, of March 5, 1913:

"I am opposed to all boxing bills and to the game as now conducted. If the bill was named a school for pluguglies and brutality it would be nearer correct. Boxing is not what the people who attend these exhibitions want.

They want gore. That is what they pay their money for. My experience is that many young boys have been set on the road to ruin by following the game."

7. The prize fighter himself usually goes down the hill fast. After a few short years he is a has-been. He is then not fit for any reputable business. With a few honorable exceptions prize fighters degenerate into bar tenders, bouncers for disorderly houses, or plain criminals.

8. The provision that there shall be no decision rendered is a subterfuge which deceives no one, who does not want to be deceived. In Wisconsin, by previous arrangement, the decision is rendered by a newspaper, and bets are decided accordingly. There is always a decision to a fight.

9. The drastic penalties provided for fakes and frauds betray the nature of the bills. There is no motive for fake and no possibility for fraud in a no-decision boxing match. The provision to prevent fake or fraud is simply a guarantee given by the great State of Illinois that the spectator will see a real fight, and not a mere "boxing match," "sparring contest," or "athletic exhibit."

10. Provision is made that bouts shall be refereed only by a referee appointed by the commission. No limit is placed on the charge which the referee shall make for his services. This creates a monopoly with its attendant possibilities of hold-up charges and graft,

11. The great religious bodies are opposed to legalized fighting. The Chicago Church Federation Council, representing ten denominations, at its regular meeting, March 29, 1915, passed resolutions denouncing the proposed bill. The Catholics and Jews, unofficially but positively, through their highest representatives, have also declared their opposition.

12. The vote on this bill will not be forgotten. One member of the present House complained that when a man voted for reform measures the "good" people forget it before the next election. The vote on this bill will be kept on record in the office of the Chicago Church Federation Council and will be quoted in the future as occasion may require."

I merely want to ask the House why is it that the Y. M. C. A. has seen fit to eliminate boxing? It is simply because it is impossible to regulate boxing. I used to box with my cousin and every once in a while we would get into a fight and one of us would get a black eye. You cannot regulate it. Many of the clubs have practically eliminated it and prohibit boxing.

I heard the gentleman on the other side of the House, Mr. Santry, complain bitterly about the promoters of these fights. These same promoters have probably the same thing to say about Mr. Santry, and his associates.

I will not take any more of your time, but I would like to go on record as opposed to this bill. You are voting for a prize fight bill. I don't think this bill is going to be passed and I don't think anybody wants to go on record in favor of it, that is anybody who has not heretofore considered what they were doing in the way of voting for a prize fight bill.

(Rising vote taken on the motion to strike out the enacting clause.)

THE SPEAKER. On this question the "ayes" are 34, and the "nays" 78.

Mr. LYLE (Cook). I would like a roll call on this.

THE SPEAKER. If there is any man that wants a roll call sincerely and honestly, they will have it.

Mr. LYLE (Cook). I seem to be the only one that is asking for it.

THE SPEAKER. Do five members want a roll call. The House refuses to strike out the enacting clause of the bill, and if five members desire to have a roll call the House can have it.

Are there any further amendments to the bill; if not, the bill is ordered engrossed and to a third reading.

Mr. CURRAN (Cook). I move that the House do now adjourn until 10.00 o'clock tomorrow morning.

Motion prevailed; and the House adjourned until 10.00 o'clock Thursday, May 13, 1915.

THURSDAY, MAY 13, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment,

The Speaker in the chair.

Prayer by Rev. J. Jay Dugan.

Journal of the previous day being read. Upon motion of Mr. Epstein (Cook) further reading was dispensed with and Journal approved.

Whereupon the House proceeded upon the order of presentation of petitions and reports from standing committees.

The Committee on Appropriations reported House Bill 441, with the recommendation that it do not pass.

Mr. SCHOLES (Peoria). I move that the report of the Appropriations Committee on House Bill 441 be not concurred in, and that it be taken from the speaker's table and placed on the calendar.

Mr. SMEJKAL (Cook). I move to table that motion. This is an appropriation for \$100,000 for a building for Peoria County for exposition purposes.

Mr. SCHOLES (Peoria). I want to say to the members of the House that this was a bill introduced by my colleague, Mr. Lynch (Peoria), to assist us in an educational building for our fair, known as the Implement and Vehicle Show. This is an association of business interests of Peoria. We have purchased a large tract of ground, and every year we give an exhibition of all the implements used upon the farm. We also have exhibits of cattle and live stock, and the different ways of treating land. The purpose of this appropriation was to build a building for the purpose of demonstrating experiments made in regard to the character of land in order that there could be more production.

Statistics show that the attendance at the State Fair comes from within a radius of 45 miles of the city of Springfield. We have found that the attendance at our exposition comes from within a greater radius, and we want a proper building.

We wanted a hearing before the Appropriations Committee, and I want to have Mr. Lynch explain the matter, and he didn't have a fair hearing before the Appropriations Committee.

Mr. SMEJKAL (Cook). The gentleman from Peoria (Scholes) is not a member of the committee, and I want to say that the delegation from Peoria had a full and complete hearing before the Appropriations Committee. They had the County Judge and the officers of this show, and Mr. Lynch was present and addressed the committee on this bill.

Mr. LYNCH (Peoria). I want to say we did have a fair hearing on this bill before the Appropriations Committee, but when the bill came up for passage before the committee it was understood that I was to be notified. Tuesday afternoon was set aside for the Committee on the Omnibus Bill to be heard. I didn't know that these other bills were going to be brought up on that day. Mr. Harvey, my seatmate, was on the Omnibus Bill Committee and he didn't know any of the bills were going to come up. I didn't know anything of it until after the meeting was over and it was reported to me that the bill was brought up. I didn't have a proper chance as a member of that committee, and I asked Mr. Scholes (Peoria) to get up and move that this bill be put on the calendar.

Mr. SMEJKAL (Cook). If Mr. Lynch (Peoria) was in the House the day of the meeting at which this bill was reported, he would have known that there was a meeting of the Appropriations Committee outside of the committee to consider the Omnibus Bill. The meeting was called that day

and announced from the clerk's desk at 1:30. The other committee had nothing to do with the regular Appropriations Committee meeting.

(Vive voce taken and the motion was tabled.)

The Committee on Appropriations reported House Joint Resolution No. 18.

HOUSE JOINT RESOLUTION No. 18.

WHEREAS, The Forty-eighth General Assembly of the State of Illinois, pursuant to the request of the Governor of the State of Illinois, adopted House Joint Resolution No. 36; and,

WHEREAS, The committee appointed under said resolution entered upon the discharge of their duties and have made an elaborate report of their Acts and doings; and,

WHEREAS, The committee believe that it is essential and expedient in the interests of the public and in the furtherance of the good government of this State to continue a most researching, scrutinizing and careful examination and investigation; therefore, be it

Resolved, That a joint committee of five Representatives and five Senators be appointed, respectively, by the Speaker of the House of Representatives and the Executive Committee of the Senate to continue the investigation and inquiry into the methods and actions of such charitable institutions and organizations and of all persons, societies, institutions and corporations handling, caring for or disposing of children in any manner, whether licensed or chartered, or unlicensed or unchartered so to do, and to investigate their accounts, receipts and expenditures and to investigate all charitable organizations to ascertain if they are engaged in the name of charity to traffic for gain; and, be it further

Resolved, That the said committee be, and it hereby is empowered and fully authorized to take any and all steps that may be necessary to make full and complete investigation of the above specified matters; and in the doing of this, said committee is specially authorized and empowered, to summon before said committee as witnesses any and all persons who may, in the judgment of the committee be possessed of any information deemed valuable by said committee, this to include the power of summons by subpœna *duces tecum* all persons possessed of, or in any way in charge of books, documents and papers desired as evidence by said committee and said committee shall have, and it hereby has the same power or powers possessed by the General Assembly, to enforce its orders, and to compel the attendance of witnesses and the production of books, documents and papers; and, be it further

Resolved, That the said committee shall have the power to employ any assistants, a stenographer and clerks; and, be it further

Resolved, That the said committee shall continue its inquiry and investigation and report to the Fiftieth General Assembly, and that said committee shall receive no compensation but shall be paid its actual expenses and that an appropriation be made for the sum of fifteen thousand dollars to meet the actual expenses of the said committee as well as such assistants as may be necessarily employed by them, and that an appropriation in said sum be made by the General Assembly and that all expenses necessarily incurred shall be paid on voucher certified to by the chairman of the said committee and approved by either the Speaker of the House, or the Lieutenant Governor.

Mr. SMEJKAL (Cook). I move immediate consideration of this resolution and move its adoption.

(Rising vote taken and resolution adopted.)

Mr. ROTHCHILD (Cook). I rise to a point of order, that Senate Bill 132 is not properly reported back to this House at this time.

In support of my motion I would like to say that this bill came from the Senate last week and was brought in committee before it was referred to the Committee on Civil Service and was reported back to this House and was lying on the Speaker's table until last evening about 6:00 or 7:00 o'clock, when, on motion of the gentleman from Cook (Smejkal), the bill was taken from the Speaker's table and ordered referred to the Committee on Civil Service. The record shows that the meeting was held at 2:00 o'clock p. m. That was four or five hours before the bill had been referred to the committee. In addition to that, no motion was put to the meeting of the Civil

Service Committee, that this bill be reported to the House with the recommendation that it do pass. The motion that was made was that a roll call had been taken the previous week and the vote was to be verified, and I and several other gentlemen asked the chairman of the committee what he was trying to do—whether he was trying to report this bill into the House, and the chairman stated that he was trying to verify the roll call taken the week before. The roll call that he was verifying was on the bill that was not before the Civil Service Committee. I am not making this motion to be technical, but because I think the bill is bad and there is an effort made to jam this bill on the House calendar. This bill refers to civil service for the Sanitary District of Chicago.

Mr. O'ROURKE (Cook). I rise to a point of order, as the gentleman is speaking on the merits of the bill.

Mr. ROTHSCILD (Cook). I am satisfied. I concede the argument is improper and will withhold any further comment on the merits of the bill.

Mr. O'ROURKE (Cook). I want to say that I spoke to the Speaker and the clerk of this House after this committee meeting was called, and the bill being in the hands of the Speaker I made it my business to see the Speaker and also see the clerk of the House. The only technical objection is the physical location of the bill.

Mr. IGOE (Cook). I want to ask Mr. Rothschild (Cook) a question. Isn't it true that last week when we had this Sanitary Civil Service Bill up, that it was actually voted out by the members of the committee?

Mr. ROTHSCILD (Cook). We were called into committee meeting to tell on Senate Bill 132 our objections. We were not shown the bill and you made a motion that the bill be reported out with the recommendation that it do pass, and I protested against railroading this bill out. It was then said there was no necessity for any discussion as the bill was before the committee and a vote was taken and there were more affirmative than negative votes.

Mr. IGOE (Cook). There were more affirmative than negative votes and there was a quorum present. Is that right?

Mr. ROTHSCILD (Cook). Yes.

Mr. IGOE (Cook). Yesterday the committee was called together and what they voted on was a verification of what happened last week with reference to this particular bill. Isn't that right?

Mr. ROTHSCILD (Cook). Yes, but there was no motion that this be reported out, as the report of the chairman of the committee shows.

Mr. IGOE (Cook). Mr. O'Rourke (Cook) stated that he couldn't get the bill from the Speaker or the clerk.

Mr. ROTHSCILD (Cook). That is right.

Mr. DAHLBERG (Cook). The Civil Service Committee held an alleged meeting at six o'clock last Thursday evening as the records will show.

Mr. IGOE (Cook). I rise to a point of order. I insist that he talk upon this motion.

Mr. DAHLBERG (Cook). I am.

Mr. IGOE (Cook). No, you are talking about a meeting held at six o'clock.

Mr. DAHLBERG (Cook). No, I am talking in this point of order.

THE SPEAKER. The gentleman is speaking of the report of the committee on this bill.

Mr. IGOE (Cook). He is talking about a meeting held last week.

THE SPEAKER. The matter under discussion is the report of the Civil Service Committee regarding this Senate bill. I think any discussion regarding it will be in order.

Mr. DAHLBERG (Cook). The record is in the hands of the clerk, and will show that what I am saying is true. On May 7, Friday, the Journal shows that this bill was first referred to the Civil Service Committee. If you will read page 19 of the Journal of May 7 last, you will see that is true. On May 10, the gentleman from Cook (O'Rourke) made his report to the House. You will find that on page 2 of the Journal of last Monday. The action taken at that time was that the report of the committee was received and ordered to lie on the speaker's table, and it was on the Speaker's table yesterday afternoon when the gentleman from Cook (O'Rourke) brought it up to verify the roll. There was no motion to report

this into the House. He said it was to verify the roll of the alleged meeting held on Thursday and there were a number of the members of that committee did not vote as he didn't give them any time to vote. I think the point of order is well taken.

THE SPEAKER. The chair will try to untangle this proposition. The record of the committee seems to be in proper form. This bill under discussion was read the first time on Friday of last week and referred to the Committee on Civil Service. A meeting of the committee was held on Thursday, before the bill was referred, and at that committee meeting this bill was either reported out or supposed to be reported out, with the recommendation that it do pass. My attention was called to the matter on Monday and I spoke to the chairman of the committee on Tuesday and suggested that as the record showed the bill had not been referred to the committee it might be well to ask to have the bill withdrawn and sent back to the committee so that it might be acted upon. I told him that would be done yesterday. The chairman informed me that he would call a meeting of the Civil Service Committee for yesterday afternoon, and that the bill was printed and the members had the bill and the bill was under discussion. The chairman didn't state what the motion was that was put, but the gentleman who opposed it stated that the question was on the verification or the confirmation of the vote of last week, and the bill was reported out with the recommendation that it do pass, on the minutes of Thursday.

The question is whether it is necessary, to have the original bill before the committee, if the substance of the bill is there in printed form so that it can be acted upon. If the majority of the committee reported it out, the bill ought to go upon the calendar. The point raised is technically well taken, that this committee meeting ought to be held in due form, but if the majority of the members reported the bill out with the recommendation that it do pass, it goes on the calendar. There is no question about it but what the manner in which it was brought out jeopardizes the passage of the bill. These bills ought to be sent out in regular form.

Mr. MITCHELL (Cook). What is the ruling of the chair?

THE SPEAKER. The bill will go on the calendar.

The Committee on Civil Service reports back House Bill 874 with the recommendation that it do not pass.

Mr. BRUCE (Cook). I move that the House do not concur in the report of the committee.

Mr. CURRAN (Cook). I move to lay that motion on the table.

Mr. BRUCE (Cook). House Bill 874 is the County Civil Service Bill. It is the same bill as House Bill 716, recommended by the Committee on Civil Service, the enacting clause of which was stricken out by the House some two weeks ago, except that section 5 of this bill is the identical thing contained in section 72a of the Park Civil Service Bill passed by the Forty-seventh General Assembly—the section technically known as the blanket section. I want to say that at that session of the General Assembly a republican governor was in control of the park system and it was well then that republicans should vote for civil service, and such a blanket clause. If we are as we profess to be, real friends of civil service we will vote on this motion as you acted four years ago. If the republican members of this House are in favor of civil service and they are against the spoils system in politics, they will have an opportunity in voting on this motion to show to the people where they stand on this proposition. This is not a political question today any more than it was in 1911—in the Forty-seventh General Assembly, when this law was enacted and on the roll call upon which this park civil service was enacted into law, 52 republicans voted for the bill and 38 democrats voted for it. If you were in favor of civil service then and you have not changed your mind, you must vote not to concur in the report of the Committee on Civil Service, because the section technically known as the blanket clause is the identical thing contained in the so-called blanket clause of the park civil service bill. The people of the State of Illinois have voted by an overwhelming majority at every opportunity offered them, in favor of civil service in public offices, and against the spoils system. The republican party as well as the democratic party has gone on record in convention after convention as favoring that proposition. I say, Mr. Speaker, and Gentlemen of the House, that if party platforms stand for anything and mean what they

say, that as representatives of those parties here in this House, we will today by our votes demonstrate to the people as to whether the party platform of our party means anything to us after we have been elected to office. All I ask of the real friends and the men who are in favor of civil service and who are in favor of removing these jobs from under the spoils system, is to vote "no" on the motion to table my motion, and not to concur in the report of the committee.

Mr. CURRAN (Cook). We had this bill before us the other day and struck out the enacting clause. It was first reported in with the blanket in it and we beat that then struck out the enacting clause, and the gentleman reintroduces another bill practically the same but with the blanket in it. Yesterday, the Civil Service Committee voted the bill down for the same reason that they struck out the enacting clause a few days ago. Now he comes in this morning protesting against the action of the committee. He sustained the committee in the last vote in the House, or was willing to as long as they were putting the blanket clause over for men who are holding a job. If he is such a believer in civil service as he claims to be he would not be in here trying to protect men now holding positions. If we are going to have civil service let us have an open civil service examination for everyone to take. I am opposed to civil service of any kind but if we are going to vote it let us have real civil service.

Mr. DE YOUNG (Cook). I believe if we are to have civil service we should have good civil service. The gentleman on the other side of the House took the opportunity to refer to the declaration of the platforms as voting for an honest civil service bill. The blanket clause was taken out of this bill and then the enacting clause was stricken out. And there never was a more fair civil service bill offered for the consideration of this General Assembly than the one offered at that time which the gentleman on the other side voted down. There is no reason why this House should re-consider this matter in enacting a civil service law that is not necessary and that is not a good bill. These men with the experience who hold these jobs now are unwilling to submit to a fair test. It is not proper that men who are now in the business should seek to get into civil service by this blanket clause and not take a fair examination. I hope that the members of this House will vote to table the amendment.

(Viva voce vote taken; motion to table prevailed.)

Mr. LANTZ (Woodford). I desire to call up House Bill No. 562 on the order of third reading, which provides in relation to the suppression and the prevention of the spread of contagious and infectious diseases among domestic animals and provides for a limitation as to the value of slaughtered animals.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) I was under the impression when I heard this bill read this morning that the bill was not in the condition it was when we got through with the amendments on the floor of this House. Since looking over the amendments I am not sure whether it is or not, but it may be. Certainly, in its present condition I didn't recognize it as the bill we got through with by our labors here upon this floor. In any event as the bill now stands it provides for a fixed amount, not to exceed a certain fixed amount for cattle, for horses, and other animals. In principle it is wrong, just as I urged at the time of the discussion of the amendment. I don't think you should limit the amount any more than for any other property.

The right of appeal as provided for in this bill is a farce. If the appraisement by the three appraisers is not satisfactory, there is then given an appeal to the Board of Live Stock Commissioners. The appraisers are appointed by them, and if their servants do not do right you appeal to them. It appeals to me like a farce. The bill is not good and I can not vote for it in its present condition, and I vote "present."

(Roll call continued.)

Mr. DONAHUE (McLean). (On roll call.) This bill fixes the maximum value of stock to be killed for the suppression of stock diseases. The limitation of the value might be all right if the animal is affected by the disease and it can be so proven, but animals that are merely suspected, or some cow doctor might say he thinks they are affected, the State is not war-

ranted in going killing that animal except under one power, and that is the power of eminent domain, and the power of eminent domain extends to personal property as well as to real estate, and when you take an animal under that power you must pay the market value for that animal. This bill fixes a maximum value. That being true, and under the decision of the court, this bill is absolutely void in that respect. There is a provision under the Federal statutes that the National Government by the consent of the State may come into the State and pay for one-half the damage. That statute does not fix any maximum value on the property taken. That leaves the amount open, but how are you going to conform your State statute to the Federal statute and how are you going to pay one-half. Suppose the Federal statute says the animal is worth five hundred dollars and the State statute says it can not be worth over three hundred dollars. Last fall you put a maximum value, you absolutely wiped out that statute and went to work and fixed a value according to your own interests. That is what you will have to do under this bill. Why don't you pass a good bill? And if you are going to take an animal and kill the animal on mere suspicion, why don't you pay the full value? If you don't do that the court will make the man that kills the animal pay. There is a decision of the Supreme Court where an animal was taken and killed by a veterinary, and it was said under the State authority and the man that owned the animal sued the gentleman that did the killing. When they came in court they plead the statute of Illinois to protect them and the court and jury said that that statute was no protection. If the animal was not actually infected the laws would not authorize you to do what they did do, and in that case mere suspicion will not authorize the taking of an animal except by the power of eminent domain. I will have to vote the other way on this bill, and I vote "no."

(Roll call continued.)

Mr. FOSTER (Schuyler). (On roll call.) I think that this bill is entirely inadequate in every sense of the word. I am opposed to the bill and I don't believe it will do what it is meant to do, and if it does do that it will be bad. This bill is antagonistic to every man that is a breeder of pure bred stock in the State of Illinois. I believe it is wrong and bad. I believe there could be no greater harm done to the pure bred industry than paying scrub prices for pure bred live stock.

In 1902 I went to the International Exposition in Chicago and bought a hog for which I paid \$100. If that hog had been slaughtered I would have been the loser by fifty dollars. The whole idea is wrong. I think that this is wrong and I feel that it is a blow at the pure bred livestock breeding industry of the State of Illinois and I vote "no."

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) I don't think this bill is framed along the proper lines and I don't think there should be any limit. I think the people should be paid what is properly coming to them, but it is a better bill than we had before and I therefore vote "aye."

(Roll call continued.)

Mr. HOUSTON (McDonough). (On roll call.) I want to say just a few words on this bill. I believe in the main it is a good bill. In some minor respects I think it needs fixing a little but that can be done later. I want to confine my remarks on the question that has been raised, the actual value in the right of eminent domain. Now, that is true in a general way but in practice it would not work well. There comes a time in the live stock industry when people go wild on pedigreed animals and some special line of breeding. We have seen the time in this country when an animal combining special lines of breeding sold for as high as twenty-five thousand dollars. Now, that kind of thing obtained for ten or fifteen years and then it died out and they were worth no more than cattle of ordinary good breeding in their line. We had that fever in the Shorthorns and the "Great Seal" in New York brought a price of twenty-five thousand dollars. Animals of the same breeding would not bring any more than a good breed of Shorthorn lines. In order to avoid this craze that comes over the breeding industry of the country I think it is necessary that there be a limit placed upon the valuation of pure bred animals and that limit should be a limit

that would be fair to all the breeders of the country. I think the limits placed in this bill are fair and will not work any practical hardship upon anybody. It may make a man lose some money but in the main and in the practical application of the bill it will be a good restraint.

In Holland they got the tulip craze. There was a time when men paid fifty thousand dollars for one tulip bulb, and men in the live stock industry get the same kind of a craze. It is to protect the taxpayers of the State against that kind of a thing that there must be a maximum to be paid for pure bred stock. This bill ought to pass and I vote "aye."

(Roll call continued.)

Mr. TICE (Menard). (On roll call.) In reference to this bill, my personal opinion when we started in to discuss and to draft a bill that would cover the requirements of pedigreed and registered live stock breeders was that it should be a bill after the character as advocated by the gentleman from LaSalle (Browne) and the gentleman from Mercer (Graham). I believe personally that such perhaps would best cover the interests of the men who stand for and who are engaged in the breeding of pedigreed animals in our State.

I found on consultation with men who are most prominent and who have the greatest interests in this industry that they rather favored a limitation being put upon the appraised value of such animals as might possibly be affected or such animals as might be slaughtered under the provisions of the federal and State law. The original bill that was presented to this House was drawn according to the suggestions made by Mr. Frank Harding, who is president of the National Shorthorn Breeders' Association, and Mr. Frank Prather, one of the most noted Shorthorn breeders in the United States, and we have a member of this House, the gentleman from Woodford (Lantz), who is the most noted breeder of Polled Angus cattle in the United States. After hearing their discussion of the question, I accepted their advice that it was better to put this limitation upon the appraised valuation of the animals that might be placed in jeopardy because of this epidemic. If these men who are vitally interested in the main as to the value of the stock which they raised and which they produced and which they sell make this recommendation then I believe that the rest of us can well follow their judgment and we should support this measure. As to the technical questions that may be incorporated in this bill I will admit that I am not competent to pass judgment. That is a matter for men of legal attainment. I believe that every man that wishes to advance the interests of this breeding industry should support this bill and give it the necessary votes to place it upon the statute books, and I vote "aye."

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) There are many things in this bill that I don't like, but as the gentleman from Mercer (Graham) said, it is a great improvement over the present law, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 99 and the "nays" are 6. The bill having failed to receive the required two-thirds vote is reconsidered for the purpose of striking out the emergency clause. The clerk will call the roll with the emergency clause stricken out.

(Roll called with emergency clause stricken out.)

THE SPEAKER. On this question the "ayes" are 101 and the "nays" 2. The bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House take a recess until 2:30 o'clock this afternoon.

Motion prevailed and the House recessed until 2:30 o'clock.

Two-thirty o'clock p. m., reconvened.

The Speaker in the chair.

Whereupon, the House proceeded upon the order of House bills on second reading and the following bills were taken up and advanced to third reading, without debate: House Bills Nos. 162, 164, 823, 677, 285, 843, 766, 676, 723, 724, 107, 697, 352, 268, 462, 787, 869, 492, 58, 403, 127, 564, 565, 538, 539.

Mr. FRANZ (Stephenson). I desire to call up House Bill 524 on the order of second reading.

This bill provides a referendum vote as to whether the city shall retain an election commission.

Mr. BROWNE (LaSalle). This bill gives the right to any city of 30,000 inhabitants or less that has election commissioners, to get rid of them by referendum vote.

Mr. HOLADAY (Vermilion). I move to strike out the enacting clause.

Mr. FRANZ (Stephenson). I move to lay that motion on the table.

Mr. HOLADAY (Vermilion). This provides for cities to get out from under the election commission throughout the State. It has been the universal experience that the system of registration inaugurated under the election commissioners' system has done more to purify elections in the State than any other one thing.

This is the same bill that has been up here year after year, and it is a bill that is foisted and advocated by certain elements in the cities who are opposed to the system of registration, that there may be no question but what the election may be clean and on the square; I move to strike out the enacting clause of this bill.

Mr. DAVIS (Knox). This bill gives the people the right to determine whether or not they shall retain the board of election commissioners after they have once adopted it. It gives a referendum vote on the proposition. Men who talk about home rule and the question of whether or not the people should be permitted to govern themselves, ought not to oppose a bill of this kind.

There are a number of the smaller cities in the State that probably would like to adopt the board of election commissioners if they could get out from under it. They might want to use this law under which this registration is established, but they don't dare to take it on under the present circumstances. This bill works for home rule on the question of holding elections and ought to be passed.

Motion to table prevailed; and bill ordered engrossed and to a third reading.

Mr. GRAHAM (Lake). I wish to call up House Bill 507 on the order of third reading.

This bill affects no other locality in the State except the district lying between Highland Park and Waukegan on the North Shore. This bill was enacted in 1911, and provided for an amendment to that bill.

Mr. Shurtleff from McHenry introduced the original bill and I think he is well informed as to what the purpose of this bill is and I would like to have him explain it.

Mr. SHURTLEFF (McHenry). This bill affects only the one district and one county, Lake County, and cures a defect in the original bill, that is as to the form of issuing bonds. It is a companion bill of 506 and the two are wanted together to complete the legality of the district, and the issuing of the bonds.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 110 and the "nays" are none. The bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Whereupon Mr. Graham (Lake) called up House Bill 506, a companion bill to 507, and the same was passed by a vote of, "ayes," 98; "nays," none, without debate.

Mr. PURDUNN (Clark). I desire to call up House Bill 93 on the order of third reading.

This is a Road Improvement Act known as the "Enforced Drag Law." It has nothing to do with the ordinary roads of the State, but it is in the hands of the township authorities to have the roads dragged at certain periods of the year. It is copied largely after the Iowa law on this same subject and the law gives relief to counties that can not under any possibility get the benefit of the State aid roads. I have never heard a man complain about the provisions of the law and I hope you will all vote for it.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 109 and the "nays"

are none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BURRESS (Champaign). I desire to call up House Bill 477 on the order of third reading.

There is very little to say about this bill unless it would be to answer any questions. This bill does not interfere with any school of medicine whatever. The difficulty of the Medical Practice Acts at the present time has been that any certificate issued prior to the law of 1899 has been declared by the Supreme Court to be in such position that the board could not revoke it.

We have recently found under the Harrison Anti-Narcotic Law that there are many offenders who have been subjected to punishment and when the State Board of Health has been asked to revoke their certificates they found themselves helpless.

This bill was submitted to the Committee on Judiciary and it was unanimously reported out of that committee. It has the endorsement of the medical profession, and up to the present time I have heard no objection offered by any of the lay boards. It will give power to the board to take care of a real absolute offender. In this county there is a man who has been charged three times and is under charge now of murder and who was adjudged insane. While the man can be punished on coming out of prison, he still can hold his certificate as a physician, no matter what his conduct may be. The physicians and the entire medical fraternity of the State feel that the board should have some power to act in those cases. It will not be abused in the interests of any particular school.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 102, and the "nays" are none. The bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. GRAHAM (Mercer). I wish to call up House Bill No. 40 on the order of third reading.

I desire to explain briefly about this bill. It is an amendment of what is known as the Levee Act, and does not apply to any drainage district at all except those organized under the Levee Act of 1879. It amends two sections of the existing Act and adds one additional section.

The first amendment simply permits the court where the assessments have been deferred by order of the court to order the first year's interest payable in advance so that the bonds may be taken care of and money on hand to meet the interest on the bonds when they mature. Under the present conditions that could not be done and it is found in many districts that there is trouble.

The second amendment provides that a levee district may be continued with work that has been planned and contracted for as was shown by the original plan, and when there is danger of the ruination of the district, they may proceed with the work without having to stop in the middle of it to levy an additional assessment.

The third amendment provides for something that the Supreme Court has said can be done. That is, where there has been ditches or levees planned, that the commissioner may make such changes that do not materially affect the proposed work or decrease its efficiency.

The Supreme Court has said it might be done and I think some method should be provided to give notice to the land owners and that is what is included in that section.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 101, and the "nays" are none. The bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. DEVINE (Lee). I desire to call up House Bill 501 on the order of third reading.

This is the bill that was discussed last week quite thoroughly on second reading, and I don't think it is necessary to indulge in any additional discussion at this time. It provides an additional way to prove handwriting, allowing it to be proven by comparison in addition to the methods allowed in this State. It is generally conceded that this is a meritorious measure. It is now the law in England and in most of the states in this country.

Mr. WILSON (Adams). I don't think everybody on this side heard the explanation of the gentleman from Lee (Devine), and I would like to call attention to House Bill 501, which is on third reading.

This is the law regarding handwriting. You cannot compare handwriting unless it be handwriting on some paper in the case. This permits other handwriting admitted to be genuine to be used for the purposes of comparison and I would like to have your votes.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 93, and the "nays" 3. The bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. BIPPUS (Cook). I desire to call up House Bill 124 on the order of third reading.

Mr. BROWNE (LaSalle). I am afraid that while the intent of this bill is all right, it is a little far reaching and more drastic than was intended by the gentleman that presented the bill.

I would like to ask to start with if it is not true that this bill eliminates from the business of collections, justices of the peace. A justice of the peace in Cook County is a negligible quantity and has almost ceased to exist, but down the State he exists and is a very active factor and useful factor. This eliminates justices of the peace from the business of collections.

Mr. HUBBARD (Greene). He has to give a thousand-dollar bond.

Mr. BROWNE (LaSalle). Unless he is a lawyer he does not come within the purview of the exception. He is elected by the people, and if he is worthy of holding office, he is as much entitled to confidence as the lawyer is that is not elected and does not have to give any bond.

Mr. HUBBARD (Greene). That bond is for another purpose.

Mr. BROWNE (LaSalle). I understand that, but I say in order to do this he would have to give another bond of \$2,000, the same as anybody else that wasn't a lawyer, and I think it is right. I don't like to vote against it, though.

Mr. BIPPUS (Cook). Not being an attorney myself, I took this matter up with an attorney and I have been informed that in the only case where this would affect the sheriff or justice of the peace would be in cases that the justice of the peace had gone into the collection business and made that a business.

Mr. BROWNE (LaSalle). This bill does not differentiate between the man that makes two collections in a year and the man that makes fifty thousand in a year. This shuts out the principal agency for collection down the State, and the one to whom all the little claims go.

Mr. BIPPUS (Cook). I will say to the committee that the Judiciary Committee offered the amendment which they informed me eliminated that feature which you bring out.

Mr. BROWNE (LaSalle). They have not done so and they did not eliminate it.

Mr. PIERSON (Cook). I see that the committee has forgotten the question of the justice of the peace.

Mr. BROWNE (LaSalle). Yes, you have.

Mr. PIERSON (Cook). I suggest that we recall this bill and eliminate justices of the peace.

Mr. BIPPUS (Cook). I would like to recall this bill to second reading for the purpose of amending it.

Motion prevailed.

THE SPEAKER. The bill is brought back to second reading and will be passed temporarily.

Mr. BROWNE (LaSalle). May I call up House Bill 164 for the purpose of getting it back to second reading for amendment? It was called up while I was out. I will vote for a bill of this kind with an amendment to it, which I would like to have added and wish to have the bill called back to second reading for that purpose.

House Bill No. 164 provides that whoever is an inmate of a house of ill fame, or a place for the practice of fornication or prostitution, etc., shall be fined not to exceed \$200, or imprisonment in the county jail or house of correction for a period of not more than one year, or both.

The present law provides for the arrest of those known as streetwalkers,

and provides this penalty. It does not provide for going into the house and houses and doing this thing.

I am given to understand that the purpose is to take these girls that are diseased and sequester them in institutions where they can be treated and cured, but this gives an opportunity to officers and to plain clothes men; and those who traffic upon these girls to keep on trafficking in them and arrest them and take what they can get and keep on arresting them and make them really work for them.

I don't complain so much about streetwalkers, but those that are in the houses, it gives them an opportunity to go in and hold these girls up. I am opposed to making war on these poor unfortunates. If you want to make war on the houses, and the people that occupy them, and want to make war on these men that go there, and make it possible for these girls to be there, I am with you, but for God's sake don't make war on these poor unfortunates that cannot help themselves and then eliminate the others. It is a shame and it is not right, and I want to call this bill back for the purpose of eliminating that feature that applies to the houses, until such time when we want to pass a bill that says plainly and clearly and gives us an opportunity of taking these girls and putting them in an institution where they will be properly cared for.

Mr. GARDNER (Cook). I object to that.

THE SPEAKER. It will be necessary to suspend the rules to call it back.

Mr. BROWNE (LaSalle). I ask for that.

THE SPEAKER. The gentleman from LaSalle (Browne) moves to suspend the rules for the purpose of calling back House Bill No. 164 to second reading for the purpose of amendment.

(Rising vote taken. Motion prevailed.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption.

AMENDMENT No. 1.

Amend House Bill No. 164, by striking out in line 6 of the printed bill, all after the word "whoever," and all of line 7 down to the last word "shall," in said line.

Mr. SCHOLLES (Peoria). When this matter was discussed in committee I was somewhat of the opinion of the gentleman from LaSalle (Browne). I felt at that time that it was adding another burden to the unfortunate women who are leading the life of shame. I have taken the matter up with a lady whom I have every reason to believe is sincere in the proposition in which she is working as it is possible for anybody to be. I realize from what she told me of her work in the slums in the great city of Chicago that there has come a time when we must come out in the open and face this evil as it today exists with us, and really and manfully meet it. Modesty has been the key-note in keeping the social disease under cover in order that it may do its damnable work. This lady tells me that the purpose of this law is that in the city of Chicago where they have ample provision that these girls may be taken care of and doctored, it will be a good law. Down the State this condition does not exist. We don't have places to take care of these girls.

I believe, gentlemen, that it is a plea in the right direction. I believe that the passage of this bill will call to the attention of the people of the great State of Illinois the fact that a State institution is necessary for the protection and curing of these girls. Now, then, if we are able by means of this law to take the girls that are diseased, whether they be in houses of ill fame or whether they be on the street, and put them in institutions, I say to you that it is a step in the right direction.

We realize from the reports that are given us from the insane asylums that a great percentage of insanity is caused by sexual diseases. It is an evil that is confronting the people today; it is an evil that is working at the very foundation of our nation, and it must be overcome, by some means or other.

I don't think in its operation that any judge in any of the counties down the State will attempt to enforce this law to the further injury and downfall of these women when they realize the purpose of this law. It is an evil that we must meet face to face.

We must begin to realize that unless it is taken care of, the foundation of our very government is in danger. Our lives and our children's lives are in danger. Consequently I want to speak against this amendment and have this bill go through as a whole that it may be enacted into law.

Mr. LYLE (Cook). This is the bill which I attempted shortly after dinner to get called back to second reading for the purpose of offering some amendments. At that time I was unsuccessful, and I am glad that the matter has come back for consideration, and I want to present to you just a few facts in support of this amendment.

The gentleman from LaSalle (Browne) has made a few remarks about the bill itself. This bill means just what it says, that prostitutes can be sent to jail and that they can be locked up in jail and not in institutions and not in homes.

I have always been opposed to the fining system, and when houses of ill fame have been raided, it has always been my suggestion that the proprietors or the patrons should be the ones to be punished instead of the poor girls. After they come out of jail and have been doctored up, there was a pimp or panderer waiting with his arms open to take them back to the places where they formerly were. Do you want to stamp out this disease? If you want to stamp out prostitution and will go back to the source of the evil like in any other disease, like smallpox or diphtheria, or consumption. We have to fight these diseases at the roots. This law is not only applicable to Cook County, but it is applicable to every municipality, no matter how small, in this State, and don't you be fooled about the operation of this bill. It means that when they want to clean up your town, if you should be so unfortunate as to have houses of prostitution, as soon as the mayor, or the chief of police wants to clean up the place, they will send out for the poor girls and bring them in.

A lot of these girls come from the little towns to Chicago. An old man comes in and he says to the judge, "I hear you have sent my girl to jail for a year." The judge says, "Yes, we are cleaning up the town; we caught her in a house of prostitution, and we sent her to jail." The father says, "What about the proprietor, why let him go, and what about the young man that was caught with my daughter?" "Well," the judge says, "It would be too bad to soil his family name; he is assistant cashier in the bank," and so on, "and we hadn't better attack him." The father would say, "Don't you think you had better go back and take this matter at its very roots; don't you think you had better have a law that will take care of the proprietor and the patrons?"

After you have voted on the amendment of the gentleman from LaSalle (Browne) I hope you will give me a chance to put in an amendment to take care of the proprietor and the patrons.

Mr. GARDNER (Cook). How many of these inmates did you prosecute in the last two years?

Mr. LYLE (Cook). I didn't prosecute a single one that I did not have to do, and the police officials acted against my wishes.

Mr. GARDNER (Cook). You had 296 fines, and the pimps paid the fines, didn't they?

Mr. LYLE (Cook). It was against my wishes that they were fined.

Mr. BROWNE (LaSalle). This is a bill that is traveling under false pretenses, and like a person that travels that way it comes in a bad way for the acceptance of those that are honestly voting on legislation. This professes.

There ought to be a bill for the helping of these poor unfortunates and furnishing a method whereby they can be sequestered and cured of disease. The jail does not help that way, and it can't work out that way, and everyone knows it that can read and knows anything about conditions. There isn't a county in the State of Illinois outside of Cook where there is any institution for the taking care of diseased girls in this way. This bill provides for their arrest and not placing them in institutions, but it provides for their arrest and fines of not to exceed \$200, or imprisonment in the

county jail, or both. It provides for the punishment and not for a cure, and you can't cure syphilis and those diseases by sending a poor unfortunate to the county jail. That is not the place to cure them, and there is no place to cure them, and the best county jail of this State is a hell-hole for a girl. What is the use of traveling under false pretenses, and if you want to provide for the helping of these poor unfortunates, provide a bill that aims at the keepers or patrons. Take and put these girls that have disease in proper institutions provided for that purpose.

Take it outside of Cook County, down in the State, supposing two or three of these poor unfortunates are arrested and brought in, what will the judge say?

Will he say, "I would like to fine you and send you some place where you can be taken care of, but I don't know of any place where I can send you. I would like to send you to the county jail, or fine you, but I will not do it, as it would not do any good, and therefore I will let you go." He wouldn't do anything of the kind. He would fine them or send them to the county jail unless the pimp or the fellow that put her where she is, is there with the fine. Then she is picked up again, and brought in again, and this goes on until the fine money stops.

You are passing a bill that will make the judge on the bench a man that will not live up to his duty and who will be derelict in his duty and he will not live up to his oath of office, or else he will commit a crime every time he sends one of these poor devils to a county jail, professedly for treatment.

There isn't much difference between these poor creatures, whether they are in a house, or in the street. But where you find a homeless wanderer out on the street interfering with the people that have to come and go and interfering with society, and an eye-sore in the face of society something has got to be done, and if nothing else can be done, she must be incarcerated. interfering with society, and an eyesore in the face of society something like decent treatment, at least a semblance of it as compared with the wanderer out on the street, she is better off than to be picked up and made an article of commerce by all the wolves and coyotes and sent to the county jail. This amendment ought to be adopted.

Mr. WILSON (Adams). The gentleman talks about this bill traveling under false pretenses. I might say that his amendment is also traveling under the same false pretenses. If this amendment is adopted, it would be equivalent to striking out the enacting clause. I think that is what it is intended for.

Mr. BROWNE (LaSalle). It is not intended that way at all.

Mr. WILSON (Adams). It looks so to me.

Mr. BROWNE (LaSalle). I am not to blame for your faulty eyesight.

Mr. WILSON (Adams). If this amendment should be adopted then you can only catch the streetwalker on the street and this bill would not go to remedying the evil which it is sought to remedy. Only occasionally do you find a streetwalker in the best regulated cities, even where they have houses of ill fame. They don't allow streetwalkers to ply their vocation on the street. If this amendment should be adopted it would not be applicable to inmates of houses of ill fame at all, but only to streetwalkers.

In regard to the amendment and the objection of the gentleman from Cook (Lyle), I understand that Mr. Lyle is not opposed to this bill if you amend this bill including the patrons and persons who run the houses. I know the gentleman from Cook (Lyle), has a bill of his own, and I think it is House Bill No. 381, which covers that sort of thing. That bill has been reported out by committee.

Mr. LYLE (Cook). It has not been reported out of the committee, and do you think that it will come out of the committee?

THE SPEAKER. The gentleman from Adams (Wilson), has the floor.

Mr. WILSON (Adams). I don't know. As far as the city of Chicago is concerned, and I am not arguing the case for Chicago primarily—yet the people down the State are interested in Chicago in many ways. I can't point out where the interests of Chicago affect materially the interests down the State. The city of Chicago has provided or appropriated, or voted, to issue bonds in the sum of \$250,000 for houses of shelter to take care of this sort of thing. Where there is a commitment or a misdemeanor the statute always says the jail. In some of the down-State counties they have jails,

and in other counties they have houses of correction. In Quincy we have a house of correction, and when the statute says the defendant shall be committed to jail, he goes to the house of correction, and not to the jail. There is one universal place in all the counties whether they have houses of correction or not, where they may be committed, and that is the county jail. There is no use playing upon the statement that the girls may be committed to jail where there are counties where the conditions are such that they can take care of these things, they may be committed to these houses of shelter for treatment, that is having the girls under the protection of the law so they may be doctored and cared for.

I am reliably informed, I think, that the city of Chicago has a revenue of \$46,000 a year from this source. There is nothing else to do with these girls but fine them and let them go out on the street or back to the houses of prostitution again and make a little more money and come back and be fined again.

If this bill should be enacted, then in cities like Chicago that element of punishment would be eliminated and so far as down the State is concerned—I am a down-Stater myself—we have to meet that sort of thing. If the girl be arrested and she be committed to jail, if there is no proper place to send her the court would not do other than fine her. As a matter of fact in many of the down-State cities there is no disposition to exploit these poor girls; there is no disposition to make money out of them.

I am familiar with the administration of the criminal law in one of the largest counties in the State of Illinois, and so far as the prosecution of these girls is concerned they would do nothing to gain revenue for the prosecutor or the county, and in those instances there would be no disposition to invoke the law and have the girls incur any hardship.

I think it would be better to strike out the enacting clause than that this amendment should pass. It would make the bill practically nugatory.

Mr. GRAHAM (Mercer). Under the present law in this State an inmate of a house of prostitution can be punished with a fine only, as I understand the law.

Day after day in the courts of our large cities we see the farce of these inmates of houses of prostitution being brought up to the bar and fined their weekly or monthly stipend and sent back to their kennels. Out of these houses of ill fame there is flowing a steady stream of pollution that goes through every avenue of people's lives until it is handed down from generation to generation—in women that go under the surgeon's knife, with little children without eyesight and quivering limbs, a tribute to this evil thing that is going on around us.

I have no interest except to see something done that is for the betterment of mankind. If you take this influence out of this bill, excepting inmates of the houses of ill fame from this thing, you put a stamp of approval on the things that are going on now and license these things. I don't suppose that was the object of this amendment, as I have the highest regard for the gentleman who made it, but my experience has been that that sort of thing generally is a farce and ought not to be permitted. If I had anything to say about this I would exclude from the Act the fine part of it and make it a jail sentence only.

He speaks of the poor, unfortunate women in these houses. That is true, but let me tell you there are a million good women that go under the surgeon's knife, and many little children that go through this land with disease handed down to them from these dens of pollution. For that reason I think this amendment ought to be tabled.

Mr. SCHOLLES (Peoria). Mr. Browne (LaSalle) said he knew of no case where a cure had been effected. I want to cite you to a case that came to me as prosecutor of Peoria County, of a girl that came from one of the very best families in the county, and, like many poor girls, she fell. She was carried on down through the underworld, and became afflicted with this terrible disease, syphilis—

Mr. BROWNE (LaSalle). You are not quoting me; I said they could not be cured by sending them to jail.

Mr. SCHOLLES (Peoria). This girl went down and down until she became an inmate daily of the police court and she became so diseased, and she was spreading it to the young men in the community that it was neces-

sary for something to be done. Mr. Broughton, one of the best and ablest men I know of in handling this work, spoke to me about the matter. He said, "If we had a law where the courts could send a girl to my place for a definite period, I could cure them, and, possibly, in many instances, I could make better men and better women of them."

I say there are many things in this bill that do not go far enough. I give heed to every word the gentleman from LaSalle (Browne) has said. I hope this General Assembly will erect a State institution for the care and cure of these unfortunate girls. This is the first step to take. Let us take it in the name and honor of womanhood, and let us put it upon the statute books so that the Legislature two years from now will say that there is enacted a law that will give us a State institution for the cure of these girls.

Mr. ROTHSCCHILD (Cook). The objection has been made to this bill that it does not touch the keepers of these houses and the patrons. That was done advisedly, as they are not in the same class as the poor unfortunates, and for the other reason that our present statute provides a method of punishing the keeper of the house of ill fame, or the patrons of the same. That is section 57 of the Criminal Code, and for that reason that is not.

In this connection I am going to quote the chairman of the Charities Commission appointed by the Forty-eighth General Assembly who is sitting on the floor of this House. He has looked into the work done by Miss Addams, and he told me that he is satisfied that she is carrying on a good work, and a work that should be extended.

As far as the gentleman from Cook (Lyle) is concerned, he himself has offered a bill, House Bill No. 381, which contains every provision of this bill, and with the addition that there is a punishment for keepers and patrons of houses of ill fame. It wasn't sent out of committee as it conflicted with the existing statute and didn't amend the statute it referred to.

THE SPEAKER. Are you ready for the question?

(Rising vote taken. Yeas 28, nays 50, and the amendment offered by the gentleman from LaSalle (Browne) was lost.

Mr. LYLE (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 2.

Amend the title of House Bill No. 164, by adding after the last word of the title, the words "and fifty-seven A-2."

Mr. GARDNER (Cook). I move to lay the amendment on the table.

(Motion prevailed. Amendment tabled.)

Mr. LYLE (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 164, section 1, of the printed bill, by striking out all after the word "additional," in line four and inserting in lieu thereof the following: "Sections to be known as sections 57 A-1 and 57 A-2, as follows."

Mr. GARDNER (Cook). I move to lay that amendment on the table.

(Motion prevailed. Amendment tabled.)

Mr. LYLE (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 4.

Amend House Bill No. 164, section 57 A-1, line 6, by inserting after the word "inmate," the words "or patron."

Mr. GARDNER (Cook). I move to lay that amendment on the table.

(Motion prevailed. Amendment tabled.)

Mr. LYLE (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 5.

Amend House Bill No. 164, by adding an additional section to be known as section 57 A-2, as follows:

"Whoever shall keep or maintain a house of ill-fame or assignation, or place for the practice of fornication or prostitution or lewdness shall, upon

conviction, be punished by imprisonment in the county jail or house of correction for a period of not more than one (1) year or by a fine not exceeding one thousand dollars, or both."

Mr. GARDNER (Cook). I move to lay that amendment on the table.
(Motion prevailed. Amendment tabled.)

Mr. KESSINGER (Kane). I offer the following and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 164, by striking out in lines 9 and 10, of section 57 A-1, of the printed bill, the words "fined not exceeding one dollar or."

Mr. KESSINGER (Kane). This is an amendment to take the fine out of the bill. I am not exactly against this bill, but I know what it means to Chicago and down-state cities where there is an attempt to make some money out of fining these girls.

Mr. GARDNER (Cook). I move to lay that amendment on the table.
(Motion prevailed. Amendment tabled.)

THE SPEAKER. Are there any further amendments to this bill? If not, the bill is ordered engrossed and to a third reading.

Mr. FOSTER (Schuyler). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 89.

During the interim of the General Assembly of Illinois, and on the seventh day of March, 1914, occurred the death of one of the most distinguished pioneers of the State of Illinois the late Honorable Lewis D. Erwin.

The mere recital of some of the important events in the life of this distinguished citizen proves his title to our honor.

Lewis D. Erwin was born in Ohio, July 1, 1815, and at the age of twenty-four drove overland from his native state to Illinois and settled in Schuyler County where he remained until the time of his death.

He married in 1843, and his life companion died in 1875. He became deputy sheriff of Schuyler County in 1844, acting sheriff in 1845. He was elected to the General Assembly in 1840; he was elected sheriff of Schuyler County in 1850; circuit clerk of Schuyler County in 1852; returned to the Legislature in 1856; and was commissioned by the Legislature in 1863 to distribute a fund of thirty thousand dollars voted to the families of soldiers during the war.

Being a Democrat, by reason of the ascendancy of the Republican party, he occupied no public position since.

The deceased was distinguished as a Democrat, being one of the closest friends and advisors of Honorable Stephen A. Douglas. He was one of the founders of the able Democratic paper under the title "Rushville Times," which was founded in 1856.

He was also one of the staunchest supporters of President Lincoln in all war measures, and one of the most distinguished aids to the success of the nation's cause in the bloody conflict of 1860 to 1864.

He died at the ripe old age of ninety-nine at his home in Rushville in the full possession of all his faculties and enjoying the confidence and friendship of men of his day who knew him, amongst whom are counted the most distinguished citizens of the State of Illinois.

WHEREAS, A noble and useful life is the best example that could be set before the rising generation; and,

WHEREAS, A public record is an advantageous means of preserving the memory of worthy lives and deeds; therefore, be it

Resolved, That we give public recognition of the splendid life of Lewis D. Erwin and acknowledge the great debt of gratitude for the benefits he has bestowed upon the State through a useful and edifying public and private life; and, be it further

Resolved, That a copy of this memorial signed by the Speaker and attested by the Clerk of this House be forwarded to the relatives of the deceased; and as a further mark of respect to his memory that the House do now adjourn.

Motion prevailed and the House adjourned until Friday, May 14, 1915, 10:00 o'clock a. m.

FRIDAY, MAY 14, 1915.**10:00 o'Clock A. M.**

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

Journal of previous day being read. Upon motion of Mr. Williamson (Champaign), further reading was dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from special committees and messages on the speaker's table, all without debate.

Whereupon, the following House bills on the order of second reading were called up, read a second time and advanced to third reading without debate: 654, 718, 77, 745, 310, 387, 388, 494, 124, 174, 163 and 27.

Mr. McCORMICK (Cook). I desire to call up House Bill 704 on the order of second reading. This is Mr. Devereux's bill, Mr. Speaker, for the sanitary manufacture of mattresses. I will ask that it be read a second time and advanced to third reading.

Mr. EPSTEIN (Cook). I object to this bill.

Mr. McCORMICK (Cook). The bill is called up for Mr. Devereux and why can't you make your objections on third reading?

Mr. EPSTEIN (Cook). There are some amendments which I desire to offer to this bill and I will not have them until next week. I may just state, however, that some of the mattress manufacturers in my district advise me that there are certain things in this bill that should be remedied.

THE SPEAKER. The bill will be held over.

Mr. EPSTEIN (Cook). I have my amendments prepared now.

THE SPEAKER. Are the objections withdrawn to House Bill 704?

Mr. McCORMICK (Cook). Yes. Mr. Epstein (Cook) has prepared several amendments to Mr. Devereux's bill which purge it of the objections had. I think his amendment is valuable.

Amendments offered and adopted and bill ordered engrossed and to a third reading.

Mr. GREEN (Crawford). I desire to call up House Bill 886 on the order of second reading.

Mr. DONAHUE (McLean). I object.

THE SPEAKER. Objections are heard and the bill will be passed.

Mr. FRANKHAUSER (Cook). I desire to call up House Bill 655 on the order of second reading.

Mr. BROWNE (LaSalle). There is a compulsory feature in this bill that I regard as being highly objectionable. I object to calling it up at this time and advancing it.

THE SPEAKER. Objections are heard and the bill will be passed.

Mr. ATWOOD (Ogle). I desire to call up Senate Bill 109 on the order of second reading.

Mr. ROTHSCHILD (Cook). I object.

THE SPEAKER. Objections are heard and the bill will be passed.

Mr. GORMAN (Peoria). I desire to call up Senate Bill 114 on the order of second reading.

Mr. RYAN (Cook). I object to that.

THE SPEAKER. Objections are heard and the bill will be passed.

Mr. FOSTER (Schuyler). I desire to call up Senate Bill 80 on the order of second reading.

Mr. WEBER (Cook). I object to that.

THE SPEAKER. Objections are heard and the bill will be passed.

Mr. DAHLGREN (Cook). I desire to call up House Bill 775 on the order of second reading.

Mr. KASSERMAN (Cook). I object to this bill being called up at this time.

THE SPEAKER. Objections are heard and the bill will be passed.

Mr. RYAN (Cook). I desire to call up House Bill 195 on the order of second reading.

Mr. ELLIS (Kane). I object.

Mr. RYAN (Cook). I insist on no quorum.

THE SPEAKER. I wouldn't do that. There was no one objected when you called up a bill, and no one raised the question of no quorum.

Mr. RYAN (Cook). I insist on no quorum.

THE SPEAKER. Do you object to House bills on first reading?

Mr. RYAN (Cook). No.

THE SPEAKER. The gentleman raises the question of no quorum; the House will now take up House bills on first reading.

Whereupon House bills appearing on the calendar on the order of first reading were taken up and advanced to second reading without debate.

Mr. RYAN (Cook). In order to proceed with the work of this House, I will withdraw my objection and not raise the question of no quorum.

THE SPEAKER. Thank you. Does any member desire to call up a bill on second reading?

Whereupon the House proceeded upon House bills on the order of second reading without debate.

Mr. RYAN (Cook). We assemble here on Friday mornings for the purpose of advancing bills and we ought to be courteous to one another. We are not courteous to one another and therefore we should not meet here on Friday morning. I raise the question of no quorum and insist on it.

THE SPEAKER. The gentleman from Cook (Ryan) raises the question of no quorum.

Mr. SCANLAN (LaSalle). I move that the House do now adjourn until 5:30 o'clock Monday evening.

Motion prevailed, and the House adjourned until 5:30 o'clock p. m. Monday, May 17, 1915.

The Film Index, 434 -

published

435

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8 -

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✓126a
✓134b
✓135a
✓142a
✓142b
✓156b
✓157a
✓183b
✓184a
✓184b
✓185a-b
✓186a-b
✓197a
435b
✓199b
✓202b
✓203a-b
✓210a
✓217b
✓218a
✓223b
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MONDAY, MAY 17, 1915.

5:30 o'Clock P. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

Journal of previous legislative day being read. Upon motion of Mr. Perkins (Logan) further reading dispensed with and Journal approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, and House bill on first reading, all without debate.

Whereupon, House bills of the following number on the order of second reading were taken up and read a second time, ordered engrossed and to a third reading: Nos. 867, 560, 900, 887, 308, 148, 653, 605, all without debate.

Mr. CURRAN (Cook). I move that the House do now adjourn.

Motion prevailed and the House adjourned until 10 o'clock a. m., Tuesday, May 18, 1915.

TUESDAY, MAY 18, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. Jay Dugan.

Journal of previous day being read. Upon motion of Mr. Benson (LaSalle), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports of standing committees, reports from select committees, and introduction of bills, to and including House bills on first reading, all without debate.

Mr. PROVINE (Christian). Conforming to the notice given last week, I desire to call up House Bill 872 on the order of second reading for the purpose of amendment.

Mr. BROWNE (LaSalle). I object.

Mr. PROVINE (Christian). Mr. Speaker, I desire to make a motion that this bill be now considered on second reading.

Mr. BROWNE (LaSalle). I object, Mr. Speaker.

THE SPEAKER. The gentleman from Christian (Provine) moves that this bill be now considered. We are on the order of second reading, and under the rules—

Mr. PROVINE (Christian). It is under Rule 12.

Mr. BROWNE (LaSalle). You have the right if the House will let you do it. I object and I want to be heard. The reason I object is this: If this was a matter personal to the gentleman who is making this motion, I would work as hard as anyone in this House to help him get that consideration, but it is not a matter personal to him. It is not a matter personal to anyone on this floor. It is a general bill. It is a bill that I feel that the majority of members on the floor of this House are at heart opposed to. I know the majority of lawyers are. It is a bill that never ought to pass. Now then, I do not feel that in view of the condition of this calendar and in view of the fact that almost every man on the floor of this House has a bill or bills waiting for consideration that a specialty ought to be made of this bill at this time. If it comes up at all, let it come in its order and then be discussed. There is no demand for this. There is no emergency call for it, and I do not think that this motion ought to obtain. If it does, there is not a bill on this calendar that ought not to be made a special order.

Mr. PROVINE (Christian). I do not desire to make this matter a special order. If we get 77 votes here and it is not taken up on the order of second reading, well and good. I am not asking for this bill any special privilege at all. I am simply asking that we take it up on the order of second reading.

THE SPEAKER. The gentleman from Christian (Provine) moves that House Bill 872 now on second order be taken up at this time, and under the rule it will require 77 votes. Those in favor will please rise.

Mr. BROWNE (LaSalle). I would like a roll call.

THE SPEAKER. Wouldn't a division do?

Mr. PROVINE (Christian). It seems to me that this is a bill of sufficient importance that it should be taken up and considered and advanced to third reading, when the members can decide whether they want to vote for or against the bill. If we cannot get this bill advanced it will never come up in the regular order and it will be killed, and we ask some of you men who may not have made up your mind what you want to do on third reading to give us your vote to advance it.

THE SPEAKER. Those in favor of the motion that House Bill 872 be taken up and considered will rise, stand and be counted. Fifty-eight; the motion is lost.

Mr. GORMAN (Peoria). I desire to call up House Bill No. 335, on the order of third reading. This is a bill requiring embalmers to receive licenses from the State Board of Health by requiring applicants who have had two years practical experience under a licensed embalmer.

Mr. YOUNG (Cook). I infer from this bill that the new matter is practically "two years' experience," that they must have before they are entitled to practice.

Mr. McCORMICK (Cook). Does the gentleman mean new matter or dead matter?

Mr. YOUNG (Cook). New matter in this bill.

(Roll called.)

Mr. BURRES (Champaign). (On roll call.) Of course, there are a great many men who dislike to vote on a bill giving regulation of this kind, but there is some merit in this bill, and I am speaking on the same from a medico legal standpoint. I believe the proper embalming of bodies is more important than some men think. A few weeks ago it was my duty to take care of a body that had been embalmed and I believe that the validity of the insurance in that case was protected by the proper embalment of that body. That is the only feature I wish to speak of. The embalmer ought to know his business, leaving out all sentiment or aesthetic points of view the embalmer should know his business, and in the case I have in mind might have vitiated the matter of the autopsy and the insurance would have gone unprotected. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 95, and the "nays" 21, the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. WILSON (Adams). I desire to call up House Bill 258 on the order of third reading.

This bill amends the Building and Loan Act and is drawn and endorsed by the Building and Loan Society of the State of Illinois. It was unanimously reported out by the Building and Loan Committee. The law as it is now does not authorize building and loan societies to begin business unless they have a hundred shares of stock subscribed. This provides that in cities of less than 5,000 there must be two hundred shares; and then by a gradation upwards five hundred shares between five and ten thousand, one thousand shares between ten and a hundred thousand, and in cities, towns and villages of over a hundred thousand or more, two thousand shares. This bill does not apply to any existing building and loan society. It is not retro-active in its effects and it is an agreed bill, and we would be glad to have your support. Mr. Purdunn (Clark) may have something to say on this bill.

Mr. PURDUNN (Clark). This bill is endorsed by the State Auditor, and Mr. Whitlock who has been in the office many years. It is beneficial to the building and loan societies and is not opposed by any society that I know of.

(Roll called.)

THE SPEAKER. On this question, the "ayes" are 108, and the "nays" nothing. The bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). I desire to call up House Bill 143 on the order of third reading.

This is a bill in behalf of the prevention of extravagance and in behalf of morality. Very many men who go to those places where they luxuriate in meals and come out of these rooms and go to the girls that take care of their coats and hats and they lay down a dollar or five dollars and regard that as license to make any proposition to that person that they please. It is a bill in behalf of morality and decency, and prevents this extravagant expense people are subjected to on account of these propositions that hire the concessions of hotels in all large cities in this State.

This bill ought to be passed in behalf of decency and good morals and I hope you will vote for it.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 117 and the "nays" none, the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). I had a bill to go with it, but I find it is not necessary as the proviso of that bill takes care of the point mentioned in the other bill and therefore not to take the time of the House I desire to move that House Bill 144 lie on the table.

The SPEAKER. If there is no objection it is so ordered. House Bill 144 tabled.

Mr. HOLLADAY (Vermilion). I desire to call up House Bill 123, on the order of third reading.

Under the present law the cities do not have the right to levy a tax for the purpose of disposing of garbage, and this bill simply provides that city councils may, if they wish, levy such a tax.

The bill has been endorsed by the city councils of Georgetown, Danville, Pekin, Clinton, Elgin, Litchfield, Chicago Heights, Morris, Peoria, Mattoon, Carbondale, Springfield, Maywood, LaSalle, Blue Island, DeKalb, Joliet, River Forest, Cairo, Lockport, and Galvin, and I hope it will have your support.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 117 and the "nays" none. The bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. BROWN (Cook). I desire to call up House Bill No. 8, on the order of third reading.

This is a bill which authorizes townships to issue bonds for parks not exceeding ten acres in area, when petitioned by one hundred legal voters, to be filed in writing with the county clerk and designate amount of bonds proposed, and does not previous bond issues.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 118 and the "nays" none; the bill having received the required two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. BROWN (Cook). House Bill No. 417 is a companion bill and I would like to call for it at this time on the order of third reading.

Mr. BROWNE (LaSalle). This bill gives to any township in the State the right to establish a park or parks, not exceeding a certain expense. It gives to the township the right of eminent domain. It leaves this entirely with the township authorities, whatever that may mean, meaning the township supervisor and the town clerk. There is no referendum vote here and there is no provision putting it up to a vote of the people.

Mr. BROWN (Cook). I submitted this to you and you offered an amendment which I accepted.

Mr. BROWNE (LaSalle). Not on this bill, you didn't. You submitted another bill but you never spoke of this bill to me. I told you I was willing to take a chance with any bill for park purposes where the people had a chance to vote.

Mr. BROWN (Cook). You offered the amendment "provided this bill shall not apply to any municipalities in the State of Illinois having a population of less than a hundred thousand." We don't want it to apply to just one locality, but that is to eliminate your objections.

Mr. BROWNE (LaSalle). I will withdraw my objection, Mr. Speaker, in view of the fact from a selfish standpoint it does not touch my territory, but I think it is a bad bill just the same.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 109 and the "nays" 2. The bill having received the required two-thirds vote is declared passed and the clerk will report the title of the bill.

Mr. McCORMICK (Cook). I desire to offer the report of the Committee on Public Utilities and Transportation.

Whereupon, the Committee on Public Utilities and Transportation reported back House Bill No. 239 with the recommendation that it do not pass.

Mr. MULCAHY (Cook). I have a written motion asking the House not to concur in the report of the committee, and this I wish to submit as a minority report.

THE SPEAKER. The only motion that can be made at this time is to not concur in the report of the committee.

Mr. BROWNE (LaSalle). If you will have it read you will see it does that.

Mr. MULCAHY (Cook). This is what is known as the fifty-car-limit bill. There was a motion made to have that bill reported back to the House with the recommendation that it do pass, and that motion was lost by one vote. I want to say that the majority of that committee does not realize what this bill does. Some think it makes more work for the trainmen. That is not the purpose of this bill. The purpose of this bill is to protect the life and limb of traveling people and employees. Any man that is interested in humanity and knows anything about a railroad knows that a hundred cars is too large a train for three men to handle and handle it to the safety of the public. I ask you sincerely to vote to put this bill on the calendar and let us see whether you want to save life and limb. I ask for a roll call.

Mr. GORMAN (Peoria). House Bill 239 is the train limit bill. There were many hearings of the employers and the employees. A time was set at which this bill was reported out, and the sense of the committee relative to their actions on this bill was the report as presented here this morning, which was that the bill do not pass. Nobody will attempt to make the statement that all parties concerned were not given ample opportunity to be heard. I desire that the report of the committee will prevail. I was going to make a motion, but I will refrain from making it at this time.

Mr. TURNBAUGH (Carroll). I am a member of that committee, and I understand that the bill was reported back with the recommendation that it do not pass.

THE SPEAKER. That is the report of the committee, and the gentleman from Cook (Mulcahy) moves that the House non-concur in the report, and that the bill go on the calendar.

Mr. TURNBAUGH (Carroll). When a bill is reported back with the recommendation that it do not pass it goes on the speaker's table.

THE SPEAKER. A report is before the House and the gentleman from Cook (Mulcahy) moves to non-concur in the report. If anybody wants to be heard on this report now is the time, and I do not want anybody to say he has been cut off.

Mr. McCORMICK (Cook). As chairman of that committee I want to be heard before the debate is closed.

Mr. DAVIS (Knox). It seems to me that on account of the closeness of the vote in committee it would be nothing more than fair that this bill come before the House, and the House have an opportunity to express itself on this bill. I think it is a good bill and a bill that ought to come up before the House. I hope the motion will prevail.

Mr. KANE (Saline). There were public hearings held and many of the members of the House outside of those on the committee attended. I understand a majority of that committee has asked for a non-concurrence in the action of the committee. There were two members that were not present when the vote was taken and would have voted to recommend that this bill do pass had they been there. It is a bill that the members of this House understand and that should not be killed on this close vote of the committee. I think it is due those who risk their lives and those in whose the lives of the public is placed that they are entitled to consideration in this House in addition to the consideration it has had in the committee.

Mr. LE PAGE (St. Clair). Representatives of the railroad companies who appeared in the interest of the railroads before this committee made it appear to the committee that a majority of the employees of the railroad companies were not for this bill. Now a great deal of influence has been brought to bear on the part of the railroad companies by petitioning the members of this committee, and the members of this House with

signatures of their employees attached to a petition saying that they do not favor this fifty car limit bill. Since this matter has been acted upon by this committee employees of railroad companies whom I have seen told me that they signed this petition because they were afraid that if they didn't they would lose their position. This matter should come up and be considered by every member of the House.

Mr. LANTZ (Woodford). This bill was considered week after week before the committee. Both interests were given a fair hearing. No evidence was produced that would indicate that a long train was any more dangerous than a short train. If this is a safety measure no evidence was produced to indicate that.

Mr. VURSELL (Marion). Had all of our members been present this bill would have been reported out with the recommendation that it do pass. This is a measure for the conservation of human life and limb and for the safety of the employees and the traveling public. I don't believe that this committee can assume the responsibility of having a bill of this importance killed in the committee or reported out with the recommendation that it do not pass. I believe that 90,000 people in the State of Illinois who are interested in this bill and are appealing to the Legislature, that they at least have a hearing, that their cause should be heeded and this bill should be brought on the floor of the House and let everyone vote according to the way he wants to vote on this measure. I don't think this report should be concurred in, and I think we should have a roll call and know how the entire Assembly feels on this important legislation.

Mr. LIPSHULCH (Cook). This bill cannot be considered in the light of transcendancy. This bill measures that of dollars and pennies as against life and limb. The importance of this bill is so great and its possible results so far reaching that it would amount to a calamity to let it go as the minority of the whole committee recommends, and to those who wish to see justice done where justice belongs I appeal that it should be considered by the House as a whole and I hope that the gentlemen of the House today will see to it that this bill is brought before the House so everyone can express his opinion.

Mr. SHURTLEFF (McHenry). This bill is now before the House, as I understand it, for any discussion that anybody in the House wants to have upon it, and I ask for a roll call so that no rights of the House are to be taken away, and it can just as well be considered here today upon this motion as at any other time. If the bill is a good bill it ought to go forward and get on the calendar and take up all the time necessary on second reading or third reading. If it is not a good bill, and if the committee is right in recommending it out unfavorably it ought to stop here, and not take any more time in the House. If it is not going to pass, and the bill ought not to pass, there is no occasion to put it on the calendar and take up a day's time on second reading and another part of a day on third reading. Everything to be settled so far as the House is concerned can be settled on this motion and ought to be.

This bill has been before the committee,—of which I am a member, and I wish to say that my membership of the committee was against my own wishes and over my objections,—but the bill was given hearings and more time and more consideration than any other bill before this House, or to come before the House. It is not a bill governing the number of employees upon a train. It is not the full crew bill. That is arranged in another bill that is also before the committee and is another subject matter entirely. This is the fifty car train bill, and it makes it unlawful to haul any train or run any train in the State of Illinois having over fifty cars in the train. It makes no difference whether the cars are loaded or whether they are empty. The bill makes no difference and if it was passed it would make no difference whether the railroad company had a light rail or a heavy rail. It in no manner seeks to effect, change or diminish the weight of the engine run upon the rail.

I thought in one of the committee hearings that there was some argument made for the bill, and that the construction and use of heavy engines sometimes run upon a rail that was too light had tended to accident, and yet, after this bill is passed and made a law, it in no manner regulates the

weight of the engine or the size of it, or the power of it, and it gives no jurisdiction of any kind whatever over the size or the weight of the rail. You can still run engines over a rail that is too light, and engines that are too heavy, and it would not regulate those accidents or in any way attempt to lessen them if this bill was passed. It makes the same rule as to a loaded train as it does to empty box cars.

This same bill, Mr. Speaker, has been before the legislatures of other states. In 1913, it was introduced in the legislature of Arkansas, Nebraska, Indiana, Wisconsin, Kansas, Pennsylvania, Iowa and Illinois, and it failed to pass in any one of those legislatures in 1913.

In 1914, it was introduced in Kentucky and Virginia, and it failed to pass. This present year this identical bill has been before the legislature of Colorado, Indiana, Iowa, Kansas, Minnesota, Nevada, New Jersey, New York, North Carolina, South Carolina, North Dakota, South Dakota, Utah, and Pennsylvania, and in every one of those states the bill has failed to pass the legislature.

In California, Michigan, Ohio, Wisconsin and Illinois the legislature is still in session, and it has passed the legislature of none of these states up to the present time. There is evidently a reason for it.

I omitted to say, and I will go back to say that in 1912 in the state of Arizona they amended a bill to make the limit seventy cars, and that bill did pass the legislature of Arizona, a mountainous state, a state not at all to be compared to the State of Illinois, Illinois being a prairie State, and Arizona being a state where much of the railroads is over mountainous country and the danger is greater. But three years ago in 1912, when the entire railroad sentiment was at its climax they did pass this bill amended to seventy cars, in the state of Arizona, and it is the only state in the American Union where it is the law.

In the House Committee on Public Utilities and Transportation there was no offer or suggestion to amend it to seventy cars, and in my judgment the bill would be radical to be that way in Illinois, the same as it is in its present form, and I think it is so conceded by the sponsors of the bill.

I want to read the last section of this bill, section three, (reading). "It shall be the duty of the State Public Utilities Commission upon complaint of any citizen of the State of Illinois to enforce the provisions of this act." I am not going into *ceriatim* all of the evidence submitted to the Committee on Public Utilities, but I say for the benefit of the House that in my judgment—and I listened carefully—there was not only not one scintilla of evidence offered to the committee to show that this bill and regulation was in the interest of the safety of the employee or the traveling public, but if the evidence was taken up and considered and weighed from a judicial standpoint the only presentation and evidence was directly the opposite.

I say the same as I said before the House Committee on Public Utilities when this bill was considered and voted upon. When it came into the House I had a feeling that a train of a hundred cars was a dangerous thing. I had stood at crossings and seen them, and there seemed to be something about the length of it and the weight of it and the momentum of it that appealed to a person in the way of an impression that it was a more dangerous and hazardous machine than one of shorter length, and yet the evidence established, and the admissions were made, and I think it is a fact, that on a question of seeing a train from the caboose to the engine when a cloud of dust is flying or in a day that is foggy, or cloudy, and the dust that is raised in nine cases out of ten on a fifty car train, it is an absolute impossibility to signal from the caboose to the engine. They don't signal in that way.

I wish to say that I do not know anything about railroading—

Mr. MULCAHY (Cook). If you did know anything about it you would vote for the bill.

Mr. SHURTLEFF (McHenry). I assume, after listening to the evidence, that I know as much about it as a good many of the gentlemen who are proponents of the bill.

I understand that a train is regulated by an air-brake. The opposition to this bill is not made based merely on the fact of having two trains

instead of one, but in the past twenty years there has been a change which has come from the public demands, not only in Illinois but in every other state in the union, of faster trains, faster time, and rails have been laid of double weight to what they were twenty and thirty years ago. Engines have been manufactured with greater power and greater weight. On the railroads when I was a boy twenty and twenty-five miles an hour was the limit of speed, but public business and public sentiment today demand in the passenger travel a speed of forty and fifty miles an hour. That has necessitated heavier bridges, and heavier rail and heavier engines, and additional equipment, and the whole progress of the times has gone toward it, and the increase in traffic has made greater trains, the carrying of a greater amount of traffic necessary from a public standpoint.

The question comes down in this bill, after spending millions of dollars for those purposes, and after practically or nearly doubling the expense of building road beds and doubling the expense of equipment, whether it is the proper thing to go back thirty years and say a fifty car train is less dangerous and less hazardous.

From all I heard, I didn't hear before that committee one scintilla of evidence that there were any more accidents or any more persons killed with a seventy car train or an eighty car train than there is under the fifty car train. As I followed the evidence upon that subject, the hazard is less, the accidents are less, the equation of danger is in favor of splitting up the train into two trains and there is greater danger and greater hazard than there is in the one train.

I have had some matter laid before me that was presented to the committee by an expert from New York on safety research work. On the New York Central lines, out of twelve hundred employees, including sectionmen, shopmen, trainmen, enginemen, in fact all classes participate in and are invited to make suggestions for greater safety, and out of a total of 19,633 suggestions not one suggestion was made for shortening the trains. In other words, on the New York Central railroad, where the different employees got together to make suggestions as to safety, out of a total number of nineteen thousand suggestions made by them, not one has been made that the trains should be shortened.

Fifty-one per cent of the deaths on railroads are due to trespassing. Twelve per cent are due to persons killed at highway crossings—many of these at crossings that are protected by watchmen. Only three per cent of those killed are passengers, and more trains would be certain to increase the number of deaths from these causes.

The Interstate Commerce Commission investigations of train accidents for the twelve years ending 1914 and covering 1,570 accidents, of which only fourteen per cent were due to defects in track, equipment or appliances, show that fifteen per cent of these accidents were due to weather, outside agencies, unknown causes or unavoidable accidents, and that seventy-one per cent were due to the fault of employees, showing that the human element is by far the more important factor.

On the New York Central railroad last year, the average train increased by seven per cent over the preceding year, the number of trains run decreases eighteen per cent, the number of trainmen killed decreased seventy-three per cent and the number of trainmen injured decreased thirty-nine per cent.

The number of passengers killed in train accidents in 1914 decreased fifty-three per cent as compared with the preceding year. The number of persons injured decreased nineteen per cent, the number of employees killed in train accidents decreased nineteen per cent, while the number of employees injured in train accidents decreased thirty-two per cent. And all this time the length of the trains was being increased.

I will call your attention to the last clause of this bill: "It shall be the duty of the State Public Utilities Commission, upon complaint of any citizen of the State of Illinois, to enforce the provisions of this Act." I call your attention to it in order to show the House that the proponents of this bill recognize the State Public Utilities Commission and that we have five men of the State of Illinois to whom we are paying ten thousand dollars a year. What for? Not to determine, as we are asked to determine here

today, as a final proposition, what is the proper length of a railroad train, but they have the power to bring before them witnesses and documents and get from parties the knowledge and statistics that the Interstate Commerce Commission of the United States has, and determine to a mathematical certainty what is a dangerous train, if any—fifty cars, and some say seventy cars, and in fact I have heard it talked under cover that there was a willingness in some quarters to amend this bill and make it seventy cars. Why? Perhaps sixty-nine cars is the right limit, or perhaps seventy-one cars is the right limit. I could say today that seventy was just as logical as fifty, and I don't know the difference between the two.

So far as I am concerned I do not know enough about this subject to pass judgment upon it. All of the men that appeared before us made speeches, not under oath, and all we have is speeches of the lobbyists on both sides of this bill as they talked to us from the platform. The Public Utilities Commission of the State have the right upon complaint of anybody made to them that trains of a hundred cars are being run and that they are dangerous and hazardous—they have the right not only to determine and say what shall be the length of the train but they have the power to determine the other necessary concomitants, what weight of rail shall be used in hundred car trains or in fifty car trains, what weight and size of engines shall be used upon a certain weight of rail.

THE SPEAKER. A number of members object to running over so late at lunch time. I take it that a number of speeches will be made on this bill, and I would like to ask the House if it desires to take a recess until 2.30 this afternoon.

Mr. HUBBARD (Greene). I move that the House take a recess until 2.30, and continue at that time on this bill.

The motion prevailed and the House recessed until 2.30 o'clock p. m.

Two-thirty o'clock p. m., re-convened.

The Speaker in the chair.

THE SPEAKER. The gentleman from McHenry (Shurtleff), has the floor.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I shall not occupy a great deal more of the time of the House. There are some matters that I desire to submit and have placed in the record.

This whole subject is a highly technical subject, a thing only to be determined from a full presentation of all of the evidence, technical statistics, and otherwise before some governing board, different from a legislative body, and some board that upon having all of the evidence laid before it, all of the technical questions, all of the facts and all of the statistics, then could act not only upon the length of the train but could make a rule governing every activity that enters into it, the weight of the rail, the weight of the engine, and rules and regulations that would govern and control the entire machinery of railroading.

It has been stated in the argument by one or two speakers, or by one speaker, that this bill was voted upon in the committee by a vote of fourteen to thirteen, and that if the vote was taken now the majority would be the other way. I don't know of any authority for that statement being made; I insist there is no authority for any such statement. The committee meeting was open, it was public, the motion was made in the open house, in fact the committee meetings upon this bill have been open, have been public, have been continuous, have been regular almost from the beginning of the organized session and there has been more time and attention given to this one measure than any other one or three measures before this Body. There have been continuous hearing and even then all of the facts and figures were not presented to the committee, and there were others that were shut out and kept out on account of the lateness in the session. I know of no man of the committee that has changed his mind since the vote was taken. I do know, by statements that I have heard, that two men that signed the paper to have the bill brought out later asked to have their names withdrawn. Whether that is so or not I do not know other than it has been stated to me.

Mr. BROWNE (LaSalle). I would like to suggest to the gentleman from

McHenry (Shurtleff), that that is absolutely correct, but also that I received information that there were three that wished to change the other way.

Mr. SHURTLEFF (McHenry). It all goes to show that a bill of this nature can't be acted upon at this time by intimation of what members would do today if the matter was pending in the committee, but that in the committee upon a full and fair hearing and upon an "aye" and "nay" vote which is now of record a majority of that committee did vote favorably the recommendation that is now before the House and the House ought to sustain the committee.

As I said I am going to be brief. It is a subject that I am not technically informed about and it is a subject upon which I have not prepared myself. This afternoon I have had placed in my hands the substance of some of the matters that were placed before the committee and in a very brief time I want to present them to this House.

It is contended, and probably will be on the floor that the length of trains causes broken rails. The evidence before the committee shows that the reverse is true and that whatever the large type of engines may contribute towards this will be increased by shortening of the trains because they are certain to run at a faster speed. High speed causes more broken rails than low speed. That seemed to be conceded by all parties, that the longer the train the less speed it made, and the higher the speed the greater the danger of a broken rail. It is shown that while train lengths have increased steadily. During the last twenty years the proportion of train men killed to trainmen employed was 84 per cent higher twenty years ago than it is today. It was further submitted to the committee by Mr. Beck of the Chicago & North Western Railroad that in the year ending April 1st, 1915, on his line of road there had been no employees killed, and 279 injured during the year previous to April, 1915. Going back five years to April, 1910, and in the year preceding that the number of injured was 648. In other words the percentage of those injured had decreased three hundred per cent in the five years from 1910 to 1915, during all the time that the length of trains and the weight and momentum have been increasing and growing.

Before the committee, air brake experts, not in the employ of the railroads, testified that while the length of trains has increased, air brake improvements and greater use of the air brake makes it safer to handle hundred car trains of today than it was to handle the fifty car trains of fifteen years ago.

President Earling of the Chicago, Milwaukee & St. Paul testifying before the committee, and others made the same statement, that hundreds of millions of dollars had been invested in railroads to make the handling of large trains possible and safe which would be wasted by the passage of the proposed law.

I have at this point some figures that I desire to present as to the weight of engines and the weight upon the rail of the engine that hauls the so-called hundred car train, and state to you that from the figures which I desire to present and have a part of the record in this case, that the weight and the force of these engines upon the rail is not as great as that of the type of engine that is hauling the long steel passenger train of today. Here are some statistical figures on what is called the Mikado engines, the standard type hauling long trains. One list of engines, the weight is 213,200 pounds, 214,500 pounds, 212,300 pounds, hauling freight trains with the weight of those engines distributed upon eight drive wheels, which makes respectively the weight and pressure upon the rail from each wheel in the distribution to eight different drive wheels, 26,650 pounds, 26,812 pounds, 26,537 pounds. Now passing to the engine that hauls the passenger train of the high, strong type that pulls steel trains of passenger coaches, and the weight runs on different engines of different standards, 127,417 pounds, 154,100 pounds, 149,500 pounds, 148,500 pounds, distributed upon six drive wheels, less distribution so far as numbers of wheels are concerned, and the weight upon each wheel is respectively 28,736 pounds, 25,683 pounds, 24,916 pounds, 24,750 pounds, one of them heavier, all of them making the pressure and the weight upon the rail of the type of engine that hauls the fast steel passenger train no greater than the engine that is hauling the freight train, so that the statement that if this break a rail or have an accident upon the track is no greater and no more than the engine that is hauling the passenger coach of today, that is the

steel train, and the train of high speed that is running over all of the main line trunk roads in the State of Illinois.

There was considerable evidence laid before the committee as to one particular engine owned by the Erie Railroad, that it was claimed was built and constructed to haul 250 cars, or three hundred cars, and there is such an engine.

Mr. MULCAHY (Cook). Six hundred and fifty cars.

Mr. SHURTLEFF (McHenry). Six hundred and fifty cars. There is such an engine used to push cars in the mountains of New York and Pennsylvania. Not used and never has been used in hauling any trains and not purchased for that purpose, and not used for that purpose only as it was tested out with two hundred and fifty cars to see what its power and force was, and how it conformed with its guarantee.

To suddenly limit trains to fifty cars in length would undoubtedly provide temporary employment to additional men to man the additional trains that would be necessary, but this artificial condition should not last because the injury to the railroad industry would be such that quite naturally it would have the contrary effect. The greatest amount of employment will result from the maximum growth of the transportation industry, and that can only come with efficient and economical operation; the experience of the past proves this. The increased train loading which it is sought to curtail occurred principally in the last twenty years. The records show that while this was going on the number of trainmen employed by the railroads doubled. That the operating economies not only afforded the public low transportation charges and improved service, but the growth in the business that resulted afforded additional employment to enginemen and trainmen at much higher wages.

The Interstate Commerce Commission in all of its exhaustive studies and reports has never pointed out a single case where the number of cars in a train, nor the number of men on a train, nor the number of engines hauling a train was a factor contributing to or causing an accident.

As a matter of fact, if the proposition was fairly considered, it would seem reasonable, if not probable, that the passage of the so-called "Short Train" bill will tend to increase the risk of injury rather than decrease it. For instance, we will suppose that on a piece of single track a hundred miles in length there are two trains of more than fifty cars, starting from opposite ends of the road and traveling toward each other. There are just two trains to meet and pass each other; two trains for the despatcher to handle and two train crews that must be on the look out, one for the other. But limit those trains to fifty cars and what happens? The two trains are split into sections, and instead of but two trains to look after, and arrange meeting points for, and be on the look out for there are now four trains. If there were six trains of more than fifty cars daily starting from each end of the road, and they were suddenly limited to fifty cars, then instead of but twelve trains to handle, and be on the look out for and arrange meeting points for, there are now twenty-four, and so on. In other words, the density of traffic as measured by the number of trains to handle and get safely over the road will increase with the shortening of the train, resulting in a greater chance of confusion and increasing the chance of error. This feature, of course, becomes more important on roads where the traffic is heavy and density of traffic is always a problem requiring the most skillful attention of expert operating men. Some roads can handle a greater density of traffic than others, because they have more trackage, more engines, and greater facilities for so doing, and, they have increased those facilities year by year as their growth of business demands it. To suddenly require all roads, however, to multiply the number of trains they must handle without a corresponding increase in trackage and other facilities would necessarily result in confusion and increase hazards.

I lay that before the House in substance practically as it was presented, or the substance of what was presented to the committee with facts and figures to substantiate the reliability of the statements.

There is one other set of facts, not long that I desire to submit and I will briefly submit them. A post card which was mailed broadcast to citizens of this State as well as to members of this Legislature decries the fact that 593,359 people were killed and injured on the railroads of this country

in the three year period from June 30, 1911, to June 30, 1914, and particular stress is placed on the fact that 31,851 of those injuries resulted fatally. They do not attempt to further enlighten you by telling you, truthfully, that 16,463 of those persons killed, or more than fifty-one per cent, were trespassers who voluntarily and needlessly risked their lives by going upon the railroad tracks where they had no right to be. Neither do they attempt to explain that twelve per cent of those killed were travelers on the highway killed on grade crossings, or other outside persons, and that only thirty per cent of all those killed were employees of the railroad on duty, while only three per cent of the killed were passengers. They point accusingly to the fact that in three years there were 593,359 persons killed and injured on railroads in the country, leading you to believe that railroad work is the most hazardous of all occupations. I state that indirectly as the substance of matter that was presented and passing over a mass of evidence that there is a per cent of accidents in the railroad business no larger, in fact smaller than the great mass of accidents that occur in machinery generally. Another fact is that during the twelve years from 1902 to 1914 the Interstate Commerce Commission investigated directly, through its own agents 1,570 train accidents, of which only 218, or fourteen per cent were caused by defective track, equipment or appliances, and fifteen per cent were due to bad weather, outside agencies, unknown causes or unavoidable, while 1,120 or seventy-one per cent of the train accidents investigated by the commission in the twelve years were found to have been due to a fault of a member of a train crew, a dispatcher, operator or some other employee. The human element! It can never be effaced by all the safety appliances that can ever be invented and applied, nor by all the laws and regulations that can ever be passed, and enforced.

We pass over, Mr. Speaker, and forbear further to read from the substance of some of these matters, and to show that only a fraction of a per cent of the facts and figures presented to your committee and in presentation of evidence to it there was not one fact or figure or reliable argument why a train should be cut down to an arbitrary limit of fifty cars, or any other arbitrary limit, no fact, no figure, no argument upon which it could be based. In fact, the evidence all showed, the statistics establish that the speeds were less in the trains as run at the present time than under the short train, and that the tendency to accidents to the hundred car train was less than to split up into shorter trains making them greater in number, greater in passage, one by the other, the very great amount of passage, the number of accidents and the per cent of them grown out of the passage of one train by another, of fixing places where they pass, the accidents of one train running into another where they do pass.

If there is any bill before this Legislature that has been given time, that has been given as much time to a public question, it is this Fifty Car Limit Bill. It is not an equasion of helping the trainman of the State of Illinois any more than it is an equasion of that comes down to the possible interest of every shipper, of every business man, of every man that wants to ship a pound of goods upon the railroads of this State, that wants to travel a single mile upon a railroad train. Somebody has got to pay the bill. If it is right, if it is just, and if it is honest the train ought to be cut down and the bill paid, but I say the equasion that is here, that is presented to this House today is on the one side the railroad train men asking for the bill, on the other side it is the public interests of the railroad and the business interest of every person that has business to do with the railroads of this State, and, I think, Mr. Speaker, that in view of the fact that the courts of the United States have had this bill before it and have passed by and not passed it, I think the fact that every Legislature substantially in the American Union has considered this bill and turned it down except the one mountainous state of Arizona ought to be some argument that the majority of the committee upon public utility has earnestly and honestly considered this measure and made a report to the House in unison with all the other states, and one that this House ought to stand by and approve.

I thank you, gentleman.

Mr. MULCAHY (Cook). From the way the gentleman from McHenry (Shurtleff) has been talking, he is making a plea to save dollars and cents,

and I am making a plea to save life and limb. I appeal to you members here, if you have the sympathy for your fellowmen and the preservation of life and limb, and I hope and trust that you all have, to vote for this bill that it may go on the calendar.

The gentleman from McHenry (Shurtleff) has said that he don't know anything about the regulation of trains and what their length should be. He seemed to have plenty of information to give to this House, talking most forcibly and showing you facts and figures and talking about the millions of dollars the railroads have spent to make this possible and to allow these longer trains. I am a man who has had considerable railroad experience and I know there is the greatest difference in the world in three men handling the hundred car train as against three men handling the fifty car train. No three men can locate leaky air hose and any railroad man knows that you will find leakage in your air hose at all times. There was an accident occurred here in Springfield only last week where, had the air signals worked, they could have prevented it; as it was, they didn't work and there was quite a bit of damage done. The Westinghouse Air Brake people are the best people in the world in their line of business and they will not guarantee the air brake to work on a train of over fifty cars.

It is a case of dollars and cents with him, as against saving life and limb with me. If you members of this House have any sympathy for your fellowmen and for the safety of their life and limb, as the railroads have not, and I can show you where they have not, I ask you to get this bill on the calendar.

Mr. MORRASY (Bureau). I would like to say a few words in regard to this matter. We think we ought to consider this bill as a whole House. We have heard of the merits of this bill ever since last December. Most of the people who have been talking in favor of it speak from the standpoint of the laboring men and passengers. I wish to speak of it in behalf of the farmers and stockmen. I will use a personal illustration.

A few weeks ago I shipped a car of stock to Chicago. It left Sheffield at 5:00 o'clock in the afternoon. In the train they had forty-seven cars. At Bureau, the trainman said, we are getting along fine, and would get into the yards at 12:00 o'clock at night. When we got by Ottawa and Joliet we had a train of seventy-three cars. The engine went wrong and the men worked hard and tried their best to help things along, but we only got into the yards between nine and ten in the morning, and my stock was placed on the market at 11:00 o'clock, and the price was fifteen cents lower than it was in the morning. That is only one illustration that I know of, and that is true, and no smooth-tongued or slick-haired lobbyist in this State can deny it. That is only one illustration, and there are many shippers in this State who can give you many such instances.

If you want to know about this matter, why don't you ask the men that work the trains instead of asking some lawyer that has never worked on a train, or some man that is working for a railroad at a salary of \$25,000 or \$50,000? If I was going to ask a man on a farm about something I would not ask someone that wears a stovepipe hat, but I would ask the man that does the work in the fields. The men will tell you that fifty cars would be a good minimum. If you have fifty cars you will have a decent sized train.

A few weeks ago I was in Ottawa, and a large engine was backing into a switch to get a car of stock. It was one of the large engines, and it was so large that the switch track would not hold it, and it ran off the track. The engines are too large for the tracks made some years ago, and the tracks have not been made stronger. In a great many towns the switches are not long enough for two long trains, and they have to put them on the main line, endangering the lives of the people.

We all know the conditions of this bill. Why let fourteen members of the committee dictate the right of the 130 other members of this House to vote upon this question, a question that concerns every man, woman and child in this State? It is not right, and it does not look right. Bring this bill up and let us vote on it.

Mr. HOLLADAY (Vermilion). Mr. Speaker and gentlemen of the House. I have been impressed by the arguments prepared so carefully by the railroad people and so ably presented by the gentleman from McHenry (Shurtleff). While there is, no doubt, considerable merit in that argu-

ment, still it does not appeal to me at this time, because it is not the question that is under consideration by this House. The question is whether or not this bill shall go on the calendar and be considered on its merits by the entire membership of this body.

Industrial conditions in this State are so organized that there are in the organized ranks of the railroad trainmen in this State more than 100,000 men, men representing skilled labor in the highest degree, men that are the bone and sinew of the citizenship of this State, men that are valuable as citizens in our commonwealth and are surely entitled to a hearing on this floor. Back of these 100,000 men there are over 600,000 men that are in the ranks of organized labor that have formally endorsed this measure. Here is a bill, gentlemen, that is endorsed by three-quarters of a million of the citizens of this State. The gentleman from McHenry (Shurtless) raises the point under consideration when he said, "Have we time in this House to consider this measure?" That is the one question that should concern us today. He says, "Have we time, gentlemen"? that is the question. Have we time to consider this legislation that directly affects three-quarters of a million of our citizens and indirectly affects almost our entire population? Are we, as members of this House, to say to those men and to the citizenship of this State, come and return to us at a more convenient date, we haven't time to consider your legislation; we are about to consider the question whether or not we shall shoot squirrels in the spring or in the fall. Are we to say to them that this question is not of sufficient merit and of sufficient importance to receive the serious consideration of this body?

There is a question whether or not a majority of the committee favor the report that has been made here. Take the report at its face value and the vote stood fourteen to thirteen, almost evenly divided. There are men on this floor, and I am one of them, that represent a district that is populated by railroad men; men on this floor that didn't have an opportunity in the committee to present their views on this question; men on this floor, while they may not, perhaps, favor the bill as it now stands, yet wish to offer amendments in the whole that the bill as amended may meet with the approval of the majority of this House, and I say to you, gentlemen, with all firmness and in all good faith to the three-quarters of a million people in this State that are interested in this measure, that it is beside the question and that it is a disgrace to say to them, we haven't time to consider your demands, and for that reason I believe that this measure should go on the calendar.

I am not going into the merits of the bill at this time, because I am of the opinion that it is not the proper time to go into the merits of the bill, but I am simply asking you in the name of the three-quarters of a million of citizens who are interested in this measure, that it may go on the calendar and that we may have an opportunity to offer amendments to this bill and to discuss its merits. (Applause.)

THE SPEAKER. Is there any further discussion on the bill.

Mr. KANE (Saline). I would like to ask your indulgence to answer the position that the gentleman from McHenry (Shurtleff) took. He read from statistics prepared by someone tending to show that the accidents were decreasing in railroading, and I want to call the gentleman's attention to the reason for this. If you will turn to the statutes of the State of Illinois and if you will go to the statutes of the United States, you will find there the provisions requiring the railroads to equip their cars, to regulate the running of their trains, to provide safety appliances which were never initiated by the railroads, and in that legislation, not in the initiative of the railroads themselves, but by reason of the legislation of the United States and by reason of the legislation of the State of Illinois, you will find such legislation as required them to have automatic couplers, air brakes, hand rails for the men to hold to, the ringing of the bell and the blowing of the whistle a certain distance from crossings and the many, many provisions of our statute that the railroads would not now themselves discard, but which they did not initiate and never would have initiated, and I want to say that it is within this legislation and by reason of the legislation of such bodies as this that has brought about the safety of the employees and of the traveling public generally. The credit does not lie with the railroad companies, because they

never did initiate those matters. You cannot find a one of them. You speak about going back thirty years. You take away from our present railroad conditions those conditions that were objected to by reason of legislation and put the railroads back where they were before these legislative enactments, and where would you be? You would be back fifty years, so I maintain that it is by reason of the organized effort of the employees and by reason of the courage of the Legislature of this State and other states and of the United States that the life and limb of employees and the public is better conserved, and I want to say that that is a complete answer to the gentleman's figures that accidents are decreasing.

I remember we passed the headlight bill two years ago. The railroads never initiated any of these safety appliances. They would have been back, so far as humanity is concerned and so far as conservation of life is concerned, but for these acts, they would be back today fifty years, and I say that we should not stop in our march for progress. They will admit now that those things are good, and I believe within a few short years from now they will admit that this, as those others, is a good, wholesome measure. Let us have the courage that the Legislatures have had in the past and say to them that you shall conserve the rights of humanity. I thank you.

THE SPEAKER. Is there any further discussion on this bill. If not, does the gentleman from Cook (McCormick) desire to close?

Mr. BROWNE (LaSalle). I understand that there will be a roll call on this.

THE SPEAKER. If it is desired, there will be a roll call.

Mr. MCCORMICK (Cook). Mr. Speaker, it will not be said, I think, by any of the members of this House that I have ever held a brief for the railroads. During the hearings before the committee some of those who there testified referred to the outrageous watering of railroad stocks. They could find no terms of condemnation stronger than I, for one, would use as applied to the Rock Island brigands or the Frisco pirates or the New Haven highwaymen. That, Mr. Speaker, is not the point at issue. Your committee sat patiently and conscientiously to consider the merits of this measure. I think that both parties to that hearing are agreed that it was a fair hearing. Representatives of the trainmen have come to me to tell me that so far as they were concerned they considered that it was a fair hearing.

Reference has been made on the floor to the vote or to the several votes in the committee. The vote to which reference most frequently has been made—the vote of 14 to 13—was not upon the question of a favorable report of this bill, and one of the thirteen would not have voted for a favorable report. I was willing to vote for a report without any recommendation in order that there might be just such a discussion as has been had upon the measure to determine whether or no it should go upon the Calendar. I am glad that five members have asked for a roll call, and I join my voice to theirs, Mr. Speaker. It is just as well that the discussion has not been confined to the important issue whether or no the bill should go on the calendar but that it has covered in some degree the merit of the measure itself. Unless I am mistaken, if it were possible now to poll the committee of the 31 members, 16 or 17 would vote against a favorable report, but whether that figure be right or wrong, every member had an opportunity to be present when the final vote was taken. Any member of this House might have asked to be heard before the committee. The hearings were long; they were open; they were deliberate, and acting upon this highly technical question the committee decided not to recommend that the bill go upon the Calendar. I say highly technical question. I for one am not prepared to go into such figures as were presented by the gentleman from McHenry (Shurtleff), for while I am persuaded that some day some legal limit must be fixed for trains. I am perfectly clear in my mind that this House cannot possibly determine what that limit should be in the light of such facts as it can bring before it.

I count myself the friend of the railroad men. Two years ago I introduced a full crew bill, which is nowhere near as far reaching in its effect as a car limit bill, and the full crew bill passed by the Missouri assembly was repealed by a referendum vote of the people. I think that sometime there should be a limit fixed to the number of cars in a train, and that this Assembly is not competent, by reason of the great volume of business before it, to

hear exhaustively all the evidence upon oath necessary to determine this complex question.

This bill provides for a limit of fifty cars. It has been suggested that the limit should be seventy cars. I do not know and I cannot learn, if I discharge my other duties as a member of this House, what that limit should be. If this bill goes on the calendar, this House should set aside two, three, four days to hear as a whole the great volume of testimony which we heard in committee. I think there is not a man in that committee but that attended its hearings more regularly, and listened more carefully and patiently than he did at the hearings of any other committee of which he was a member.

I hope, Mr. Speaker, that this House, upon a roll call, after carefully considering what has been said, will sustain the action of the majority with whom I did not vote on that particular motion, because I had pledged myself to vote for a report without recommendation—a motion which the men themselves refused to have made in their behalf. (Applause.)

THE SPEAKER. The gentleman from Cook (McCormick), chairman of the Committee on Public Utilities and Transportation, reports in the bill with the recommendation that it do not pass, and the gentleman from Cook, (Mr. Mulcahy), moves to non-concur in the report of the committee. The clerk will call the roll.

Mr. McCORMICK (Cook). Let it be clear, Mr. Speaker, that those voting aye are for non-concurrence.

THE SPEAKER. The roll call will be on the motion of the gentleman from Cook, Mr. Mulcahy, to non-concur in the report of the committee. Those voting aye vote to non-concur. Those voting no, vote in favor of the committee report. Does the House understand it? If so, the clerk will call the roll.

(Roll called.)

Mr. BURNS (Cook). (On roll call.) I just want to take up a few minutes of the time of the House to explain my vote on this question.

During the time this bill was under discussion in the Public Utilities Committee, I had several conversations with the men who have been here in behalf of this bill, and I believe that I am violating no confidence when I say to this House that they told me on different occasions that while they introduced the bill as limiting the number of cars to fifty, they were satisfied that was not the correct number. At the same time, none of those who were pushing the bill or handling the bill in the committee saw fit to name what we could find out or what we could figure out to be the number upon which we could intelligently vote and say that was the correct limit upon which to pass the bill. I favored the bill being put upon the floor of the House without any recommendation, and had that proposition come before the committee I would have voted accordingly. When the proposition was made to the members of that committee that they sign a request that the bill be put upon the floor of the House with the recommendation that it do pass, I also refused to sign that, saying at the time that if it was placed upon the floor of the House or if the request was to place it on the floor of the House without any recommendation, I would have signed it. I believe that it is up to the House and the members of the House to decide this question, but for any of us to say the exact number, that is, of the committee, I say that we were unequal to the task. I believe, however, that the bill should be put upon the calendar, discussed here and amended, if properly can be done, on second reading, and if we reach what we consider the correct number, the bill should pass.

I vote "aye" to place this bill upon the calendar.

(Roll call continued.)

Mr. BURREN (Champaign). I would just like to say one word in explanation of my vote upon this bill. I do not care to speak on the merits of the bill, but I do wish to state that I have in my hand a petition containing 3,500 names of citizens of my own district, many of whom I know personally. The statement was made a minute ago by some gentleman over here that the people who signed these petitions did so to hold their jobs. I have here page after page of railway men whom I know, not trainmen, however, and I want to say at this time when I find upon this bill that men send me a petition asking me to do one thing and then come to me personally

and ask me to do another, because 3,500 have asked to vote against this so-called bill, I therefore vote no.

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) I feel, Mr. Speaker, totally unqualified to vote on the merits of this question. I do not want to sail under any false colors and I do not want my vote on this matter to be taken as a criterion or guide as to how I will vote when the matter comes up on its merits. Certainly if this committee required day after day and night after night to make up their judgment, not claiming any greater mental acumen than they have, I also am entitled to some information before I make up my mind how to vote on the merits of the question, but as it is an important question and one demanding attention, I will vote aye to bring it up in the House.

(Roll call continued.)

Mr. FLAGG (Madison). (On roll call.) While I am not yet convinced that such a bill as this is necessary legislation, I wish to reserve my right to vote as I see fit on third reading. I am still unprepared to say that we ought to choke it off on second reading, and I therefore vote aye.

(Roll call continued.)

THE SPEAKER. On this question the yeas are 78 and the nays are 46. The bill is put on the calendar.

Mr. BROWNE (LaSalle). Mr. Speaker, I rise to a question of personal privilege.

On last Friday evening an issue of a Chicago newspaper known as the Chicago Journal contained about a half a column of matter coming from Springfield that, in part at least, was relative to myself and to which my attention has been called by a number of gentlemen, both on this side of the House and the other side. It purported to be a write-up or story relative to what happened when I called up House Bill No. 164, which had been advanced to third reading, and asked that it be taken back to second reading for the purpose of amendment. You all remember what occurred. The speaker recognized me, and by a vote of the House it was taken back to second reading, but the amendments were not adopted, and the bill was again advanced to third reading.

I have always felt, and I feel that the gentlemen on the floor of this House agree with me that the most malicious form of assailment, the most contemptible method of attempting to injure a person in print is by telling a lot of half truths. It is more vicious than to tell a deliberate lie. You can deny that, but where you pick out a little truth here and there and line them up and eliminate the rest that goes with it you haven't the context and cannot deny, but what these things are true, and it has done you more harm than an absolute and malicious lie. Whether or not that was the purpose of the article I don't know, and I hate to think so, but I am dealing with results.

This article put me in the light of a defender of the inmates of disreputable houses and stated that I endeavored to exempt from the operation of the bill the inmates of those houses from arrest but didn't attempt to exempt those that walked upon the streets,—all of which was true, but it didn't go on then honestly to say what the purpose of Browne was in doing that, as he stated on the floor. It didn't go on to say that out of humanity for these poor unfortunates that were being arrested and incarcerated in a county jail under the pretext of giving them an opportunity to treat them for disease, I believed it was inhuman and that purpose could not be carried out along that line, and if that was the purpose why not come out openly in a bill and provide openly for these things and not for arrest. None of that was written up, and it was left in that way with that insinuation to go out broadcast throughout this State and the purpose to be inferred.

I cannot understand this unless it be upon the theory that little things are great to little men. I remember once in a law suit, a criminal case, and one of the elements in the case was a picket off the fence. The gentleman who was assisting in the prosecution, fortunately or unfortunately, I happened to be for the defendant, dealt upon that picket until everyone in the court room could see the picket. It didn't have any particular place in the case, but his little mind had grasped that and could not get away from it. It was a case of a little man and a little thing being great to him.

Now, the article went on to say,—Mr. Lyle from the republican side, being absent from the House, the bill was called up and advanced to third reading. Mr. Lyle came rushing into the House a few minutes afterwards, and finding that to be true, tried to get recognition from the speaker, but could not do so. Some time thereafter, Mr. Browne, getting recognition from the chair by and with an understanding had beforehand with Mr. Lyle succeeded in calling the bill up and doing what Mr. Lyle didn't do, get recognition. The gentleman that wrote that article didn't come to me and ask me anything about it, as to whether that was true or not. He didn't go to Mr. Lyle and ask him whether it was true, but he put me in the position of a fetcher and a carrier for someone else, who was trying to get around the order of the speaker, or the edict of the speaker, for someone who had been denied recognition.

The facts were, that Mr. Lyle had a bill before this House against which I would have been more strenuous than against 164. I was in the committee on appropriations when this occurred and had been there when Mr. Lyle came into the room and didn't know anything about it until someone told me that 164, which I intended to amend on second reading, had gone to third reading. I waited and then I asked recognition of the chair and it was granted, and permitted to have the motion put to the House. I had not seen Mr. Lyle and had no communication or conversation with him in any way relative to it than the above. Mr. Lyle will bear me out in this. Still this article went on in that kind of a way. It is that kind of newspaperdom, that kind of newspaper writing and newspaper peanut stuff, and small men that make trouble, not only that, but they succeed every now and then before the people of a great community in damning some men or set of men whose shoes they are not worthy to unloose. It is that kind of stuff that will breed some day in this State at least a libel law. It is that kind of stuff that makes all the trouble for the newspapers and for decent citizens in the State of Illinois.

I don't suppose I ought to take up the time of this House, but this article was so uncalled for and unjust—I don't know whether it was intentional, but if it was not, then it was the work of an ignoramus—but it was so unjust that I could not refrain from getting up and explaining for fear someone might have given more or less credence to it.

Mr. BUTLER (Sangamon). I desire to call up House Bill 15 on the order of third reading. This is an agreed bill between the Master Horse-shoers as represented in their union, and the Journeymen Horseshoers as represented by the officials of their union. I hope you gentlemen will pass this bill as it is along the line of many bills you have passed and raises the standard of caring for the horses in this State.

Mr. HUBBARD (Greene). I hope that the gentlemen of this House will consider this bill before they vote to pass it. I want to call your attention to what I think it will do in its application throughout the State of Illinois. This bill will put out of business a great many of the people who are now shoeing horses in the small towns in the State, at the cross-roads blacksmith shops and men making a living doing woodwork, blacksmith work and horseshoeing. These people would not come under the bill as horseshoers. This bill means that no person who desires to nail a shoe on a horse can enter into the trade of horseshoeing unless he has had three years apprenticeship under a supposed horseshoer and must take an examination before he can tack a shoe on a horse.

They say they want this bill to pass, so we will protect the horse and not have so many lame horses. Is that true?

Mr. BUTLER (Sangamon). Yes.

Mr. HUBBARD (Greene). Why don't you make the horseshoers now in the business take an examination? There may be hundreds of them who are unfit to put a shoe on a horse. The real purpose of this bill is to limit the horseshoers in this State and not to protect the horses at all. It is to protect the horseshoer. Who is making this demand that we want to protect the horses? Do you hear any of the owners of the horses making that cry? If there have been so many horses crippled by being shod in the wrong manner, why are the owners not here to urge us to pass this bill? This bill is for the protection of a few horseshoers that are banded together in the large cities. This bill is a bad one and should not pass.

Mr. MAUCKER (Rock Island). This is one of the bills that should be passed by this General Assembly. We are dealing now with a bill that will help the dumb brute. Men are compelled to take examinations to treat human ills, but now in the horseshoeing business anybody can go into it after learning a few pointers about shoeing a horse.

About two years ago I had an opportunity of riding with a gentleman to a little station called Muscatine behind a very fine driving mare. I attempted to buy the mare, and the price was made on her of \$125. I bought that animal, and she was a fine driver, and went to the country the following day. Previous to leaving the city it had rained enough to make it slippery, and this animal slipped more or less in the early stages of my trip and became lame. When I reached a little town I went to a horseshoer and told him of the circumstances, and I presumed the animal had a nail in its foot. He fixed the animal and charged me a fee, and told me without a question of a doubt that the nail was what caused the trouble, and that in a short time the animal would work out his lameness. It continued to grow worse and I continued on, and upon arriving at my house I sent to the nearest town for a veterinarian, and he told me that the trouble had nothing to do with a nail in the animal's foot. I doctored the mare for three months and paid a bill amounting to \$25, and then sold the animal for \$35.

I am not particularly in favor of these commissions, but inasmuch as the expense of the commission is to be paid by the horseshoers I can't see wherein any harm will be done. This bill should pass and I hope you will all vote for it.

Mr. PURDUNN (Clark). I want to call the attention of the members of the House to the fact that a similar bill passed the House about twenty years ago. The commission continued in force for six years, but it became so objectionable that the Legislature repealed it. It is practically the same law you are now trying to pass.

Mr. GRAHAM (Mercer). I have no objection to the principle involved in this bill, but I believe that the bill if enacted into law will be unconstitutional.

In 1897 a bill was passed by the General Assembly of the State of Illinois similar to the one that is now before us and it came up for decision in the Supreme Court of this State and was decided in the case of *Bessette v. People* in the 193 Illinois, and I am reading from page 345. I thought it was advisable to call the attention of the members of the House to this case before they voted on this bill. In the case in question a similar law to this one was in question by the court and the court was passing upon the general question of whether a measure of this kind would in any event be constitutional and the court said this on that subject: "We have said: 'When the police power is exerted for the purpose of regulating a useful business or occupation and the mode in which that business may be carried on, * * * the Legislature is not the exclusive judge as to what is a reasonable and just restraint upon the constitutional right of the citizen to pursue his calling, and to exercise his own judgment as to the manner of conducting it. The general right of every person to pursue any calling, and to do so in his own way, provided that he does not encroach upon the rights of others, cannot be taken away from him by legislative enactment.' (*Ruhstrat v. People*, *supra*, and authorities there referred to). It has also been held that included in 'the right to choose one's occupation is the right to be free from unlawful interference or control in the conduct of it.'" (*Ibid.*; *Black on Const. Law*, p. 412).

An application of the principles above referred to to the provisions of this Act of 1897 in relation to the business of horseshoeing condemns it as an invalid law. It is impossible to conceive how the health, comfort, safety or welfare of society is to be promoted by requiring a horseshoer to practice the business of horseshoeing for four years, and submit to an examination by a board of examiners, and pay a license fee for the privilege of exercising his calling. The ends to be secured by the exercise of the police power are the public health, comfort, safety or welfare, but this measure has no relation to the ends thus specified. If this Act is valid, then the Legislature of the State can regulate almost any employment of the citizen by the requirement of previous study, and previous examination, and the payment of a license

fee, and the issuance of a license. While we are always reluctant to put the stamp of invalidity upon any Act of the legislative branch of the government, it is yet our duty, in the exercise of the trust imposed upon us by the Constitution, to protect the constitutional rights and privileges of the individual citizen against such an invasion of them as is embodied in the present enactment.

There was then before the Supreme Court a law based on the identical lines as the bill now before this House, and I respectfully call your attention to the fact that I think it is folly for us to enact a law along the lines which the Supreme Court has already declared to be invalid.

Mr. BRUCE (Cook). This is an agreed measure. In answer to what the gentleman said as to this being an invalid Act I wish to say that the Court of Appeals of New York said you could not enact a law restricting the hours of work that a woman might perform each day or each week, for the reason that it was trespassing upon her rights, but since that time we have passed such laws in several states in this Union.

The decision of the Supreme Court of this State twenty years ago wouldn't meet the temper of the people of this day. I think the Legislature has the right now to enact laws of this character. It is true that the horse in question didn't appear before the committee to state his side of the case. The men who are engaged in the business as masters were there and the men who are engaged in the business as journeymen were there and each of them in turn presented their case to the Committee on Industrial Affairs, which committee unanimously reported this bill out with the recommendation that it do pass. I hope you will all vote for it.

Mr. BUTLER (Sangamon). This bill has been amended and is not an old bill, but has been amended to fit the law as it is now. It has been carefully gone over by Senator Juul and is said to be all right. The law applying in that decision read by the gentleman from Mercer (Graham), does not apply to this bill. I hope you will give it your vote.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 93, and the "nays" 27; the bill having received the constitutional majority, is declared passed. The clerk will report the title of the bill.

Mr. JACKSON (Cook). I desire to call up House Bill No. 131 on the order of third reading.

This is a bill, the title of which almost explains itself. It makes it a penalty for any person or corporation to in anywise incite race riot or prejudice and provides a penalty of fine of not less than two hundred dollars or more than one thousand dollars for violation.

This bill is a meritorious bill, as it protects the rights of all the people and 260,000 people who are citizens of the State of Illinois whom I personally represent. I will not go into the details unless there are some members who desire to speak against the bill and in that event I wish to be heard in reply.

Mr. PIERSON (Cook). I regret that I am obliged by my oath of office as a member of this House to oppose this bill. I have no doubt of the good faith of the introducer. I consider this bill so contrary to the principles of the Constitution of the State of Illinois and the policy of the State that I do not believe any man who respects the Constitution can consistently support it. In the first place, let us see what it does. It is composed of two parts. It provides that "Any person who advertises, publishes, presents or exhibits in any public place in this State any lithograph, drawing, picture, play, drama or sketch that tends to incite race riot or race hatred, shall be guilty, etc." And, further, it provides, "Or who shall advertise, publish, present or exhibit in any public place in this State any lithograph, drawing, picture, play, drama or sketch that shall represent or purport to represent any hanging, lynching or burning of any human being incited by race hatred, shall be guilty, etc."

The words of the bill are that in case it "tends to incite." The dictionary defines the word "tends" as "that which is directed to any purpose, exerts an activity in some direction, or contributes to."

Can any lawyer in this House find anywhere anything in the statutes of Illinois where it is a misdemeanor because the act tends to do something?

The real objection to this bill is found in the Fourteenth Amendment to

It is ~~interesting~~ to note that the 1915 bill contained ~~most~~ of the same elements as the one of 1917 which was eventually enacted. The phrase, "any lithograph, ~~and~~ drawing, picture, play, drama or sketch" was changed slightly - in the 1917 enactment it reads, "any lithograph, moving picture,

the Constitution of the United States, which contains the following clause: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Section 4 of Article II of the Bill of Rights of the Constitution of the State of Illinois reads: "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty."

In addition, the courts have held that the right to follow any of the ordinary callings of life is an inalienably guaranteed right and right which no man can lose by act of the state except by criminal conviction and incarceration in the penitentiary. It is elementary that a shoemaker has a right to make shoes, a carpenter to build houses, a mason to build walls, and the farmer to raise crops. A man has the same right to be an advertiser, a publisher, a teacher or a showman. This bill will destroy the freedom of individual speech and the freedom of the press. The essence of its prohibitions is its relation to racial characteristics. It is aimed directly at the drama and history. It is based upon the plays known as the "Clansman" and the "Leopard's Spots." The effect which it would have upon these two plays would be the same upon all historical and dramatic representations. It would put out of history the stories of Nathan Hale, Toussaint L'Overture, and John Brown.

It is an elementary fact that both serious and comic drama rest on one foundation and that is character. The chief source of character has always been and always will be found in race and race peculiarities. The masterpieces of the ages have been for this reason studies in racial traits. Hamlet is the analysis of the soul of a Dane; Othello the study of the character of a Moor; The Merchant of Venice, of an avaricious Jew.

Two-thirds of the entire comedy output of the drama in America, both in films and in the spoken play, rest on racial peculiarities. Today in the great cities of this country at least one-half of all the vaudeville programs and all the plays that are filling first-class theaters would fall within the definition of this bill, because they turn upon race peculiarities.

Note the following illustrations: "Hello, Broadway," by George M. Cohan, is a burlesque of all the plays of the past season and contains a joke on racial traits in every scene. "Marie Odile" is a play based on historic scenes of an old war between Germany and France in which Prussians soldiers violate a French convent. It is a masterpiece of poetic beauty, the greatest play Edward Knoblauch has written and the greatest production David Belasco has ever made. It contains representations of German and French traits. "The White Feather" is a serious study of the European War. "Twin Beds" is a rollicking farce with screams of laughter through three acts, based squarely on the peculiarities of an Italian, and it brings into ridicule those traits. "Daddy Long Legs" is a study of the meanness of a certain type of Down East Yankee. It was written by Mark Twain's daughter, and is making thousands of people laugh and cry every day, yet the Yankee must feel it is aimed at him. Montgomery and Stone in "Chin Chin" make fun of racial peculiarities in almost every scene. Their fortune and reputations have been built on their genius at this work. "Chin Chin" is a burlesque on the Chinaman, and this play tends to arouse race hatred towards the Chinaman.

At the New York Hippodrome has recently run a motion picture based on Edward Sheldon's "The Nigger." The hero of this play is a negro, and the argument is a plea for his right to marry the heroine, a white woman. This will tend to incite ill will toward the African. At the Knickerbocker theater in New York is running a colossal musical production by Klaw & Erlanger. This production cost \$125,000, and is called "Fads and Fancies." It is a burlesque of current plays and racial traits, and two-thirds of the laughter depends on fun poked at the characteristics of five different races.

There is now coming on a new play called "The Birth of a Nation," a review of our history through the Civil War and the reconstruction. This play has been praised by the leading clergymen of New York and by the leading Senators and Congressmen in Washington and high officers in the army as the most inspiring contribution to the education of our youth ever made in America. This play is especially marked for suppression by this bill.

In our great cities, during the present season, there has run a great musical comedy review on the same order as "Fads and Fancies," in which a negro farce comedy man appears with feet twenty-six inches long. It has a joke in almost every scene which touches some weakness of a race. This great play, worth now to its producers a million dollars, tends to incite race hatred.

In these plays 50,000 men and women are employed, and they support over 300,000 people. The aggregate of property invested in these plays is not less than \$6,000,000, and all could be confiscated by the arbitrary police power of this bill before any hearing could be had in a court of equity.

The moving picture business is now the third great industry of the nation, involving the expenditure of \$400,000,000 annually and the employment of a million people. Under this bill one-half of its property could be confiscated by irresponsible cranks, by blackmailers, and knaves, without the possibility of redress. More than half the total output of these films is based on the study of racial traits or the fun poked at racial peculiarities, and every one and all the property involved is guaranteed against destruction by the defeat of this bill.

This bill, if enforced as law, would drive from the stage Samuel of Posen; The Auctioneer, by Warfield; Children of the Ghetto, by Zangwill; The House Next Door, a story of intermarriage between Jew and Gentile; Mary of Magdala, the story of Judas and the Betrayal; Siberia; The Yellow Ticket; Quo Vadis; Ben Hur; Oliver Twist and Fagin; Ivanhoe; Isaac of York; and Othello and Shylock.

The Jews have given to the world Disraeli, the Rothschilds, Isaacs, the Chief Justice of Great Britain, and a Governor of one of the great states of our Union. A Jew is the judge of the Probate Court of Cook County, and many people said no substitute could be found for Judge Cutting, but the Hebrew race has made good in a successor to Judge Cutting, as it makes good everywhere and it needs no protection at the hands of the Legislature.

As to the Irish race, if this bill passes, their plays must go. The Shanegran, by Boucicault, the Play Boys of the Western World, and John Bull's Other Island; all must go if this bill becomes a law.

What about the Indian? What about Custer's Last Charge? And what about the Mexican and the Squaw Man? What about Pulling Down the United States Flag at Vera Cruz? Would not the cry of the press on that act have aroused the bitterest of race hatred in the Mexican?

Speaking generally, the proposed prohibition of all works of this character on the ground of exciting racial hatred has the most far-reaching consequences from which the supporters of this bill may well shrink. Such a law, if passed, and enforced, would arouse the opposition of all agencies of culture, education and civilization. It would ultimately bring the General Assembly into universal discredit and ridicule for having been so shortsighted as to prohibit all sorts of beneficial things in order to destroy a few things deemed harmful. Note a few of the great modern agencies that would be stifled or suppressed by its action.

In journalism, no one could tell the truth in a newspaper and all facts relating to inter-racial struggles would be stifled. No one could reprint a foreign cartoon of the German Kaiser or of grasping John Bull, nor of the ferocious Russian bear. No one could publish American cartoons dealing with the passions involved in the European struggle. No one could, as did Leslie's Weekly a few weeks ago, print pictures of the Franco-Prussian war because it would revive the hatred between Frenchmen and Germans, nor touch on the recent Armenian massacres which cast odium on the Turk, nor enter on the splendid campaign in behalf of the Russian oppressed Jews, one of the finest newspaper campaigns ever conducted in this country, because it would excite hatred against the Jews' oppressors. No one could describe the Mexican outrages against Americans, the expulsion of the Hindus from Vancouver, California's agitation against the Japs, the race feeling in the recent Colorado labor war, the starvation of the Belgians or the burning and plundering on both sides in Russian Poland. Newspapers would be colorless, their value as public informants would be lost. Or, if published, in defiance of authority they would appear with whole pages blackened out by the State censor as the ultimate result of this measure as in a despotic country.

I hold in my hand copies of Chicago newspapers in which are headlines in reference to the massacre of Christians in Asia and these things could not be published in safety if this bill becomes a law.

Concerning education, the public teaching of real history would be at an end. History involves an understanding of the motives and passions underlying great struggles. Often these excite racial animosity. What of the American Revolution? The Civil War? The Revolution in France? Napoleon Bonaparte? The American wars against the Indians? The History of Reconstruction? The Anglo-Boer War, the War for Cuban Freedom, the Revolution in Mexico, shall one be portrayed and not another? All excite, or have excited, some feeling. The more vivid the historian, the more he causes us to take sides and to love or hate the protagonists of the story. Therefore, Prescott and Woodrow Wilson and Redpath would have to go. There would be no room for them in school or college or public library.

Even the pictures in the schoolhouses and libraries would fall under the same prohibition. Does not "Custer's Last Rally" cause us to hate the Sioux who killed Custer and his gallant band? What picture of Americans and British fighting in our Revolutionary war but makes us hate the red-coats? Battle scenes could not be portrayed in text books; lecturers like Burton Holmes or Newman might not exhibit them on the screen; the platform speaker or the pamphleteer might not touch on the Wars of Races. The artist in colors or in black and white and the camera, most marvelous reproducer of the actual truth of things, would be compelled to stop short of portrayals of persecution, oppression, conflict and violent death.

In the church the same principles apply. The labors of our American missionaries in foreign lands have incalculable blessings upon the less civilized races, yet at what cost of American and native Christians martyred, of property destroyed, and of temporary setbacks due to the barbarous opposition of foreign races! "The blood of martyrs is the seed of the Church." The returned missionaries tell us of their sufferings; from the field come reports and pictures of riots, massacres, outrages. Shall these narratives, too, be suppressed, because forsooth they heap odium on the Turkish or Chinese or South Sea perpetrators of such crimes against unoffending Christian men and women? Yet under this bill the missionary must be dumb.

The trial of Jesus before a Roman Judge by Jewish accusers excites racial animosity. The progress to Calvary and the Passion of the Cross stir involuntary hate against the workers of the awful crime. Shall the great central event of Christianity be suppressed?

The Bible is filled with instances of nation warring against nation, of treacherous or open crimes of violence, of battles and of killings. Under the proposed law a pictorial story of the Bible like Tissot's or Dore's would be impossible. A motion picture presentation of the sacred scenes as "From Manger to Throne" would have to be excised until it was past recognition.

And what of Books, Mosaics, Art? The rights and wrongs of the various races of men loom large whichever way we turn. We find them exploited in so sedate a work as the Encyclopedia Britannica; in the frescoes, sculptures and mosaics of public buildings; in the art monuments of the great cities; in the galleries like the Field Museum in Chicago and the Metropolitan Museum in New York; in all departments of imaginative literature, throughout the dramatic stage, and upon the motion picture screen. Most men, in fancy, hate with Shylock and kill with Othello; defy the Christian Templar like Rebecca the Jewess in "Ivanhoe;" execrate the Christian's oppressors in "Quo Vadis;" stir with rage against the persecutors of the Waldensees as depicted by Milton; detest the Spaniards' cruelty while perusing Motley's "Rise of the Dutch Republic;" exult over the British defeat in Lossing's "American Revolution;" despise the South American in Henry's or Richard Harding Davis' stories; shudder at Oriental treachery in tales of the far east; loath Russia while reading Herman Bernstein's revelations of the awful Russian Pale; excoriate the slave owner in "Uncle Tom's Cabin," the Copperhead in "The Civil War" and the carpetbagger in Fleming's "The Reconstruction." One can no more get away from the racial loves and hates in all history, literature and art than he can forget the letters and not perceive the meaning of the printed page as it rests before him.

The attempt of the modern conciliatory philanthropist or social worker

to gloss over these things is founded on a misapprehension. The way of safety lies *not in suppression, but in expression*. It is far better to have open safety valves of opinion in the press, literature, history and art than to bottle up racial feeling by law and sit on the top of a volcano. Presentation of historical conditions never hurts. To show conditions under which people have lived in other lands is to work for peace and contentment in this country. To tell about racial struggles historically in America is to show by contrast what the races involved, the Indians and the Afro-Americans, have achieved since then. Portrayal of persecutions brings about better conditions. The truth will out, sooner or later, and the wider currency that is given to historical truth the more enlightened will be the judgment of the American people on all these great issues. Any other attitude, such as that of the present bill, in suppressing whatever stirs race hatred, is a suppression of essential historical truth and will react on the people or nationality that indulges in it.

Similarly with regard to the proposed prohibition of portrayals of violent death or assault. Superficially the second provision in this bill looks like a good measure. Certainly refined taste is not pleased by such exhibitions. But here again, the same principle holds that the wider and more untrammelled the truth, the better for humanity. The world is rocked today by the most awful war in all history. The more terribly that war, with all its racial hates and all its violence, is portrayed in newspaper, book or work of art, the greater and the more lasting will be the peace that follows. For peace is founded not on ignorance, but on understanding of all the facts and all the issues involved. Persecution is stopped by publicity. Injuries are redressed by the same means. The cure for the evils of liberty, as Macaulay finely said, is more liberty. And the greatest of all arguments for universal disarmament is the adequate and thorough portrayal of the violence now raging in Europe.

I sympathize with the colored race, with the sufferings to which that race was subjected in being forcibly taken from Africa and compelled to labor as slaves in this country—with their patience under the many wrongs inflicted upon them—with the progress and advancement they have made in the face of many obstacles since the Civil War. Let their cause by every just means be advanced. Let their champions speak in every city of the country and let their newspapers carry the message of colored progress to every corner of the United States. Let us, all of us, help in the great constructive work of enabling the negro to take full advantage of the rising tide of education, culture and wealth in America.

But when the honorable introducer of this bill asks us to suppress by law all manifestations that stir race hatred, whether it appears in history, newspaper, art or drama, he asks for a boon not constructive but destructive. In helping him in this, his wish, we would destroy an immense amount of necessary literary and historical material for the intellectual development of the American people. We cannot abolish education. We cannot abolish history. We cannot cease depicting Christian martyrdom to please the Hebrew. We cannot stop the news, though it arouses feeling against the German invader in Belgium or the Russian invader in Galicia. And most of all, we cannot suppress the record of our own national life, though it involves the record of racial antagonism between white man and Indian, and between white man and negro. We might confer a little temporary benefit on the colored people, but it would be at the awful cost and sacrifice of the whole intellectual freedom that has made civilization so great. I make bold to believe that no measure will ever be passed by any American Legislature forbidding the presentation in book, pamphlet, sketch, drawing or work of art of any matter of news or history adversely affecting races. That will be the effect of this bill, little as they realize it who have framed it, should it pass.

This is the most vital and far reaching proposition in this House and should never pass. If it does, the law department of the State will never approve it, the Executive will not, and can not sign it. The Constitution forbids it, the law of progress forbids it and advancing civilization forbids it.

Mr. LYLE (Cook). I assume that my friend here (Pierson) has no personal interest in this matter any more than I have, but the moving picture people wish to see this bill defeated. I would not have spoken upon

the bill, but some of the arguments presented by my colleagues are, I think, not proper. I think that some of the plays and some of the pictures and some of the books which he would have you believe would be put out of business would not be the case. I didn't think the moving picture interests would be so warped as to attempt to defeat a law which provides that in any publication or exhibition which tends to cause race riots or hatred or antagonism or hold up to ridicule or scorn.

Mr. WILSON (Adams). That is out of the bill.

Mr. LYLE (Cook). The representative who spoke against it spoke against the original bill as introduced.

Mr. PIERSON (Cook). If he means me, I wish to say that I spoke about the bill as it stands now, amended.

Mr. LYLE (Cook). I simply wish to say that I was born and raised down amongst where the colored people are and, of course, my folks didn't feel toward them just like some of the northern people do, and I was born and bred with them and in my blood I have the respect for the colored man as you respect your father and mother. I want to say to you that all southerners don't do that, and don't treat the colored man as he ought to be treated. All the northern people do not treat the colored man as he ought to be treated.

We hear a great deal about what the North has done for the colored man, and I have no criticism, and yet here is a law that I think any fair, honorable, honest man, be he white or colored, Jew or Gentile, should give his support to this bill.

Mr. WILSON (Adams). The last gentleman who spoke in behalf of this bill was a little confused on account of the fact that he was speaking of the original bill as it was at first, until he saw the bill was not as he thought when he first addressed himself to the subject.

This bill came up before the Judiciary Committee of the House and it was pruned down and there is no danger along any line.

So far as the constitutional argument against this bill is concerned, that does not really matter very much because I am going to trust myself to the policy of the law in voting for this bill and if it be unconstitutional then the courts will take care of that. I am surprised that the gentleman from Cook (Pierson) should have imagined so many things, and a great deal of the speech of the gentleman from Cook like the flowers that bloom in the spring had nothing to do with the case.

He cites a great many dramas and literary works, stating they could not be written or produced if this bill went through. This does not apply to the written word but only to a picture or anything that will attract the eye. He also addressed himself to the subject of histrionic art, and especially to tragedy and the plays that have pictures of hanging and burning, should not be allowed in this State, that there would be some loss. The most perfect examples in all literature of tragedy are the Greek tragedies of Aeschylus, Sophocles, and Euripides, and you will remember it was one of the canons of the Greek tragedian that there should never be on a Greek stage any depiction of the killing of any human being. If you will go back to art in its simplicity you don't find any depiction of the death and killing of any human being such as the gentleman from Cook seems to fear. There was a sedulous and careful attempt on the part of the gentleman to appeal to the religious prejudice of some of the men with the idea that you could not depict the crucifixion of Christ. There is nothing like that in this bill. It says anything that shall tend to excite race riot, or race hatred, any hanging, any lynching, or any burning. There is nothing that by the widest stretch of the implication of this that could be applied to the crucifixion.

The gentleman takes exception to the use of the word tends. I will call his attention to the statute in relation to disorderly conduct. It says:

"Whoever shall be guilty of open lewdness, disorderly conduct, or other notorious act of public indecency, tending to debauch the public morals shall be fined not exceeding \$200."

He stated that you could not find any such use of the word "tend" in the statute, and there you will find it in regard to the statute for disorderly conduct.

The Judiciary Committee had this bill before it and took it and trimmed it and they have gotten it into shape, so I think it does not abridge any of the natural rights of man or any rights that even moving picture men should enjoy.

Mr. PIERSON (Cook). The gentleman from Adams (Wilson) has talked only to the second proposition of this bill. The first proposition is this, that if this becomes a law it shall be a misdemeanor for you to publish or present in the form of a drama anything which tends to incite race hatred. That is spoken representation. The gentleman gave you to understand that this applies only to pictures and pictorial representations. It applies to the spoken word.

Mr. WILSON (Adams). If it is the purpose of this bill, my friend from Cook (Pierson) can take it to the Supreme Court and have it declared unconstitutional, as he did the Chicago Wheel tax. I said it applied not to the written word, I didn't mention the spoken word, and I have considerable to say about the representation of tragedy in a histrionic way in both modern and ancient times.

Mr. JACKSON (Cook). Mr. Speaker and gentlemen of the House: I have prepared and have before me some facts in relation to this bill, but am not prepared to answer the essay which the gentleman from Cook (Pierson) has delivered.

I want to call your attention to the debates of the House of April 7th, when the distinguished gentleman from Cook (Pierson) speaking on House Bill 88, did not assume that any particular individual of this House should set himself up as the Supreme Court of the State of Illinois. The gentleman used the following language:

"Gentlemen: I hope you will let this bill go to third reading. If it is unconstitutional, it will be ample time to determine that when the Supreme Court shall pass upon it."

To the contrary, today he assumes that he is the Supreme Court, and wants to pass upon the merits of this bill. I should say that "Inconsistency, thou art a jewel." (Applause.)

The gentleman (Pierson) is very much interested in the moving picture business, and if that is true, that is a dual capacity for a member of this House, to represent any other interest and at the same time represent the interest of the people of the State. I want to say that this bill strikes at the pictures and plays that are today creating a sentiment against the weaker races of our great nation. This gentleman would have you believe that newspapers, that books and that everything else under God's sun is going to fail if this bill is passed, and he is making a mountain out of a mole hill. He refers to the fourteenth and fifteenth amendments, which have nothing to do with this bill.

I have many facts in regard to this matter, clippings from every leading journal in this entire United States, talking about the particular plays that the gentleman would have you protect. They have "The Clansman," and the "Birth of the Nation," and they have another picture with the illuminating title, called "The Nigger." They have various plays depicting lynchings and burnings, and showing them on the screens. The most elaborate speeches and editorials upon these particular plays have made comment as follows. Rabbi Stephen S. Wise said in a recent sermon:

"Most serious of all is the circumstance that this play constitutes a deliberate attempt to deepen and justify within the hearts of men the more or less instinctive prejudices which it is the business of an enlightened democracy ceaselessly to challenge and to combat. If but the author and the producers had the courage to declare that of which I accuse them, of designing to foster hate and to intensify prejudice, to make it impossible for two races to live side by side in this republic upon the basis of peace and good will, one could almost respect their frankness and courage and not be moved to despise them for their cowardice as one loathes them for their shame.

"The general effect of the play is to present a race of a generation ago as foul and murderous beasts. Therefore, I call this play a crime against two races. The men who are responsible for it are coining prejudice and bitterness and every unholy instinct of men into money.

"If thirty or forty years ago Europe had set her face like flint against

the initial causes which inevitably brought about the campaigns that ultimately ended in war, the war that now is upon us need never have been fought. The time to protest is not when race assassination has come to pass. The time to do that is now, when an attempt is deliberately made to foment it. It may become too late; and if too late and we have been silent, the blood will be upon our own heads, for we shall have suffered the soul of our city and our nation to be poisoned, day by day, by the fatal and ineradicable poisoning of race prejudice and race assassination."

The Boston Herald contains the following article penned by Mr. A. E. Pillsbury:

"It gambles on the public ignorance of our own history, and as a vast majority of people are more impressed by what they see than by what they read or hear, it is liable to win by permanently lodging a radically false conception in the public mind.

"The selection of Massachusetts as the field for the introduction of this spectacle to the public, impudent as that is, affords the opportunity to deal with it here as it deserves. In the South, with conditions reversed, such a show and its perpetrators would be lynched. This is not the Massachusetts way. But unless we find a way to effectively resent this libel alike upon our citizenry and our history, let us destroy our soldiers' monuments, give the battle flags at the State House to the dust heap, abolish our Memorial day, and confess ourselves unfit to inherit the traditions of Massachusetts, in our impotence to vindicate them or the memory of the men who made them."

Again, Mr. Moorfield Storey writes as follows:

"If it is immoral to bear false witness against one's neighbor, to excite hate, to say those things which directly lead to disorder, assault, and perhaps homicide; unless, in a word, the only immorality is sexual immorality, this play tends to corrupt public morals and should be suppressed, as it certainly would be if, instead of libeling the weakest among our fellow citizens, it were in like manner to attack a body of great political strength."

In New York City, where one of these plays, "The Clansman," was being exhibited, the distinguished mayor of that city said that the play should not be shown there and it was withdrawn.

In this connection I now read to you an article from one of the New York papers copied by the Chicago Defender of Chicago, Ill., to wit:

"The National Association for the Advancement of People has scored a real triumph in New York in succeeding in getting the National Board of Censorship to reverse its approval of the moving picture film called 'The Birth of a Nation,' which is based on Thomas Dixon's 'Clansman.'

"In connection with the difficulties that the National Association met in having this objectionable film censored, it is interesting to note the action taken in Atlanta, Ga., in regard to 'Uncle Tom's Cabin,' which has recently been produced there in moving pictures. To suit the Southern community the name of the production had to be changed to 'Old Plantation Folks,' and all disagreeable scenes cut out, such as the whipping post. Legree is made almost a saint. In justifying this action Mrs. Joseph Morgan, of Atlanta, president of the Pioneers, says: 'Nobody has any right to come here and stir up sectional prejudice by offering such a play. The play recalls all the things we have been trying to forget.'"

The Rockford Republic, a newspaper of our own State, has this to say about this infamous and degrading play. This clipping was furnished me by a member of this House who has the interest of the people of the State of Illinois at heart, the gentleman from Winnebago (Hicks). It says:

"Discussion over the movie film, 'The Birth of a Nation,' continues in New York City. Many protests are being heard against it. The National Board of Censorship is divided over the film which is based on Thomas Dixon's lurid novel, 'The Clansman.'

"The Republic has already called the attention of its readers to the injustice of continually stirring race feeling, and recalling bitternesses which time has successfully allayed in large measure. If the New York film adhered to the actual historical facts there would be something in its favor. But when it resorts to the most wilful perversions of history to heighten the lurid effects of its appeal to prejudice it ought to be condemned by all right-thinking people.

"Francis Hackett saw it the other day and reports it to be 'aggressively vicious and defamatory' degrading to the 'censors that passed it and the white race that endures it.'"

The New York World, of Thursday, April 1st, uttered the following sentiment in speaking of this same line of plays:

"No race is fairly judged by holding up as types for reprobation its most degraded specimens. Every race has the right to be judged by its patient, toiling, useful average, and by its best."

Mrs. Carter H. Harrison, the wife of our former distinguished mayor of Chicago, says:

"I do not approve of the picture and believe it should not be shown. While it is a great picture from the producer's standpoint, it is the most awful thing I have seen. It would arouse racial feeling. I am a Southerner and you naturally would expect me to oppose such a picture as this." It is not surprising to learn that Mrs. Harrison takes this point of view and expresses it so boldly. She can always be counted upon to stand on the side of right and justice. The better element all over the country has protested and in many places permission has been denied the producers to show it. It is to be hoped there will be no loophole whereby Chicago may be disgraced by such a spectacle.

In Boston, this same play, the "Birth of the Nation," created a riot there and it was only by the great force of the police called out by the mayor that they quelled a riot which was caused by this class of pictures.

It was planned to show these pictures in Chicago at the expense of a race of people whose devotion to the flag of the nation is a studded star of loyalty and sacrifice.

The Chicago Record-Herald said in its issue of Monday, May 17, the following:

"Mayor Thompson has barred from Chicago the notorious photoplay based on the romances of racial hatred by the Rev. Thomas Dixon. Mayor Thompson is right. It should be barred.

"In vain do the promoters protest that in their spectacle is a 'note of optimism, brotherly love and readjustment of racial conditions intended to soothe and brighten.'

"A famous French author dedicated to 'My sons, when they reach the age of 20,' a graphic account of the disasters that follow on yielding to enticements to enter into illicit sexual relations.

"The book may, perhaps, be usefully read by many young men. Yet when presented in dramatic form it became merely the picture of a brothel and its inmates, affronting all clean-minded spectators and gratifying only the morbid emotions it stimulated.

"However excellent the intentions, everything depends on the way they are carried out. The public derives no benefit from 'popular' presentation of the scenes of the clinic and the confessional. This particular presentation, both in its ordinary and its film dramatization, has a riot-provoking record. Let it stay barred, so far as Chicago can bar it."

The mayor of Philadelphia also prohibited the showing of these pictures and I have 50 or 60 clippings which I will not attempt to read. In reference to the picture entitled, "The Nigger," I desire to say that it is another photo-screen play that exhibits the hanging of a human being. I present you the following newspaper reports from Toledo, Ohio, and Minneapolis, Minn., respectively:

"Showing of the moving picture film, 'The Nigger,' in Toledo has been suppressed by Mayor Keller. It was to have been shown at a local theater for a week beginning Sunday. The action was taken Thursday after a delegation of white and colored people called on the mayor to protest against the pictures. Those who urged the mayor to suppress the film were Albertus Brown, Rev. B. F. McWilliams, Dr. C. H. Ferguson, Mrs. Della Fields, Judge O'Brien O'Donnell, Louis Jacobson and Miss Sara Hoffman. The move was started by members of the National Association for the Advancement of Colored People."

"Mayor Wallace G. Nye without hesitation placed the ban on the photo play billed here for this week, called 'The Nigger,' and said 'Anything should be barred that tends to arouse racial prejudices.'"

This play was also prohibited in the city of Cincinnati, Ohio. The mayor labeled it a riot-breeder and cancelled the permit for its production.

There are other evils that are in this moving picture business which you will be glad to take hold of before many days.

In Chicago the other day, children viewing these pictures there went out after the show and held up a woman at Thirty-ninth and Escanaba avenue, and when they were arrested their plea was that they had been taught that crime by looking at the movies, and they thought it was an easy thing to rob a woman of her purse.

I quote for the information of this House the sentiment as expressed in the Chicago Daily News of a recent issue:

"It looked so easy in the movies. We thought we could get away with it, too."

"With heads hanging and eyes nervously searching the corners of the captain's office in the South Chicago police station, four scared boys, the oldest thirteen years old, today told how they happened to rob Mrs. Margaret Short, of 7822 Escanaba avenue, last night.

"We'd seen it done lots of times in the pictures," explained the spokesman for the quartet, "and it sure looked dead easy. So we decided to make a little pile ourselves. We hid behind a building at Eighty-third Street and Exchange Avenue, and when the lady came along we hopped out and said, 'Hands up.' She screamed, and we grabbed her pocket book and ducked. There was only thirty-five cents in it. We gave Martin—he's only eleven—a nickel, and each of us older fellows took a dime. Then we seen a 'cop' coming on the run. The other three got away, but the 'cop' grabbed me, and here I am."

It is my pleasure to inform the members of this House that this bill so impressed other Legislatures throughout the country that Senator Harris, of Ohio, introduced in the Senate of that great State this same bill verbatim, which bill is now on third reading for passage. Finally, I say that it is only a question of time when members here will be offering bills to correct the exhibition of the many immoral plays that are being conceived for presentation to the American public. Protests are now being heard all over the country against this class of plays and pictures in the State of Illinois, and I ask you to join with me today in passing this bill for the protection of the rights of all races who are held up to scorn and contempt and pictured as criminals, thereby arousing race hatred and kindling riotous feeling in the hearts and minds of a liberty-loving people.

The President of the United States, addressing an assemblage of hyphenated American citizens in Philadelphia the other day, gave life to this splendid American sentiment:

"You cannot be an American if you think of yourself in groups. America does not consist of groups. A man who considers himself as belonging to a national group is not yet an American.

"My advice to you is to think first not only of America but to think first of humanity, and you do not love humanity if you seek to divide humanity in jealous camps.

"I am sorry for the man who seeks to make personal capital out of the passions of his fellow men. He has lost the touch and ideal of America. The man who seeks to divide man from man, group from group, interest from interest in the United States, is striking at its very heart."

So, I say in conclusion this is a good bill for the protection of all the people and I stand here as the representative of 256,000 loyal citizens of the State of Illinois and the entire eight million people of this State when it is a question of making laws, and I want to say to you that the loyalty of these people stands unchallenged, unexcelled and unequalled in the history of our country: Finally

Under the crucifixion of Chance
We have not winced or cried aloud
Under the bludgeonings of circumstance
Our heads though bloody are still unbowed.
We care not how straight the gait,
How charged with punishment the scroll
We are the masters of our faith,
We are the captains of our souls.

One last word and I have done. I ask you gentlemen in all sincerity to give this bill your earnest thought, feeling assured that when you have done so it will receive your affirmative vote. (Applause.)

(Roll called.)

THE SPEAKER. On this question the "yeas" are 114, and the "nays" 2; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Whereupon, the House proceeded upon the presentation of reports from standing committees and the following House bills on the order of second reading were read the second time, ordered engrosed and to a third reading, without debate: Nos. 912, 929, 930, and Senate Bill 316.

Mr. IGOE (Cook). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 23.

Resolved, by the House of Representatives, the Senate concurring herein, That the two Houses meet in joint session in the hall of the House of Representatives on Wednesday, May 19th, at two o'clock p. m., for the purpose of hearing Senators Lewis and Sherman discuss the bills providing for the building of a Waterway.

(Resolution adopted.)

Mr. HICKS (Winnebago). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 22.

WHEREAS, A large amount of time is consumed at each session of the General Assembly in calling the roll; and,

WHEREAS, There has been invented electrical devices for instantaneously taking the roll, thereby saving a large amount of time; therefore, be it

Resolved, That a committee of six be appointed, three by the President of the Senate and three by the Speaker of the House, to investigate, without expense, the subject of such electrical devices and report their recommendations to the General Assembly at the earliest possible moment.

Mr. HICKS (Winnebago). When the Sub-Committee on the Woman's 8-Hour Law was in Milwaukee we met a gentleman who invented this voting device. At my suggestion he came down here and has the device installed in the Library. It is well worth your investigation and it will be a time-saving device if installed in the House and Senate.

THE SPEAKER. The resolution will be referred to the Committee on Rules.

Mr. SMEJKAL (Cook). I move that the House do now adjourn.

Motion prevailed, and the House adjourned until 10.00 a. m., Wednesday, May 19, 1915.

WEDNESDAY, MAY 19, 1915.

10:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

The Journal of the previous day being read. Upon motion of Mr. Jacobson (Cook), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, all without debate.

Whereupon, Senate Joint Resolution No. 27 was reported to the House as having been adopted by the Senate, which said resolution is as follows:

SENATE JOINT RESOLUTION No. 27.

Resolved, by the Senate, the House of Representatives concurring herein, That the two Houses meet in joint session in the Hall of the House of Representatives on Wednesday, May 19, 1915, at two o'clock p. m., for the purpose of hearing Senators Lewis and Sherman discuss the bills providing for the building of a waterway.

Adopted May 18, 1915.

A. E. EDEN, *Secretary of the Senate.*

The House concurred and the resolution was declared adopted.

Mr. BENTLEY (Livingston). I desire to call up House Bill No. 601 on the order of second reading.

Mr. TICE (Menard). I offer the following amendment and move its adoption.

Mr. DONAHUE (McLean). I move to lay that amendment on the table.

Mr. TICE (Menard). We are considering a proposition that is of the most vital importance to the building of roads in the State of Illinois under the present statute. The present law provides that the term of the county superintendent of highways shall be six years. An amendment is offered in House Bill 601, which would change the term from six years to two years. The argument has been made, and perhaps will be advanced on the floor of this House, that a six year term, in case you have an incompetent man, or a man who is not properly carrying out the duties of his office, will encumber the county for that length of time. I want to call your attention to the provisions of the present statute in regards to the authority of the county board over the county superintendent of highways. It provides: "Any county superintendent of highways may be removed from office by the county board of his county for incompetency, neglect of duty, or malfeasance in office." It gives three major causes for his removal. It specifies three causes with which the county board is clothed and gives them full authority to remove this official. If they have an official who is not complying with the requirements of the law and who has proved himself incompetent and is not properly and honestly conducting the duties of his office, then it is the duty of the county board to remove him, and they should not attempt to shirk their duty by coming in and asking that the law in this respect be devitalized, and the system of State aid construction of roads be put under the handicap of a two-year term county superintendents because some county board has not the backbone to remove a man who is not fulfilling the duties of his office.

I submit to any man on the floor of this House that a position of such vital and great importance, as is the county superintendent of highways in

any county, should be a man who is as thoroughly competent as it is possible to obtain. This is a new proposition to the State of Illinois. I submit that it is only fair to let this law be properly tried out. I know it would be impossible to find 102 men for the 102 counties who were thoroughly competent in a short space of time. Illinois has never had any experience in the permanent improvement of her highways up to the time this statute was enacted. Men were not experienced in the line of highway construction, and it is not surprising that in some instances men found after even they had passed an examination required by the statute to be incompetent and not such as are the most desirable. Under such conditions it is the duty of the county board under this law to remove such men as do not prove capable of mastering and meeting the official duties of the office. Furthermore, you cannot get any man who will become a competent superintendent of highways, or who is now competent to accept a term of office for two years and work for the small salary the counties are offering them. This is a position in which a man must grow. A man will not sacrifice some other position to enter into it for only two years, subject to the whim and the various changes that come in our county boards. A six-year term removes it just as far as it is possible to remove it from any political influence. To adopt the amendment offered by House Bill 601, making it a term of two years, will stop every county superintendent of highways in this State who is now engaged in the construction and plan of carrying out the provisions of the statute. He don't know whether he is going to be retained or not. That argument has been offered in more than one instance on the floor of this House, and it is a valid argument.

Today this is only one of the methods that is being used to weaken this law. Today this is an attack upon the law which will destroy much of its efficiency. Today this is an attempt to destroy one of the elements of strength in this law. I hope that you will not permit the present statute to be changed. I hope you will vote against laying this amendment on the table.

Mr. BENTLEY (Livingston). The bill was reported out of the committee unanimously.

Mr. DONAHUE (McLean). This bill was reported out of the committee on Roads and Bridges unanimously.

Mr. TICE (Menard). I have the report of that committee, and it was not reported out unanimously.

Mr. DONAHUE (McLean). The only opposition then, was yours. It was an "aye" and "nay" vote, and you have not got the record.

Mr. TICE (Menard). Yes, I have. I voted "nay," and Mr. Atwood voted "nay."

Mr. DONAHUE (McLean). This amendment puts superintendents under control of the county board. The meeting of the committee was a full meeting of the Roads Committee, and composed almost of farmers. This bill without this amendment is a good bill and a bill that the people are demanding. Every man who is interested in good roads, and interested in the control of the roads, and who is interested in the control of the county superintendent of roads should vote to lay this amendment on the table.

This road question is one of the big questions of the State. We passed two years ago what we call the Tice Road Law, which up to the present time, generally speaking, has proved to be an absolute failure in this State. The counties that have accepted the State provisions have nothing but a few blocks of road under the State aid plan. It would take a period of fifty years before it would make any perceptible progress in the building of roads in this State.

The purpose of this amendment is to make the county superintendent more efficient, and make him do the things that the men who hire him, or who pay his wages want him to do. The State Highway Commission has control of the action of the county superintendent. He will do what he wants to do and will not do what the county supervisors want him to do.

Mr. O'ROURKE (Cook). Do you think the shortening of the term of office will increase the efficiency of the man?

Mr. DONAHUE (McLean). Yes.

Mr. O'ROURKE (Cook). It would take the superintendent two years

to get acquainted with the roads. Your county is one of the six counties in the State that has not participated in the State aid benefits. You are one of the richest counties and have the highest priced land in your county and you have not participated in the benefits of good roads, but you want to come in and offer amendments to weaken the present law.

Mr. DONAHUE (McLean). We knew it was pure bunc, and were wise enough to know it was bunc and didnt care to be fooling with a bunco game, and that was the reason why we didn't accept it.

Mr. O'ROURKE (Cook). You are one of the six counties out of 102 that were afraid of being buncoed. That is a joke.

Mr. WOOD (Wayne). I think we are about to make a mistake in regard to our road law. I am willing to admit that if we got a bad man in for six years that it is a serious proposition if the board of supervisors failed to do their duty and discharge him. We could get a good man in and he gets his well organization well in hand and his two-year term is out and he is changed, then we have made another mistake. The road business is a peculiar proposition. We realized that under the old system with three supervisors and a new one elected every spring. It will keep the work disorganized, and we know that was bad. Keep the law in its present form with the superintendent's term six years and the man can organize his work to serve his road and make full preparation for his work and carry it out to completion.

Mr. BROWNE (LaSalle). I also belong to one of the counties which the gentleman from Cook (O'Rourke) has designated as one of the rich counties, but that in no way changes the proposition of the interest of that county in the roads or the laws on the statute books in this State relative thereto. On the contrary, one would think that that was a pretty important reason why a county should be intensely interested in both propositions. A county that is very rich is paying a great deal to counties which are not very rich along the road line, and is more interested, if you please, than the county which is not very rich based upon a question of dollars and cents. I don't believe in the present system under this present law at all, but I do believe that the bill as handed in (No. 601) is an improvement over the old condition, and I do believe with all due respect to the chairman of the committee that the amendment which he is now seeking to offer to change this bill is a mistake. There is no danger to any commonwealth. There is no danger to any community or any nation by shortening the term of office of any official or office holder within reasonable limits. There is danger in perpetuity in office and life time tenure. This is not life time tenure, but it is six years. Certainly an appointee should not have any longer life politically or electively than his creator. He ought not to have. The creator ought certainly to have as long a lease of life or to be as big as the child that he creates.

Mr. TICE (Menard). If you will permit me I would like to ask a question.

Mr. BROWNE (LaSalle). Certainly.

Mr. TICE (Menard). Isn't it a fact that you voted for the present utility law of this State?

Mr. BROWNE (LaSalle). Yes; I voted for the present public utility law and I did it after seeing to it that there was a clause in there that absolutely deprived Cook County of home rule, because I knew, and I see now that I was correct that it would not be but two years until Cook County would be down here with such force, and such influence that we would have to change the law.

Now then, I never was for a public utilities commission. I didn't believe in it, and I don't believe in it now, but if there is going to be home rule at all, I want the whole State to have it or have the option of having it. (Applause.)

If that leaves anything for those high-priced gentlemen to attend to, I am willing. I always believe that the head of the family knew a whole lot more than aliens about running the family, and have always believed that the city council knew a whole lot or more about the needs of the village, or city, or the municipality, than did some man sitting a hundred or two hundred miles away in a place of vantage. Therefore, I was against the Public Utilities Commission, but it was coming, and it was here, and you

could not head it off, and the only thing I could do was to fix it the best way I could for the State of Illinois, and I think we did a pretty fair job.

Mr. TICE (Menard). I have no criticism of the Public Utilities Commission at all.

Mr. BROWNE (LaSalle). I think it will be a mistake to change the tenure of this bill which fixes it at two years. Two years is long enough. If the man has been a good man, and has done what he should do, and if he is efficient, and if that community needs him, is there any question in the mind of any man here that he will be reappointed, and reappointed; certainly not. Let me tell you something, the nearer you can get any public official to the source of his creation and the source of his existence, the better you have things, the more apt he is to be all that you want. Human nature is selfish from the cradle to the grave, and there is about as much in some folks as in others, if not more, as David Harum says.

You will have a more efficient official with a two-year term, than a six-year term. If he is efficient reappoint him. The people down-state ought to have no hesitation for one moment in voting against this amendment and to retain the bill as it is. You are doing your best to put the so-called road law in shape where your people at home will stand for you and where they will not cry against it as they have throughout the State. It is the thing you should do now in this matter and kill this amendment.

Mr. O'ROURKE (Cook). This move is simply to weaken the present law. The move is made to amend from the view of contractors in the various counties that have been doing road work in the past under the old system. They feel that if a man in the position of county superintendent of roads had his term limited that their leverage on him would be greater. I know under the old system what it was. It is a mistake to allow the enemies of good roads to be admitted into this bill, and trying to put it in a position where it would be against the interests of the taxpayers.

(Rising vote taken; amendment tabled.)

Mr. TICE (Menard). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 601, by striking out the word "five" in line 45 and the figures "\$500" in line 46 of the printed bill and insert in lieu thereof the word "two" in line 45, and the figures "\$200" in line 46.

Mr. TICE (Menard). The present law reads that the county highway commissioners shall not be permitted to let a contract exceeding \$200 without the O. K. of the county superintendent or the approval of the county superintendent of highways. The bill, in one of its amendments to the law, proposes to change that from \$200 to \$500, and the county commissioners may let contracts not exceeding \$500 without the approval of the county superintendent of highways. This is another attack upon one of the vital principles of the present statute and one of the evils which the present road law aimed to and will correct, as it existed in the State for years prior to the enactment of the present law. I need only to make reference to the conditions that existed in Illinois prior to the enactment of this present law. You can go all over the State, and in county after county you can find great stacks of tin culverts that the highway commissioners have been induced to buy by material men and bridge contractors. You will find where highway commissioners have made contracts that are absolutely invalid and which could not be collected on if any taxpayer saw fit to enjoin.

Only last week, or the week before, we advanced a bill on the floor of this House which I voted for and which is advocated by the gentleman from McHenry (Shurtleff) to correct a situation in his part of the State which was made possible under the old law and which House Bill 601, if passed, will again incorporate in the law. The present road law of Illinois was designed to and does remedy the evils that existed in this State. It was designed to better and improve our highways with more economy than had been exhibited heretofore, and to maintain the system at the least possible expense. We had been spending approximately seven million dollars a year on our highways and I submit to any man on the floor of this House, or any taxpayer in this State that you did not receive even fifty per cent of value

for the money expended. The present road law is based upon the experience of every state in the United States that has undertaken progressive improved highway legislation. It is based upon the most careful scientific and thorough data and information accumulated in every foreign country where they have been building these roads for more than a century. Certainly that information is worth something. Certainly the data and statistics supplied by the governments of Europe and by the states in the United States which have undertaken this progressive work ought to be worth more than opinions based on personal prejudice and ought to be worth more than what someone in Illinois may say who has not had experience and who has not come in contact with this work in its broad and better sense, someone who has not even taken the time to investigate the subject and secure information.

This bill (601) also contains a third amendment to the present statute, which provides that highway commissioners shall be ex officio treasurer of the highway fund in their districts. The statute enacted two years ago made the supervisor of the township treasurer. I approve of that. There were good and valid reasons why we thought the supervisor should be ex officio treasurer.

I want to call the attention of this House to one or two other facts along this line. I hold in my hand resolutions adopted by a number of counties in the State, I think there are seventeen resolutions in this batch. I have in my desk over thirty resolutions adopted by county boards, adopted by commercial organizations, asking that this General Assembly pass House Bill 575, which was the committee bill voted out before this House only last week, and into which was incorporated the provision for the accommodation of Cook County. We joined with you Cook County men in permitting you to amend House Bill 575 so that you could build your roads through your little country villages.

I have in this list a resolution from the Commercial Club of Dwight, Ill., which is one of the largest cities in the county from which the gentleman comes who is proposing this bill, calling upon this Legislature to adopt House Bill No. 575 and to vote against any other amendment to the Tice Road Law other than those that will cure some minor defects.

I hold also a resolution adopted by the Highway Commission of Peoria County, and another resolution from Stephenson County, and another one from Woodford County, and in other counties where men live that propose this bill.

It was agreed in the Committee on Roads and Bridges when this matter was under discussion that if House Bill 575 would be put out by that committee that it would meet practically all the criticism to the road law in Illinois and then it would place the road law so that it might go on through and see if as amended by House Bill 575 it would meet the requirements of the State of Illinois.

House Bill 575, as I said on the floor of this House, was contrary to my judgment based on five years of the most painstaking investigation of the subject. To meet what appeared to be the demands of the people of the State and the sentiment of the members of this House I consented to that bill and voted for it on the floor of this House. It has never been my purpose to go contrary to anything that would not conserve their interests. In addition to House Bill 575, this Committee on Roads and Bridges has recommended to this House for favorable consideration some eight or ten other bills. Among them was the bill introduced by the gentleman from LaSalle (Scanlan) curing a defect in the law concerning the altering, widening, and vacating of roads. Another was the compulsory drag law introduced by a gentleman on the other side of the House (Mr. Purdunn) and which I think is one of the most valuable amendments made to this law. Another is by the gentleman from Greene in regard to camping upon public highways. Another by Mr. Watson allowed cities to participate in the construction of bridges. Another is to amend the Juul law so that if any county desires to issue bonds these bonds may meet with the approval of those who desire to purchase them and taking them from under the scaling process to which they would be submitted under the Juul law.

So I might go on through the list showing where this committee has gone ahead and done everything that it ought to have done in curing some

of these defects and some of the propositions which have met with opposition by the people of the State. The other amendment that remains in this bill to which I have no objection and which I advocated is that of changing the treasurership from the supervisor to the highway commissioner.

I want to say to you, and I say it truthfully, that that one point has been the source of the greatest complaint to me from all over the State. I have received more letters in regard to the treasurership of the road fund than on any other subject. I am absolutely certain that when you make this change which is in this Bill 601 that you will wipe out the great opposition to this bill after the enactment of 575.

I appeal to the members of this House to not further weaken this law. I shall not set up my judgment or criticise members who have voted for the other amendment proposed by this bill changing the term of county superintendents from six years to two. I expressed my opinion that it was an opportunity to weaken the law. I know that every taxpayer of the State of Illinois knows, or if he does not now know will soon learn that if you change the limitation of contracts from \$200 to \$500 it will be against his interests. I hope the amendment striking out this portion of the bill will prevail.

Mr. BENTLEY (Livingston). I move to lay the amendment on the table.

Mr. DONAHUE (McLean). This law as it stands at the present time provides that no contract can be entered into by the county board that will exceed \$200 without advertising and the present bill changes that amount to \$500. Every man in this House knows that you can practically do nothing by way of repairing a road or anything else at a cost of only \$200. The law provides that this contract shall be approved by the county superintendent where it exceeds \$200 and this amendment raises that to \$500. You understand that the county superintendent is appointed by the county board. If the county board is not honest enough to pass on an honest contract they are not honest enough to appoint a county superintendent of roads. We don't want to presume that all county boards in this State are dishonest men. They are just as honest and capable to pass on these contracts as the men whom they appoint to office.

Mr. O'ROURKE (Cook). Isn't it true that the county superintendents of roads shall be engineers?

Mr. DONAHUE (McLean). Yes.

Mr. O'ROURKE (Cook). Are the members of the various county boards engineers or mechanics?

Mr. DONAHUE (McLean). They are practical men.

You must remember that a lot of these question arise in contingencies and the demand is urgent and they are required to make these repairs and changes at once and they can not wait until they get a hearing from the county superintendent of roads. That is one of the complaints against the present act. They leave bridges and culverts unrepaired on account of the present condition of the law. You can not get anything done for two hundred dollars.

Mr. O'ROURKE (Cook). I know to the contrary. The township I come from spends more money for roads and bridges than your county does. You put it into the hands of your highway commission and you will have that petty graft that you have had for the last forty years, and forty per cent of the township money is wasted. There is no delay whatever whether the amount is \$200 or \$500 and you know it.

Mr. DONAHUE (McLean). How much of the money appropriated to build the road to the serum factory out west of Springfield was actually used for building the road. Seven or eight thousand dollars was appropriated and the contract was for \$4,900 and it was sub-let for \$2,600 and re-sub-let for \$1,600.

Mr. O'ROURKE (Cook). That is due to your local authorities. It is conceded by all that forty per cent of the money for roads and bridges in the past has been wasted because of their lack of knowledge in how to build a road.

(Rising vote was taken to table amendment; amendment tabled.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. F. J. RYAN (Cook). I desire to call up House Bill No. 54 on the order of third reading.

This bill is the much discussed judges and clerks of elections bill. It was discussed fully on second reading and everyone understands it. It is a bill that is necessary. In Cook County and Chicago the judges and clerks of elections are now under-paid and over-worked. In other words, the judge of election who goes into his polling place in the morning at six o'clock stays there for sixty hours sometimes and receives for his services \$5, the judges and clerks of election in Chicago and Cook County are entitled to some consideration. They work overtime without being paid. This is a good bill, and we must get men who are competent to serve, and men who will serve, and I hope you will all vote for this bill.

Mr. HUBBARD (Greene). Don't they always charge up for two days work anyway?

Mr. RYAN (Cook). No.

Mr. KASSERMAN (Jasper). Does this bill affect only counties that have election commissioners?

Mr. RYAN (Cook). That is right.

Mr. O'ROURKE (Cook). He is not right.

Mr. RYAN (Cook). I say he is right.

Mr. O'ROURKE (Cook). The election commissioners have nothing to do with the judges in Cook County.

Mr. RYAN (Cook). You don't know what you are talking about; where do you live?

Mr. O'ROURKE (Cook). I live in the country.

Mr. RYAN (Cook). You live in Harvey, don't you?

Mr. DAHLBERG (Cook). What additional expense will that mean for Cook County for the next year?

Mr. RYAN (Cook). I have not figured that up, but I will tell you something. The other day this House passed a measure which saved to the taxpayers of Cook County \$600,000 a year, and this measure will not impose upon those people more than \$200,000 a year.

Mr. DAHLBERG (Cook). Do you know that it will make about \$400,000 a year?

Mr. RYAN (Cook). Who told you that?

Mr. DAHLBERG (Cook). I figured it out.

Mr. RYAN (Cook). No, you haven't got the ability to figure it out.

Mr. PIERSON (Cook). This bill increases the pay of judges and clerks of election to \$8 a day. It is contended by some of the gentlemen that it affects other counties. I am opposed to that. I have in my desk the report of the Bureau of Public Efficiency which says that the cost of elections in Cook County has, in one or two years, reached practically a million dollars a year. This, by reasonable estimate, will increase the cost about \$400,000. Elections have become the greatest luxury for the people of Cook County. Election precincts are increasing, and there is no difficulty to get election clerks and judges at present, and everyone ought to be against this bill. The people will not stand for this increased expense of election.

Mr. RYAN (Cook). How do you know?

Mr. PIERSON (Cook). Well, I hope everyone in this House will vote against this bill.

Mr. PERKINS (Logan). In regard to this bill, gentlemen, there is no question but what it increases the expense of elections, both in Cook County and down the State. The question is whether the people of Cook County want to continue increasing their election expenses. This bill, as figured out here will increase election expenses by \$400,000 in Cook County alone. It will increase expenses down the State. There is a strong movement on foot by the people in this State, not only down the State, but in Cook County to stop this, saying that the election expenses are tying the people up, and they are asking that this Legislature in the name of fairness give them some relief from these expenses, and here comes a bill increasing the amount nearly \$400,000 along that line. As regards these expenses we are going money mad, but let's stop and look at it.

The election commissioners have been before this committee asking in the name of right and justice to do something to stop these election expenses, and we are trying to do it. We have a bill to wipe out some of

these primaries, consolidate them and save about \$2,000,000 in money to the people of the State of Illinois. This bill comes into this House asking you to pass it and heap more expense upon Cook County, and upon the State, and I say gentlemen, that it is unfair, and it should not pass. It is a bad bill, and I say the people of Cook County are not demanding it, the people down the State are not demanding it, and there is no reason for this bill except to pay more money out for men who run these elections. This House ought to come to its senses upon these election expenses and this bill ought to be voted down here and now.

Mr. F. J. RYAN (Cook). Why did you vote for this bill four years ago.

Mr. PERKINS (Logan). I don't think I ever voted for it.

Mr. RYAN (Cook). Yes, you did, and the records show it.

Mr. PERKINS (Logan). If I did, I am glad to tell you that I have gotten right on that question.

Mr. DE YOUNG (Cook). I will say in beginning that I didn't vote for this bill two years ago or any time in the past, so you cannot accuse me of that. It seems to me that we ought to stay the hand of laying additional burdens upon the taxpayers. It has been stated that there was a great dearth of applicants for the work of judges and clerks of election. I was present with the committee in Chicago a short time ago when the chairman of the Democratic County Committee, and the chairman of the Republican County Committee in Cook County both stated that they had submitted this question of judges and clerks to the election commissioners and their list was rejected. The gentleman said that yesterday we saved some \$600,000 by the passage of a bill. If we succeeded in saving that sum of money it does not appear to me that we ought now to waste it in some other way, where there is no need for it at all. The cost of elections, both primary and general, is such a burden upon the taxpayers of the State that the taxpayer ought to be considered. I believe that the last person who is considered in legislation is the taxpayer. We listen to people who are seeking increases in salaries and compensation, and other matters. We have been very liberal in the matter of pensions and we have added six Circuit Court judges in Cook County. That great body in this State, the tax payer, who is never heard at all, when he comes to pay his taxes it seems that he should have some slight consideration. There is no need for this bill.

I come from the country part of Cook County. I don't reside in the city or represent any of its districts, but I do represent the country part, and we have there a number of small municipalities. The addition of this burden will make them so great that we cannot bear the expenses of election. You ought to stay the hand and stop the extravagance for which I am sure the electors of this State will hold this session of the Legislature responsible. I think this bill ought to be defeated.

Mr. RYAN (Cook). Have you figured out how much this bill will cost you personally?

Mr. DE YOUNG (Cook). That is not the point, whether it costs me five cents or five thousand dollars. That is not the question, and I am well aware that your party is always preaching economy.

Mr. RYAN (Cook). You mean Wilson's party.

Mr. DE YOUNG (Cook). You always say that the republican party is responsible for such extravagance, and yet it seems to me that the moment you have an opportunity to get in office the first thing you do is to increase expenses and multiply offices and multiply officers, and add to the burdens of the State. Let us have a little of the economy which you are always preaching in your platforms, but never putting into practice. (Applause.)

Mr. HUBBARD (Greene). It certainly affords me great pleasure just at this time to see so many reformers now start up on the republican side of the House. I would preface what I have to say with the statement that I am opposed to this bill. I oppose every measure that tends to increase the high taxes that are now being heaped upon us. I stated on the floor of this House, and with all the earnestness at my command, and with all sincerity that I could have and opposed placing a burden upon the people of this State that will amount in a few years to more than a half a million dollars in the way of a teacher's pension fund, and some of the gentlemen who are now standing up here and crying economy voted for that bill

without batting an eye. They voted pensions that will amount in this State to over ten million dollars a year, and did it without batting an eye. They now stand up here and say we are reformers and we are going to stop this extravagance. Consistency, thou art a jewel. The way the gentleman from Logan (Perkins) stood up and preached for economy, that is a good campaign document to take back home, but go back there and face your people with this five thousand dollars you voted to give to people that don't need it and lots of them getting great big salaries, and lots will retire from teaching and put their hands down in the pockets of the taxpayers, and the gentleman from Logan (Perkins) voted for it without batting an eye, and then coming up and making a speech along the lines of economy to take back to his constituency.

Mr. PERKINS (Logan). I want to ask the gentleman a question. Who are you batting at?

Mr. HUBBARD (Greene). You, for one.

Mr. PERKINS (Logan). I want to say that I voted for the Teachers' Pension Bill because it is a good bill, and a step in the right direction in this State. The State ought to take care of the people that are doing the business for the State in educating its youth. If you are for this bill you are not for economy, and you have no use for economy, and you don't know what economy is.

Mr. HUBBARD (Greene). When I started out, I said I was against this bill. And I am against all bills of this character, and have been consistently and persistently, and I don't like such four-flushing as I have seen going on.

Mr. BURNS (Cook). It is amusing to me to have my brother from Cook (DeYoung) tell the members of this House that the chairmen of the republican party and the democrat party, and the socialist party, are against giving assistance to the judges and clerks of election. I want to say that forty per cent of the names they presented to the election commissioners didn't live at the addresses given, and I don't know whether they are registered at all in Chicago, but they were not able to find them when they sent for them. Even after we did send for them, and located some of them they would not come. They are names submitted unsolicited and when they are asked to serve, many of them will not serve. It falls upon the election commissioners of Chicago to go out and get their judges and clerks, and eighty per cent of the judges and clerks are selected that way.

I want to say that the judges and clerks in Chicago are the poorest paid of any of the largest cities of the United States. In Chicago the manner of selecting judges and clerks is this, we send out there our advertisements in the newspapers, or by notices or statements that we are about to select the judges and clerks of election. A person presents himself and makes his application and is examined. He comes back and passes the examination before the various commissioners. He comes in and gets his commission. That is three whole days spent. On the day before election, or the day before primaries, or the day before registration, he or she, as women can be chosen, present themselves to obtain the supplies for the next day. That is another half day. For all of that time they receive no pay whatever. It is practically two days for which they receive no money. On election day, either primary or a regular election they are at the polling place at the early hours and stay there until the end. Some of them are there for twenty-four hours. After the polls close they return their books and supplies to the office of the election commissioners. They have to spend thirty and sometimes forty hours for which they receive the magnificent sum of five dollars.

In Boston they are paid ten dollars a day, and in New York twelve dollars a day. There is a rule in New York that those who finish their work first, if they want to continue with the count, they can do so and get the twelve dollars a day for the work. In Philadelphia they pay ten dollars a day, and in Omaha five dollars a day for two days work, and they pay two dollars for making the returns to the board.

While it will increase the expense of election somewhat, I want to say to you, gentlemen, that I think in connection with this enormous expense that you must consider that this is not brought about by giving the judges

and clerks eight dollars a day. You have almost doubled the number of precincts in Chicago on account of the recent bill you passed giving to the opposite sex the right of suffrage. It has compelled the increase in the number of polling places in Chicago. That is an added expense. We are paying it and nobody has said one word against the increase on account of woman's suffrage. No matter what you believe, I want to ask you in the spirit of fairness, do you want those men to stay there for forty hours and be paid only five dollars. We pay them for but one day, and that is five dollars. It is a small amount for forty hours work. It is wrong to ask a man to do that. It seems to me that the very least we can do is to give these men eight dollars a day. You have compelled them to lose two days pay before they reach election day and you pay them nothing whatever for that.

If we can get this assistance as provided in this bill we can get judges and clerks easily, and it will reduce the expense considerably in getting them, and you will get a better and more able corp of judges and clerks.

Mr. DE YOUNG (Cook). In reply to the gentleman from Cook (Burns) I don't know whether he was present when the chairman of the Republican County Committee stated he handed in a list of twelve hundred names of judges and clerks that he knew would serve and they were competent, but it was useless to do so as the board of election commissioners would refuse to appoint them. There is no dearth at all of men who will serve at five dollars a day. This bill provides for eight dollars a day. If these judges work two or three days there is nothing as a proposition of law which prohibits the payment of sixteen or twenty-four dollars to each judge and clerk.

In reply to the gentleman from Greene (Hubbard) who made a speech for political purposes largely, I beg to say that the tax levy under the teachers' retirement and pension fund will be a mere bagatelle compared to the expense this bill will add. The pay for a school teacher is an entirely different proposition than the pay for a judge or clerk of election. It is a profession and she has to devote her life to it. The gentleman from Greene (Hubbard) said he was a school teacher, but found it so unprofitable that he embarked in another field. He said school teachers were under pay, and he would support a measure for as high a compensation for school teachers as any person upon this floor. The speech made by the gentleman from Greene (Hubbard) is made for political purposes and to serve his future political interests at home.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) I don't pose as an economist, and neither do I think I can be charged with extravagance. I try to be what you might term a consistent medium. I believe that this bill, while I don't know conditions in Cook County and I don't pretend to tell those gentlemen what they should have or should not have, but aside from Cook County I believe that this bill answers a want and a call for a change in a considerable portion of the down-state part of Illinois. I know in my own county that election judges have to work into the night and into the morning before they can tally up the votes and bring their work to a close. Then they have to take the books and make a return of them. For all that the compensation awarded is small. It is not sufficient to secure willingly the men that ought to be placed in these positions. Men are placed in these positions, but it is only by coercion, almost by drafting them, that they can be made to work. I don't think there is any need to cry out about extravagance on this particular item, and vote "aye."

(Roll call continued.)

Mr. FRANKHAUSER (Cook). I am not going to vote for this bill, but not for the reason that I don't believe that the judges and clerks of election are not entitled to more pay than they have been getting. Any man who has been identified with the practical workings of politics in Chicago and has had something to do in selecting and securing the judges and clerks of election knows what the undertaking means, and knows that at times it is very difficult to get judges and clerks who are competent to fill those places. This last spring, in my precinct, I went to a banker and appealed to him, and finally got him to accept a position as one of the judges.

Mr. McCORMICK (Cook). May I ask the gentleman a question?

Mr. FRANKHAUSER (Cook). Yes.

Mr. McCORMICK (Cook). Would the bankers work more readily for eight dollars a day than for five dollars a day?

Mr. FRANKHAUSER (Cook). I simply want to say that I want it understood that in voting against this bill that I am not doing it for the same economic reasons that have been assigned by others, but because I am informed by county officials in Cook County that it cannot stand the raise, and I am voting "no."

Mr. BURNS (Cook). Don't you know that the district that you represent is one of the hardest districts in which to obtain judges and clerks?

Mr. FRANKHAUSER (Cook). I have had that experience, Mr. Burns.

Mr. BURNS (Cook). Don't you also know that it is not because of the increase, and that is not the reason for the redistricting, isn't it the increase in population and the number of voters, and woman's suffrage that has caused it?

Mr. FRANKHAUSER (Cook). I know that in our district that in the last fifteen to twenty years has grown from an open prairie to a cosmopolitan city, that our precincts in our ward alone are eighty-seven, and in some of the precincts now there are six hundred voters, I know in the last ten years there has been three or four redistrictings, and after the woman's suffrage act went into effect it added 14,000 women voters in the Twenty-fifth ward, and it required more precincts and more election facilities. Why should we increase the pay unless there is provision for the money? I believe that these judges and clerks are entitled to all they get.

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) The gentleman from Logan tried to make it appear that I was talking in favor of this bill. I said at the start I was against it. My remarks were simply made to call attention to the inconsistency which I thought existed with a great many on that side of the House, particularly with the gentleman from Logan (Perkins), when he was growing red in the face urging economy, and after saddling an expense upon the State of over ten million dollars, to get up now and attack a proposition where the expense will not nearly equal that. This bill is more meritorious than some of the amendments he voted for, and he now gets up and grows red in the face and is eloquent and says that he is standing for the rights of the people and trying to keep down the expenses of the State. He accuses me of making my speech for campaign purposes. I don't have to make any speech, as my record will stand for itself. My record stands here, and I will not go back on the record, but will take it to my people and stand on that record, and not four-flush on these measures. I vote "no."

Mr. MAUCKER (Rock Island). I can see that Cook County probably should have relief from the conditions that now exist, but relative to the locality that I represent I will say that the number of elections have increased and registration days have increased to such an extent that it is a great burden on our community to pay these election expenses. One of the worst jobs I had was to get out the advertisement in this matter of judges and clerks. Many of the men who fill that position earn the biggest day's wages they ever earned in their life. I think the conditions perhaps in Cook County warrant it, but not in my locality, and I vote "no."

(Roll call continued.)

Mr. McGLOON (Cook). (On roll call.) I believe this is a meritorious bill. I had considerable trouble securing judges and clerks of election in my precinct because the work was of such a character that it took from twenty-four to thirty-six hours to do it. Most of the men that serve in this capacity are tradesmen and work by the day, and if they cannot go to work the next morning they are docked a day's pay, and most of them secure four or five dollars for the day that they work in the shop, and the only class of people that we can get readily are those that are not sufficiently qualified to fill these positions, but are unemployed. After they serve one term it is a difficult matter to get them to serve another term because of the small wage they pay for the long hours they put in on this work. We should

have men well qualified, and this small increase we are asking is a trivial matter when compared with some of the other things asked for.

I served on committees where they have to create a home rule commission, and pay men ten thousand dollars so as not to cheapen the personnel of the committee; if that is the case why cheapen the personnel of the election board? We need good men to count our votes, and every time a voter casts a vote in my behalf I want to have a judge or clerk in there that knows enough to add them up and give me credit for them, and not a fellow that cannot add correctly, which is much the case in these times where the accumulating vote is involved. This is a good bill, and let us help out the poor fellow that will lose his day's pay if he cannot report at seven o'clock in the morning, and not have to get the fellow that has an income from eight to ten other sources. I vote "aye."

Mr. GORMAN (Peoria). I was a little bit undecided on this question, but after listening to the convincing argument on this bill by my seat mate, Mr. McGloon, I am converted and convinced, therefore want to be recorded as voting "aye."

THE SPEAKER. On this question, the "ayes" are 61, and the "nays" 63; the bill having failed to receive the required constitutional majority, is declared lost.

Mr. SHURTLEFF (McHenry). I desire to call up House Bill 696 on the order of third reading.

This bill is made to apply to certain cases where highway commissioners, after levying the full amount of the tax in their townships, and where they have expended money bona fide for bridges and roads and done what has been done in some towns in submitting the question to a vote, but gave their own notes. This bill provides a remedy, and they may call an election, and upon obtaining a vote of two-thirds of the voters, may issue the bonds of the township to pay the bona fide debt. There are a good many cases in the State where relief of this kind is necessary. One case is in Boone County, in my district.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 117, and the "nays" nothing; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. HILTON (Cook). I move that the House take a recess until 1:55 this afternoon.

Motion prevailed, and the House recessed until 1:55 p. m.

One-fifty-five o'clock p. m. Reconvened.

JOINT SESSION SENATE AND HOUSE OF REPRESENTATIVES.

THE SPEAKER. A quorum of both Houses being present, the joint session is convened for the purpose of listening to the distinguished United States Senators from Illinois speak on the waterway proposition.

It is my pleasure to present as the first speaker, the senior Senator from Illinois, United States Senator L. Y. Sherman.

SENATOR L. Y. SHERMAN. Gentlemen of the Assembly: You have given abundant time to those not of your membership to present their views on the pending bill. I shall, as far as possible, refrain from engaging in details that properly belong to the committee part of this consideration. I thank the General Assembly for the courtesy extended to my colleague, Senator Lewis, and myself to present to you our views. We have the honor between us of representing this State in one of the Houses of Congress. Some time ago there was an appropriation of one million dollars available from the Federal Government. It was on condition that the State provide, by adequate legislation, for the improvement of a waterway. Because of circumstances with which you gentlemen are entirely familiar, no such adequate legislation was had. It led to the lapsing of this appropriation. I don't know authoritatively that I can properly say that this one million is of a certainty possible to be had again, but so far as any legislative matter is a certainty, this million dollars can, if the Illinois General Assembly take proper action, possibly be again appropriated. It is of that definite character that I would

not myself hesitate to vote, if the million dollars were a factor in the way I voted, to vote affirmatively on the waterway question as embodied in the pending bill. That one million can, in my opinion, be made readily available. (Applause.)

Without going into detail, I can say that several states are vitally interested in this appropriation. The neighboring states on the west, of Iowa and Missouri, are interested in the development of the waterway as much as Illinois. While this million is apparently local in its character, it is not entirely so. I think confidently I could say that the Senators in the Senate at Washington from Missouri, Iowa, Arkansas, Kentucky, Indiana, Wisconsin and Minnesota, at least, would feel that degree of interest in our affair where we would have no practical difficulty in securing their support. In the membership in the House the same reasons would move members in affirmative action on renewing this appropriation. It perhaps will not be forgotten that in the years past I have opposed certain forms providing for the expenditure of twenty million dollars. I have opposed several waterway bills. In my opinion, the reasons that led me to do so were then of a satisfactory character. It seemed at several intervals that the appropriation providing for the expenditure of the entire twenty million dollars by the amendment had been so drawn in the bill that it was rather a water-power development than a waterway that was to be provided by the expenditure of the money. I do not today hesitate to say that my motive at the present is the same. The primary purpose, in my mind, is a waterway. (Applause.) If any incidental benefits result from the development of a waterway, taking that as a by-product, I believe in availing ourselves of it in every possible way. That would include water-power, but that would not be, with me, the principal purpose of expending the twenty million or any portion of the twenty million. It was not so voted and was not in the mind of a majority of those who voted for the amendment in 1908. I believe it was then intended that a deep waterway should be constructed as the primary purpose in the expenditure of the funds provided by that amendment. I have that opinion this afternoon. I think I can properly say that in the bill pending the purpose is a waterway. Whatever comes as a necessary incident to that waterway will not be wasted, but every part and parcel of the improvement will be fully availed of with the waterway as the principal and all else as the incident to that principal, and that nothing will be permitted to be lost by the wise and proper action sought to be taken under this bill. (Applause.)

Before proceeding further I wish to read a letter, of date May 18, 1915, from a resident of this Senatorial District and of the neighboring county of Morgan, a letter addressed to Governor Dunne:

"My Dear Governor: It seems to me very desirable from every standpoint that a waterway be created from the lakes to the gulf, and as a step in the right direction, the connecting link between the Chicago and Illinois Rivers should be completed. I have always favored legislation along this line, and I think no effort should be spared to accomplish this result.

Very truly yours,

"ANDREW RUSSELL."

Again, under the same date, a telegram addressed to the Governor (reading):

"Chicago.—Our association has passed the following resolution: *Resolved*, that the National Piano Manufacturers' Association, in convention assembled, most heartily endorse the present National improvement looking to the improvement of our internal waterways, thus facilitating transportation, and especially approve the effort now being made to connect the Great Lakes with the Mississippi River by a practicable waterway.

"HERBERT W. HEALY,

"Assistant Secretary."

Again, a letter of date May 17th, addressed to Samuel Alschueler, and which I have permission to read: (Reading.)

"DEAR SIR: Let me state to you in writing what I stated to you at the Iroquois Club regarding freight rates from Chicago to San Diego, Cal., where we have a piano business. As I recall now, my manager stated to me on the occasion of my last visit in October, 1914, that he had discontinued his purchasing of low priced pianos in Chicago because the cost of shipment in single lots from Chicago to San Diego was \$25 a piano by rail. Since the

Panama Canal has been opened he has been able to buy this same grade of goods in New York and bring them through the canal to San Diego at a cost of about \$10 per piano. Naturally, I favor the Chicago market as my home is here, but in the circumstances could say nothing in favor of Chicago manufacturers who, of course, are unable to meet this competition by a reduction in price.

I certainly feel that in justice to Chicago manufacturers everything possible should be done for a direct waterway to the gulf to protect our local manufacturers in their Pacific Coast business.

Very truly yours,

(Signed by the manager of the company.)"

These are communications among a multitude that we have received. I have had a great many on my own account addressed to me personally that I shall not undertake to consume time by reading this afternoon. I wish first here parenthetically rather to state that this bill is a State and not a Chicago measure. I think it would be an error to limit our horizon in the belief that Chicago should reap more profit from it than any other locality. I think it would be an equal mistake to think that the river towns along the Illinois valley would be primarily more benefited by it than any other localities. I believe it to be of State-wide importance without confining our consideration of it solely to the people who reside in Illinois. We are about one-fifteenth of the total population of the United States. Out of the entire forty-eight states, we approximately have one-fifteenth of all the living souls who are American citizens here within the borders of Illinois.

This improvement will be inseparably a link in the Mississippi valley transportation. It is not merely domestic. It is a link, necessarily, in the foreign transportation that evidently has a vital part to act in our imports and exports. The effect of the Panama Canal on transportation and commerce is not yet approximately felt in the United States. Nevertheless the canal is destined to revolutionize the trade currents of the Mississippi valley. It is only those engaged in the transportation of the country, only those who are now engaged in actual commerce in handling the products from coast to coast, that understand there is a deflection from the east and west trade current likely to occur by the setting in south of a part of our trade upon the opening to its full capacity of the Panama Canal. No industrial center in the middle west can ignore water communication with the Panama Canal. Our international commerce connected with tide water ports cannot be retained unless water-borne freight service in the Mississippi valley is made possible.

I believe that railway traffic in the Mississippi valley region and its tributaries will be materially changed when the Panama Canal shall have begun to operate fully. Both imports and exports will seek tide water ports on the Atlantic and Pacific coast on our in and out freights unless facilities for reaching Gulf points by water are provided. I doubt whether the steam railways that have heretofore carried the great bulk of our freight appreciate yet the change that is imminent by the opening of the Panama Canal. Those who are interested in the east and west lines, continental in character, will be materially affected in a part of their carriage. The lines that run north and south, on the other hand, will be vitally affected. The distribution of imports in the middle west will be, in the absence of some such improvement as this contemplated, from the Atlantic and Pacific ports by railway. The distribution largely of domestic products will follow the same order of thing. Railways will carry to the ocean coast points for distribution in our own country and abroad, while the railway lines running north and south through the Mississippi valley country are, as distributing points east or west, reduced in their volume of business and in the cheapness of the rate at which freight can be carried. It is a matter that profoundly affects the future growth and productive and distributive development of the middle west which covers practically the entire Mississippi valley.

I remember when other bills were pending providing for the whole of the twenty million dollar expenditure, a grave difference of opinion arose. It arose upon several subjects. One that I have already alluded to of the primary purpose of the proposed legislation, another was the depth of the

channel to be constructed. I wish to say here briefly that I do not believe it practicable for this State, with any amount of money it would feel willing to appropriate, either the twenty million or in excess of that sum, to create an open canal commonly known as a deep water channel that would permit of navigation by the lake boats. I do believe even that it is practicable to put a river steamboat upon a channel and operate either the lake or the steamboat profitably. I am led to this conclusion by such knowledge as I regard as both accurate and reliable of other countries who have had experience in this problem. I will allude to them again in a moment.

It is essential to the symmetrical and profitable development of the Mississippi Valley that tide water ports on the Gulf be had. Any form of navigation through the artificial channel created will traverse the whole length of the Illinois or its length artificially prepared with all of the Mississippi River from the mouth of the Illinois south. Whatever form of craft is used, in whatever point the port is located, the coast will permit of the same craft reaching the Gulf port. It is inevitable there in the nature of things that freight will require trans-shipment. There will be government handling, in other words, of the freight. No lake boat, no river steamer, has that stability and strength of construction, by any of the accepted methods known to navel architecture, to withstand the elemental violence and the wave action in the Gulf. The Gulf is, to all intents and purposes, the high seas of the world. The storms that prevail in that latitude and the wide sweep of tide water make it as dangerous to navigation as the high seas on the Atlantic Ocean. During the spring season, to those familiar with sea-faring life on the Gulf, if any of you have traveled that way, when ordinarily we would regard it as a settled time, is the most troublous time for that navigation. The boats that run from the Caribbean Sea country or from Central America or Mexico through the Gulf find that in the spring reaching through the months of April and May is the most difficult time to navigate. Storms are frequent and violent. The elemental action is of that kind that requires the strongest construction of sea-going vessels to withstand the action of those elements so the trans-shipment becomes necessary because no sea-going vessel could navigate the artificial or the natural channel of the inland Mississippi-Illinois Waterway. The Mississippi River with its tributaries—the Missouri, the Ohio and the Illinois and smaller streams is the greatest series of navigable inland water in the world. It draws from the most fertile agricultural area on the globe. Its vast population—more than one-fifth of the population of this republic—is found within the watershed whose surface waters run into the great Father of Waters and so to the Gulf. It draws from the most fertile agricultural area its mineral wealth, its great cities, its manufacturing and banking resources, making it the principle productive, commercial, agricultural and transportation area in the western world. The steamboat, once the great instrument of commerce that some of the older generation can well remember on the inland river, has yielded its place for many years to other and swifter agencies of transportation. The many causes that have contributed to this change need not now be analyzed. The use of machinery and power of later years has pointed the way to profitable inland freight service. There is not a coast along the Gulf with any of the skirting territory over which our colors fly. There is not a sea coast gulf that today every person does not know of the benefit of a barge service. (Applause.) During the time that I spent along the coast of either ocean or the Mexican Gulf, I have seen barge lines plying constantly, carrying all the freight that passed that way, running as regular lines, either single barges or in tows drawn by a single tug or power boat that in effect made a tow of barges a freight train traveling on salt water. They don't get outside of the sight of land. It is hardly necessary for them to do so. They have abundant channel with the ordinary barge devoted to that purpose. The domestic freight handled from this part of the country can be profitably carried in water borne traffic. The most of it is bulky. Some of it is seasonal in kind. It is of a known type with a fixed use at regular intervals. It can be transported in advance of its demand at the point where it will be used and consumed. Time in its carriage is not important. Barge transportation lends itself to this character of merchandise. The ordinary lake steamer or river steamboat under present conditions is both impracticable and unprofit-

able, if the experience of other countries and the results of the last forty years are to be considered. The twenty million dollars voted in November, 1908, in a constitutional amendment ought to be spent, if at all, in the line of demonstrated knowledge and not by way of experiment. The special board of engineers of the United States Government reporting for the War Department from the office of the Chief of Engineers under date of January 23, 1911, with which doubtless you are all familiar say—and I think this becomes important in weighing the merits of this bill as compared with former proposed legislation, and I think it is proper to keep in mind that the river engineers of the United States Government have devoted a good many years of their lives to a study of the Mississippi River. They have gathered the data; they have planned and executed in many instances very material and permanent improvements. Here is what they say: "As a channel eight feet in depth is now maintained from Cairo to St. Louis, and can be extended from St. Louis to Utica at relatively small cost, best caution dictates that a waterway of this depth be obtained and tested before entering upon enormously expensive projects of questionable utility."

If I can get out of trouble at 25 cents on the dollar I have always been in favor of the compromise when I was practicing law. (Applause.)

The twenty million is there. Some time in some form of legislation it will be expended. Let us make the experiment of a quarter of it and in the line of demonstrated knowledge given us by river engineers who have spent, some of them, a lifetime along the great Father of Waters. (Applause.)

Hear the following paragraph: "Should commerce respond,"—and there is the condition. Some say that the land transportation of the swifter character by rail can never be superceded to any profitable degree. If not, we have expended five million dollars, and in the language of the engineers, if commerce does not respond we have saved to the taxpayers of Illinois by this experiment fifteen million dollars that they never need have levied upon the taxable values of this State. "Should commerce respond to these comparatively moderate expenditures and utilize the waterway provided, and should increasing traffic demonstrate the necessity for additional depth, then a channel of 9 feet can be constructed from Cairo to Utica. This can be obtained at a small additional cost and will correspond to the depth provided by the existing projects for improving the Ohio and the lower Mississippi River." These are the words of caution based upon the experience of men who are accustomed, not only to make blue-prints, but to execute plans there laid out and to spend money as a means toward that execution.

The depth of the Mississippi River is another material element. When it was proposed that the 14-foot depth in the channel several years ago be the primary purpose of the initial expenditure, I opposed it. A great part of my life, more than 20 years of it, has been spent near the Mississippi River. I am familiar with it from Cairo to Minnesota as any layman not interested in professional problems, and in the course of average observation avails himself. I know that since at least the great earthquake of 104 years ago, reaching across from New Madrid, Mo., across the Mississippi River into Illinois, the lower branch that contained the foot hills, or spurs of the Ozark Mountains of the Southwest—since that time at least, there has been one place that in the ordinary state of water it has been difficult to maintain even 8 feet of the navigable channel that boats are required to run at the given point. Why is it necessary to construct a 14-foot channel and keep the necessary dredges in operation to maintain that channel for many years when no boat that drew what was proper for a 14-foot channel could ever get below St. Louis, Mo., or within a few miles below it? After we have passed Cairo, after the Ohio has rolled her flood from the Northeast into the Mississippi, then the question of depth does not become material, but before that time no successful navigation in Illinois will ever go beyond the depth of the Mississippi River between St. Louis and Cairo, and a 14-foot depth now would be a useless expenditure of money. I prefer to favor the expenditure of five million dollars, a quarter of the entire sum authorized, and an 8-foot channel with a barge service rather than experiment upon the entire expenditure of the money. The wiser plan is to adopt the idea recommended in Governor Dunne's message and framed in the pending bill to construct an 8-foot depth of adequate width at a maximum expense of

five million dollars. This improvement is susceptible of expansion and adaptation to a greater depth when the Government shall have deepened the Mississippi River in the future. This safeguards every interest—the taxpayer and the undertaking itself. It leaves the remaining three-fourths to join with the Government and other states when the plans now in preparation by the Government engineers shall have been executed. The Mississippi River is a national problem not a local one. It is not connected with the so-called River and Harbor Bill, properly speaking. It cannot be criticized as “pork barrel” legislation. I am perfectly willing to take the chances on submitting a very adequate appropriation on the roll call in the Senate for the development of the Mississippi River by the United States Government. I confidently expect that the people will sustain every proper appropriation. It must be distinguished at all times from the useless or semi-useless appropriations of local points where no general benefit to navigation might occur. The Mississippi River must remain, not only of concern to the Mississippi Valley states, but to the Government at large. It is a colossal task, second only, if not equal, to the construction of the Panama Canal. River engineers have studied its headwaters, its floods, its moods, its tremendous power, and the elemental agencies that affect it. The data either is now, or will soon be, at hand. The river will be harnessed and like other great elemental powers, will bear upon its mighty bosom the burdens of our people. Mistakes enough will be made, but what we have to look for is not to make any mistake that we can foresee. I, for one, am quite well satisfied that instead of spending the five million uselessly that it will be a profitable expenditure.

The plans, I shall not undertake in the time allotted me here to discuss. You have had them in committee. I do not know what degree of discussion has prevailed on the floor of either branch of the General Assembly, but the details that are worked out here are ones that are practicable. The prudent plan is to experiment on what can be done on an eight-foot channel with present improvements, bearing in mind that the improvement of the Mississippi River is primarily the concern of the general government, and we cannot forestall nor anticipate when its advantages will accrue to us. I think it is not only a national problem, but it is a local problem to the several states of the Mississippi Valley. I choose to regard it largely as I would the abutting property or the fronting on the street on which improvements are to be made. Every state, in that sense, has a frontage along the Mississippi River. Instead of spending aimlessly the remaining fifteen million dollars, it seems to me that the statesmanlike way to spend it is to unite it with what the government will work out in time and provide, and with the sums of all the Mississippi Valley states mass our resources, work out the plan on the data prepared by the careful study of government engineers, and when that is done, the improvement proposed in the pending bill is there, partially done, waiting only that its unit be expanded, and that it be developed to the point to match the general improvement of the Mississippi River. (Applause.)

From Chicago to the Mississippi River is about 327 miles; 262 miles of it now maintain a channel of seven feet in depth. The remaining 65 miles have from four to four and one-half feet in depth. It is this 65 miles that present the problem to be solved by this bill. The plan proposed in this bill will provide an eight-foot channel from the lower end of the Sanitary District Canal to the Illinois River at LaSalle, and the improvements in depth in the remainder of the river engineers say will guarantee eight feet depth throughout the entire 327 miles. This equals the maintained depth between St. Louis and Cairo and completes the connection for the principal commercial cities of Illinois and the lower Mississippi with all intermediate points.

Probably the freight is not now so great owing to local complications, but reports from the Rhine, which has been navigated since modern mechanics has furnished any power for water navigation, furnishes an illustration that is valuable. It carries at normal times between fifty-five and sixty-five millions of tons of traffic every twelve months. Probably from 85 to 90 per cent of that traffic is carried by barge service. Ordinarily, the barges are conducted in tows. Nearly one-third of this entire traffic is carried over

sections of the river averaging from four feet to eight and two-tenths feet of depth. A barge carries from 480 to 1,000 tons. If we measure that by an ordinary freight car capacity it brings it home to us. An average freight car has about an 80,000 pound limit, forty tons. If we reduce to terms of an average car on land, the barge capacity equals from twelve to twenty-five cars on the river line. The barge service, the engineers estimate under our proposed improvement for the river navigation on the Illinois and Mississippi, will equal at least 2,500 tons or sixty cars, equal to an average freight train on land. Some barges are now constructed so as to be self-propelled with the latest motor devices. An established method, however, has been a tow of barges drawn by a tug or power boat. Whichever method be adopted, it is evident that this bill furnishes a practical method for a **safe experiment**. It is significant that recently—no doubt you all noticed it in yesterday's press despatches—that a committee of business men from China came up from New Orleans and visited the business men's club of St. Louis with a view to establishing a port at New Orleans, or some convenient point that would enable water communication to be had from the interior of the Mississippi Valley through the Panama Canal to the Orient. This might look like a dream. I think I once stigmatized the idea that a lake boat could be brought down through Illinois as an aquatic dream. I have not changed my mind on that particular subject yet, but I have seen enough barge service in this country, I have enough of what I consider accurate information, to think that a barge service is a practicable thing and that it can draw from the Mississippi Valley a very heavy freight shipment that only requires to be trans-shipped once it reaches a gulf port, into a sea-going vessel that will navigate to every port, east or west, known to the civilized world, and that is what this proposition is that is begun in a small way by the expenditures contemplated in this bill.

I have said to you all now in brief that I care to say, and all that the allotted time, taking my hour, will permit me to say. I thank you for the attention you have given me for the opportunity to say these few words in general terms to you. I am for the passage of this bill. If I were a member of the General Assembly in either branch, I, myself, would vote for it and take my chances with my constituents, or the taxpayers of Illinois. (Applause.)

THE SPEAKER. I now have the honor of presenting to you the Honorable James Hamilton Lewis, Junior United States Senator from the State of Illinois. (Applause.)

UNITED STATES SENATOR JAMES HAMILTON LEWIS. Mr. Speaker, Lieutenant Governor, Governor Dunne and Gentlemen of the Joint Session of the Legislature of Illinois: I appreciate very much the reception tendered by you to myself and my distinguished colleague. I have never a doubt that I voice his sentiments in common with my own when I say to you that neither of us would have denied ourselves any opportunity that would have enabled us to come into your midst, to have renewed a personal acquaintance and have had the pleasure of an association with the body of co-ordinate legislators that serve with the single object which we trust you will feel is ever our purpose—the welfare of Illinois.

I am wholly conscious, gentlemen of this Legislature, of the exact limitations of my rights. I am exceedingly sensitive least you misunderstand that I would make any attempt whatever to encroach upon the limitation of my privileges. Neither my distinguished colleague or myself appear before you in the capacity of a Senator with any object whatever of exercising the office to any degree of influence or weight upon you. You are as completely a sovereign in the discharge of your functions as we are in the discharge of ours. Our relative positions do not differ in eminence or in responsibility, save in the matter of geography, ours to some degree upon certain occasions necessarily charging us to the nation while yours limit you to our State, but within these limits your privilege is as great as ours, in every respect our co-equals; you will not, of course, assume for a moment that we bring our office for any object whatever. We come, I am sure for myself I speak and for my colleague I know I do no violence to what would be his natural sentiment, we come rather as your fellow citizens and come as your constituents to present such facts upon this matter of legislation which would affect all concerned equally, and to present only such matters

as to our mind seems appropriate by one citizen to the other. There is little need, my fellow legislators, that I could dare offer to the very full and complete presentation of my colleague. That little that I might assume to present, I question if it could be very welcome. I recall that Le Coque, the eminent literary expert of France, when called upon to criticise the work of the celebrated Zola, *L'Assommoir*, said: "I have read the book. In it there are some things new and also some things good, but that which is good is not new, and that which is new is not good." You may be brought to the conclusion readily and with judgment as to anything I might add. Therefore, I freely say as to Senator Sherman's speech that which Mr. Louderdale is reported as having said. Louderdale, as your mind recalls, was the colleague nominated in the district of Bristol with Edmund Burke at the time of the celebrated attempt at the reconciliation of American which meant the subjugation of our colonies. Louderdale was a dry goods merchant, if my memory does not fail me. Mr. Burke, with his eminence characteristic of his splendid reputation had presented issues before his people when the excellent dry goods merchant, utterly conscious he could not improve upon it and having too much sense to mar it, with the consistency of his following and his profession, rose and said, "I say ditto to Mr. Burke, ditto." (Laughter.) I want you to know that to Senator Sherman I say ditto.

The waterway question, my fellow legislators does not break upon us anew. There is very little any man can say in behalf of a waterway that according to the generation has not been said. We seldom say anything original in any ordinary need of mankind. William James, the physiologist of Harvard, has lately sent you his suggestion that there is no thought of mankind or idea of a material form that is but a reflection of some antecedent thought held by an ancestor from whom we have enjoyed the heredity. It is impossible to escape the conclusion at times as one studies the history of his country but that every thought which possesses us and every investigation to which you are invited seems to be stimulated by conditions of necessity similar to that which has surrounded other people similarly situated and which has given the motive mainspring to the action or the declaration, whatever it may be, upon that particular subject. Therefore, it may not be apart, if I may be permitted to remind your judgment and revive your memory, that in the late exploration touching Abyssinia and Babylon it was discovered that those ancient people, antedating the record of our Bible, who were designated as Samaritans have cut subterranean passages under their towns to connect one with the other, and these were used as purveyors of water upon which a form of barge was engaged after the order of that which today occupies the sewers of Paris, and it is interesting in these excavations to have our mind addressed to the fact that they justify these excursions upon the theory that the bandits and brigands seized those who traveled with their packs upon their backs from place to place, and thus in order to protect the caravan from robbery this subterranean method was adopted for the conveyance of freight to the very same object and to the very same end as that which is proposed today by the gentlemen who may favor this measure and that which has been so copiously suggested by the distinguished senior Senator. One is constantly confronted, therefore, my fellow legislators, with new objections to these systems. It is impossible that anything can be brought to your minds that will not likewise suggest paralleling its benefits some form of objections. To those gentlemen who manifest objections to this measure let it be understood. They see it from their point of view; either from their personal point of view as citizens or their representative point of view speaking for their constituency. As it is a creed of our duty in public affairs that we serve that which gives the greatest good to the greatest number, from this we gather there must be a lesser number who feel that the measure, whatever it is, is not to their greatest good. Naturally you will find members of this honorable body exercising their sovereign independence, expressing their honest feeling that the measure does not serve to the best uses of the constituency for which they speak. Let no man make a mistake on this—that legislator is not only to be respected for his opposition but he is to be understood as doing that which his solemn oath imposes, the representation of his particular people and their particular

interests as he beholds it. Our particular business, if any we have concerning such a legislator, is to hear his objection, have them manifested to the fullest extent in our power, meet them if we can by logic, answer them if we can by argument, but treat them under all circumstances as being presented by a persuasive consciousness on his own part which impels him thus out of his sense of honest duty.

I have long been, as many of you gentlemen who do me the compliment of giving me your attention recall, interested in some phase of this waterway agitation. In 1909, in the spring of that year, upon an insignificant mission I was called to China. There, through China, I found it agreeable in company with the two gentlemen, fellow commissioners, to put in many distances on foot, and when not on foot, in such vehicle as we could be conveyed, as is the custom of the country, there being very few opportunities of railway carriage. I was particularly struck with the condition in China about which I had found nothing in the only history of the country which I had studied. There was nothing whatever, as I recall, inviting my attention to that intermixture of canals and waterways through nation. Upon investigation, it developed that having that sacred regard for their cemeteries they would allow no railroad, as all of their country is permeated with their sacred mounds, they would allow no form of construction that they felt visited sacrifice upon their burial mounds. For this purpose they never allowed any form of road to be cut nor railroad to be laid, but they had that interesting superstition—let's believe it something more—that where water percolated there was a refreshment of the souls of those who slept beneath the mounds and at any rate it was ever received by the spirits with welcome as it refreshed them upon their journey. Under this theory they justified these forms of waterway as distinguished from an obstruction on the surface of the earth. Suffice to bring to your attention that through that land of four hundred million of people backward in many of the things we call improvement it was evident to the traveler they had given much attention indeed to the development of these little streams and waterways passing from county to county and district to district for the purpose of conveying their vegetables, their grain, their stone, brick, lumber, and all forms of commodities which are essential in the exchange of a people who live and have their existence. Too familiar it is to you of how Holland and Germany and France have developed their commerce and given to their people a splendid possibility of advancement by a similar method of waterways. I recall to your mind therefore that I am not so qualified here to speak as some of you gentlemen nor possibly my colleague, in one respect; I have found my opinions varying. In 1910 here in this State upon my return after viewing the conduct of waterways upon this particular trip with some degree of attention I went out to this state and opposed the issue of the twenty million of bonds, not upon the theory as my colleague announced his opposition, but upon that theory that is a part of my conviction that the Federal Government owed it to the development of the highways, wherever those highways commingling, intersected with other states and formed a part of the interstate commerce circle or tangents of roadways. I therefore contended that we should not tax Illinois that twenty millions of dollars but we should impose upon the Federal Government the duty of expending all the appropriation necessary, and then I was an advocate of a deep channel upon the theory, if you remember my shibboleth, of, "Illinois to the Sea," that being my theory, that it could be made deep enough for the large vessels coming in from the ocean and going out by way of the lakes or through the St. Lawrence should make the city wherein I live and other cities along the Mississippi literally seaports. I found afterwards that my calculations were at variance with engineers and that the theory which I had did not fit with the practice. Then I became an advocate of this State contributing a part sufficient to justify the expenditure within the limits of the State and Federal Government there taking it up at that point and connecting it with intersecting states in order to complete the interstate commerce thoroughfare. Then I was an advocate, if I remember, from 9 to 12 feet, upon the theory that such could be done. I did not reckon then with the condition of the river from Cairo and I did not consider the obstructions such as have been made manifest since by the investigation on the part of this committee, the members of this House and those of the

public Senate and the House of Representatives. Lately, I have come to the conclusion in adopting the plan suggested by the committee that it is the most feasible, though I will admit to you that I have been presented, from time to time, throughout my study, a contrary view. I may be pardoned to say to my brother lawyers and to my brother laymen also that my position, I fear, in the minds of some of you, can be well illustrated by the incident which is found in "Reminiscences of the English Bar" in reference to Old Buller. Buller was an interesting character. In thinking over matters he thought them aloud, and in thinking aloud expressed his thought. There was a lawyer whom he did not like, who shambled up before him and began making an argument which did not appeal to Buller and Buller was heard to say, thinking aloud, "What an ass." Finally the lawyer proceeded with his argument, taking on the air of intelligent reasoning, and coupled with persistence began making in road upon Old Buller's comprehension when again he was heard to begin thinking, saying, "Ha, not so much of an ass as I thought." He proceeded, multiplying his persistence, offering more logic and marshalling his argument till finally Old Buller woke up and said, thinking aloud, "Egad, it is meself that is the ass." In this waterway I have gone through all those stages.

Now my fellow legislators this is my idea, concretely put: I will of course not assume to impose any other idea than that of a suggestion. I have contemplated the situation of Illinois. I view her in her splendid central situation; I see her as the gateway between the Atlantic and the Pacific Ocean; I contemplate her great railroads, making connection with every form of highway crossing the continent. My mind necessarily conceives and my heart dreams of the time when the waterways shall likewise serve the same purpose across Illinois that her railroads now do, making a connection, a complete thoroughfare through which the Panama Canal may serve from the south up through to the Great Lakes and to the River St. Lawrence and from coast to coast making something of a Maltese cross in the State of Illinois and bringing to us the products of all people, enabling the products of all the world to be brought to our own people, lessening the cost on every pound of nails, every ton of iron, every plank of lumber, every sawed tree, every form of that which is necessary to the habilitation of homes and the existence of mankind. I invite your attention to the report just issued by the projectors of the canal of New York which having been finished and in being undertook water traffic as well as land proposed to the countrymen all through the country the first realization of exactly fifty per cent less in cost of freight for all the necessities furnished unto mankind in all the ordinary affairs of life than that which previously the citizens of New York and the interior had to pay. This impresses me with great importance and it is the one thought uppermost in my mind that I take the liberty to bring to my fellow citizens of this State as a consideration for some kind of a waterway through the State of Illinois. The obstructions from different cities along the proposed route I am informed you have met and that these have been considered and overcome by such consultation as becomes a sensible people dealing with its fellow citizens. On that I have nothing to say, gentlemen, as I am unable to advise you. The main and simple point, which possibly you are more interested in, as far as I am concerned, if I may add the suggestion, and the only one that I feel is at all new to my distinguished colleague is as to the appropriation. In this State you will add such sum of money as you feel you appropriately can. The Government at Washington is strongly impressed judging from both its reports and the statements of its representatives that no waterway through these states can be carried successfully to its accomplishment that does not wholly coalesce and harmonize with the peculiar form of waterway now by nature built and existing on every side of our State and leading towards the center. They answer to the proposition of a greater depth than seven or eight feet, or nine feet, with the statement that the rivers with which we connect are of no greater depth and if an attempt were made to have a channel through Illinois of a greater depth than that proposed it would be necessary for the Federal Government to expend vast millions in order to deepen out these natural channels of the greater rivers to harmonize with ours. As they will not do that for reasons sufficient to themselves they

therefore object to cooperation with us upon any other basis than that which harmonizes with theirs. You have before you, of course, from time to time, all the reasons which stimulate you for this appropriation. You realize the exact amount your constituency justifies you in expending; you are able to justify your own positions by the knowledge you have upon the subject. Speaking of the Federal Government my honorable colleague gave every service in his power deep in the midnight to preserve this million dollar appropriation. It may be history to you now, but I may be forgiven for torturing your patience by merely reviving in your memory how we lost that appropriation. There had been a very serious war made upon the appropriations for the state of Missouri looking for the development up towards the Red River. There was equally a very insistent conflict respecting the appropriations for Louisiana. Growing out of this multiplication of bad feeling produced from the conflict there was a general assault upon everything that was then not already undertaken. Senator Burton, of Ohio, a very distinguished and able man but strongly obsessed with the idea that all of these waterway improvements are an imposition, although he lives in a lake city and in a state that seeks likewise a blessing by inland waterways, he cannot find it agreeable with his conscience to give such his approval. He arose at half-past one in the morning and resumed a speech which had for the day before been undertaken and assailed this particular project, if you recall his speech from the Congressional Record, as a fraud; that the million dollars had been obtained by fraudulent pretense; that it had been obtained from the Federal Government upon the theory that the State of Illinois would cooperate with the Federal Government; that we continuously refused in this State to do anything that could harmonize with the undertaking of the Federal Government and by obstinacy, without excuse, indefensible, we continued to oppose the Federal Government, deny the right of its suggestion and to refuse any form of cooperation with its engineers. He likewise assailed the appropriation on the further ground that we held this money up, hoping to use it only at such times as the State could serve some political objects of its own and some purposes in direct violence with the needs of our surrounding states. Likewise the distinguished Senator on the committee raised the point that there was a specific agreement in honor, if not in writing, from the Senators who preceded my colleague and myself that within the period of three years there would be a concrete proposition formulated by Illinois, presented to the engineers and the Government of the United States, acceptable in its details, sufficient to produce the cooperation essential to the enjoyment of the million dollar appropriation, that the time had lapsed; we had betrayed bad faith, we had violated the obligation and he in behalf of the committee demanded this to be stricken off, because, as he contended, of the imposition upon the Federal Government and the wrong perpetrated by Illinois upon the nation. Every effort was made immediately by the legislators as soon as this arose to try to recover the situation. It was impossible to communicate with you at such an hour. The next morning everything was done. Your representatives, without regard to party gave a most unanimous support to have the appropriation returned or replaced. We of the Senate gave all cooperation, to the best of our capacity. Then we were met with this suggestion from three sources. First, I quote, so that you may have it, from Senator Ransdell, the ranking democratic member of the committee; from Senator Burton, the then ranking member of the committee of the republicans, and from their colleague, Senator Fletcher, of Florida, and the others who represent this issue strongly, Senator McCumber, of North Dakota, assuring us—being a sub-committee I neglected to add—assuring us so far as assurance could be given that as soon as Illinois by her legislation executed some constitutional project in a concrete form that could cooperate and harmonize with the Federal Government they would not only be favorable to the restoring of the one million appropriation but a million and a half more that was essential to make a success of cooperation between the states in the construction of one interstate commerce route. With this assurance we presented to you, my colleague and myself, in the only way we could these announcements that you then could take such steps as you saw were agreeable to your own commonwealth. I therefore join

my colleague in the statement to you that as near as guarantee can be given in matters political of nature, touching legislation, we will be able to restore to you that appropriation and such addition as is essential just so soon as your legislative body executes whatever policy it deems wise to cooperate with the Federal Government. (Applause.)

I have but one thought on which I ask your patience. My fellow legislators, I am impelled to revive to your mind a thought I have expressed to your committee at Peoria. The reason I am now confident that the Federal Government will cooperate with alacrity, more confident now than I was then is because we must reckon with conditions as they now have developed upon this, our common country. I said at Peoria in the presence of your distinguished committee that I prayed heaven, so far as my prayers could be heard in the sacred chancery, that there would never be conflict between this, my country, and any other in the world. I harbored a dream, like unto you, that peace would be our inheritance, but I could not be blinded to what occurred to me then, something of the clouds that were overcasting the sky, and I was not without some menace in my heart that there foreboded in the future some complications, and I there assumed to say to your committee that there were reasons most cogent, and to my thinking for legislation, from which the Federal Government would not only extend and lend its co-operation, but would do so for other reasons than commercial. I did not then see any more than you that these conditions which I so greatly feared might come for us were so near at hand, and while today I, like yourself, heartily rejoice that as a great nation and a patriotic people, we have confidence in the heads of our administration at Washington that all conflict will be avoided and that this government will remain at peace with all our neighbors, nevertheless we are compelled to indulge that philosophy which Hamlet suggested to Horatio, that since the affairs of men still rest uncertain, let us reason with the worst that may befall. We are not unconscious, my brother legislators, that there is a theater of operations in Europe which, like a conflagration, can at any time with its flame lick the habitation in which we reside. We hope not, we pray not, but we are not unconscious that the very same conditions which have surrounded our neighbors abroad can surround us. The same impetuous action can be ours; the same unheralded attack may be our inheritance, and that we should consider these things is but the natural precaution.

This honorable body passed a resolution yesterday, as I read in a public press, commendatory indeed in spirit, without regard to passing upon its details, commanding of your Federal Government a greater degree of preparation for the national defense, voicing your wisdom that that should partake, among other things, in the form of an additional navy. An additional navy would do us little good on the coasts unless we likewise had some additional auxiliary navy in the interior of our states. When one contemplates that the German army, with all the opposition leveled against these industrious, active people, has been able through the rivers and inland waterways to float supplies and soldiers to the different parts and thus defend itself against the advance of the Allies, and when one contemplates the movement of France over her waterways, by which she has been able to supply her soldiers and prepare for emergency, one can readily, without stretch of imagination beyond that which is most ordinary, contemplate our situation. If waterways were cut through these states, by which barges, boats and flotillas could convoy, purvey or carry soldiers, supplies and ammunition from place to place, and depot to depot, out towards the coast readily, you can understand what protection our national government would realize from this advantage and auxiliary. One thought will not escape your reflective mind, that if this country should ever become involved in any conflict with any European country in the day of the Zeppelins, which now find their way so quickly, and the battleships, against all the fortifications we have, perchance would require that our government move quickly. The national capital would be transferred to Chicago, the financial capital likewise, and we would find ourselves, my fellow legislators, where here in the center of the country would be the essential defense of our nation, for, on the coast, as Washington was assailed in the war of 1812 in a manner familiar to your memory, our people, conscious of her experience then, would take lesson from that experience, and out of the guardianship of caution, would be found

promptly moving to the west the headquarters of all government. In what manner, therefore, could we be defended from attack more safely than by such auxiliaries of defense as these waterways would provide? Because of this our national government, therefore, seeing this advantage in addition to the commercial advantages, would quickly and with alacrity lend its co-operation to that which you shall decide is best to the welfare of the country. I bring you this thought that it may in your mind have its value. I present its value to you as it appeals to me. I realize what you intend to do is that which you feel is to be the best welfare of Illinois. I, as you know, as your colleague, have no other object than to serve the splendid State, her noble people. I therefore thank you for your attention. I appreciate the compliment you do my honorable colleague and myself, and assure you that every effort on our part shall be in harmony with that on yours to bring eminence and supremacy to the greatest State of this greatest country in the United State of America. (Applause.)

Mr. IGOE (Cook). I move this joint session do now rise.

THE SPEAKER. The gentleman from Cook (Igoe) moves the joint session do now rise.

(The motion prevailed.)

Mr. IGOE (Cook). I desire to call up House Bill No. 914 on the order of second reading.

THE SPEAKER. This is the Waterway Bill. The clerk will read the bill. (Bill read.)

Mr. IGOE (Cook). I desire to offer the following amendment, and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 914, on page 19, section twelve, strike out all of lines 2, 3, 4 and 5 thereof between the word "Act in said line 2, and the word "there" in said line 5, and insert in lieu thereof the following:

"There is hereby appropriated to the Illinois Waterway Commission, the following sums:

For channel excavation and dredging	\$1,240,200
For locks and dams	1,404,550
For right-of-way and damage to land	318,250
For levees, land filling, road work, bridges, sewers and drains...	437,000
For power and electrical equipment	1,000,000
For office expenses, salaries of appointees and employees of the commission and other administrative and contingent expenses incurred by the commission	600,000

Total \$5,000,000
or so much thereof as may be necessary, payable out of the 'waterway fund' hereinafter provided for; and for the raising of which sums so appropriated."

Mr. IGOE (Cook). Mr. Speaker, that is in accordance with a suggestion of the Attorney General and merely itemizes the sums that will be necessary for the construction of this waterway, and in no other way does it change the bill.

(Amendment adopted.)

Mr. IGOE (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 914, by striking out the word "and" in the next to the last line of the title, and inserting in the last line of the title, between the word "commission" and the word "to" the following words: "and to make an appropriation."

Mr. IGOE (Cook). That merely corrects the title to agree with the body of the bill.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I offer the following amendment, and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 914, by striking out in lines 77, 78, and 79 of section 7 of the printed bill the words: "If found necessary through lack of proper material to construct practical levees free from seepage which would cause land damage."

Also, by striking out in line 79 of said section the words: "if necessary."

Mr. BROWNE (LaSalle). Now, Mr. Speaker, and Gentlemen of the House, this is one of a number of agreed amendments—I mean by agreed amendment that it has been agreed to in conference between the people along the valley and the actual promoters, the people that are urging the Waterway Bill. The text of the bill as now drawn leaves it discretionary with the commission, and with the engineers, as to whether or not they will put a core in the dike. We that live down the valley don't want it left discretionary with them, and we want the bill fixed so we will know what we have got. This amendment does away with that discretionary power and makes it obligatory upon them to build the dike as it should be built, with the core.

Mr. IGOE (Cook). There is no objection to that amendment.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I desire to offer the following amendment, and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 914, by inserting between lines 71 and 72 of section 7 of the printed bill the following sentence: "The work of building said dykes and of making the fills hereinbefore mentioned in this section shall be begun by said Illinois Waterway Commission immediately after the water is turned in on said dam and shall be completed by said Illinois Waterway Commission within one year from the time said water is first turned in against the said dam."

Mr. BROWNE (LaSalle). This is another agreed amendment and simply provides for the initiation and completion of the permanent work within a specified time in the interest of the property owners.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I desire to offer the following amendment, and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 914, by striking out in line 133, section 6 of the printed bill the words: "so far as practicable."

Mr. BROWNE (LaSalle). That is another agreed amendment, Mr. Speaker, and is another doing away with the discretion in the engineers, and in the commissioners, and making their work a necessity as specified.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I desire to offer the following amendment, and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 914, by adding after the word "foot" in line 80, section 7 of the printed bill the following sentence: "The center line of said dykes or walls, from a point not more than 1,000 feet east of said dam to be constructed at or near Starved Rock shall not exceed a greater distance than 150 feet back from water line at normal stage of water: *Provided*, this requirement of proximity of 150 feet to the water shall not have any application to that part of the north bank shore or edge of said river lying or situate between the proposed dam and the commencement or beginning of the high land or elevation to the east thereof constituting the westerly end of Buffalo Rock; along which said stretch of territory said Illinois Waterway Commission shall have the right to construct said walls or dykes as far north from the north edge of the water in said river as may be absolutely necessary in order to create a practical waterway under the provisions of this act, said dykes or walls, however, in no case or event to be north of, upon, or to interfere with the right-of-way of the Chicago, Ottawa and Peoria Railway as now existent."

Mr. BROWNE (LaSalle). Mr. Speaker, and Gentlemen, this is another agreed amendment. The bill as it now stands provides for dikes or walls on the sides of the river. Now, that "sides of the river" is indefinite, and might mean the bluff a half a mile away, so this amendment provides that where dikes are to be built as provided in other places in the bill dikes or walls they shall be constructed within 150 feet of the water's edge at low water mark, except upon that portion of the north bank of the river from the north end of the dam east at Buffalo Rock, a space of about three miles. There they are permitted to go beyond that so as to have a sufficient pool for their water power, but not beyond the line of the right-of-way of the interurban.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I offer the following amendment, and move its adoption:

AMENDMENT No. 7.

Amend House Bill No. 914, by inserting after the words: "hard pan" in line 80, section 7 of the printed bill the words: "said core to be."

Mr. BROWNE (LaSalle). That, Mr. Speaker, and Gentlemen, is along the line of the protections to the property owners in the construction of these dikes, and in connection with those amendments provides for the doing away of the discretionary power in the commission.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I desire to offer the following amendment, and move its adoption:

AMENDMENT No. 8.

Amend House Bill No. 914, by inserting after the word "canal," in line 48, section 7 of the printed bill, the following: "And all that land lying north of the Illinois River between the Chicago, Burlington and Quincy Railroad bridge and Clay Street."

Mr. BROWNE (LaSalle). That amendment is an agreement amendment and refers to a little tract of territory in there of perhaps two or three acres that must be filled in connection with other fillings in order to prevent the existence of a morass, or dangerous cesspool. That is all it provides for.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 9.

Amend House Bill No. 914, by inserting after the word "commission," in line 39, section 7 of the printed bill, the words: "In filling that part of said low lands lying back of said dykes and lying south of Main Street and west of Division Street, the Illinois Waterway Commission shall fill the same to a depth of eighteen inches from the top surface of said fill with good soil suitable for the raising of a good grass sod thereon."

Mr. BROWNE (LaSalle). That, Mr. Speaker, and gentlemen, is to insure that this fill, or the top part of it will not be stone and gravel that will be barren. It provides for a top dressing of soil that would permit the sowing of grass and make it presentable.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 10.

Amend House Bill No. 914 by striking out all of line 95 of section 6 of the printed bill after the word "walls," and by striking out all of lines 96 to 104, both inclusive, of said section 6, and by inserting in lieu thereof the following: "The center line of said channel extending for a distance of about 600 feet in a southwesterly direction to a point not less than 500 feet south of the top of the south bank of said river, and thence in a westerly direction, substantially parallel to the Illinois River, to a point at the south

bank of the Illinois River near or opposite Bell's Island, but the northerly boundary line of the right-of-way for said channel through section twenty-four (24), Township thirty-three (33) north, Range four (4) east of the third (3d) Principal Meridian, shall nowhere be farther north of the center line of said channel than 100 feet nor shall it anywhere approach the top of the south bank of the Illinois River nearer than four hundred and fifty feet. No material excavated from said channel, in the first or most easterly 2,000 feet thereof, or so much of same as is situated in said section twenty-four (24), shall be placed or deposited on the northerly side of said channel.

"Except as is hereinabove otherwise provided the center line of said channel shall be as nearly as practicable the center line of the proposed waterway, as recommended by the United States Engineers in their report and survey of the Illinois River during the year 1902 and 1904, as appears from Sheet No. 52 of said report and survey of the Illinois River now on file in the War Department of the United States Government."

Mr. BROWNE (LaSalle). Mr. Speaker, and gentlemen, this is also an agreed amendment on the south side of the Illinois River at Marseilles, at the present existing dam there is a water power site of considerable extent owned by Mr. Evan J. Ward, who owns land on that side of the river and has leased water power rights there. Now, under the present bill, the proposed bill leaves the river a little above this dam, and instead of going through the dam it goes around the dam and strikes the river below. Now, by the proposed bill it would come so near to the end of that dam as to infringe upon that dam, and would entail litigation, and costly litigation. This amendment takes it around there and eliminates that possible litigation. It is an agreement with Mr. Ward.

(Amendment adopted.)

Mr. McCORMICK (Cook). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 11.

Amend House Bill No. 914, by striking out of line 58 of section 6 the words "is hereby authorized to and may," and by inserting in lieu thereof the word "shall."

Mr. McCORMICK (Cook). This is another agreed amendment.

Mr. Speaker, that means that if, by reason of a court decision, it would be possible for the waterway to go down the channel of the Desplaines, then the commission shall construct the waterway by that route.

(Amendment adopted.)

Mr. McCORMICK (Cook). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 12.

Amend House Bill No. 914, by striking out the word "January" in line 72 of section 6 and by inserting in lieu thereof the word "April."

Mr. McCORMICK (Cook). The purpose of that, Mr. Speaker, is to permit, if possible, the case of the Federal Government now in Judge Landis' court going to appeal and getting a decision from the Supreme Court.

(Amendment adopted.)

Mr. McCORMICK (Cook). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 13.

Amend House Bill No. 914, by striking out the period in line 73, section 6, and by inserting in lieu thereof a semi-colon and the following words, "unless, before that time, the alleged rights now claimed by the Economy Light and Power Company to a dam and water power in the Des Plaines River near the junction with the Kankakee River shall be finally declared valid by the Supreme Court of the United States."

(Amendment adopted.)

Mr. McCORMICK (Cook). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 14.

Amend House Bill No. 914, by striking out in section 10 all of line 17 after the word "readvertise," and all of lines 18, 19, 20, 21, 22, 23, 24, 25 and 26.

Mr. McCORMICK (Cook). Mr. Speaker, the purpose of this amendment is to assure that the work shall be done by contract with the lowest bidder unless in amounts of less than \$500.

Now, Mr. Speaker, in its original form it provided that all work shall be done on contract: *Provided, however*, the State be permitted to perform work on direct employment of labor.

Mr. IGOE (Cook). Now, the history of building large contracts in the State, in Chicago and other parts of the country is that frequently there is a ring of contractors that has been formed to hold up the city or the State and you can't break through that ring, and you have got to do business with it or do no business at all. We have had examples of it in Chicago where they have frequently constructed water mains and sewers after finding that the contractors had combined for a hold-up price.

I don't believe this amendment is a good amendment, and I do not believe that it should be adopted, and therefore I move to lay it on the table.

Mr. McCORMICK (Cook). If the proviso now in the bill stands, the former provision that the work shall be done by contract may just as well not be in the bill. We might as well provide that the work in the discretion of the Governor and the commissioner may be done by the direct employment of labor and that machinery may be bought without bids if these provisos are to remain in the bill. There is plainly ample room for difference of opinion on that point.

I have discussed this bill with the Governor and unless my memory is entirely at fault he assured me that he had no objection to the provision that all the work should be done by contract. I didn't go into the matter in detail with him because I thought that my friend, the gentleman from Grundy (Dudgeon), had covered that question, in conference with the Governor. So it was that I directed my attention to the part of the route between Brandon Road and Dresden Heights to see that the Economy Light & Power Company did not get away with anything that belonged to the people of Illinois.

I hope those who are interested in the economical construction of the canal will vote against the motion of the gentleman from Cook (Igoe).

Mr. IGOE (Cook). May I ask where the power site is?

Mr. McCORMICK (Cook). I did not say site.

Mr. IGOE (Cook). I thought you referred to a site a moment ago.

Mr. McCORMICK (Cook). I explained the different circumstances under which I introduced those two amendments.

Mr. IGOE (Cook). I think you said you had expected the gentleman from Grundy this proposition in his amendment.

Mr. McCORMICK (Cook). I had expected that it would be covered by an amendment adopted in the committee, and since it was not I have offered this amendment.

Mr. IGOE (Cook). Now, when you discussed this bill did you go through the whole bill with them?

Mr. McCORMICK (Cook). Not in detail.

Mr. IGOE (Cook). You didn't submit this to them at that time, did you?

Mr. McCORMICK (Cook). I submitted no amendment to them at that time.

Mr. IGOE (Cook). Yes; but you made some suggestions.

Mr. McCORMICK (Cook). I made a number of suggestions and this was one of the changes which I discussed with the Governor. In fact, the Governor, if my memory is not at fault, volunteered the statement that he had no objection to the work being done by contract so that no politics should creep into the construction of the canal.

Mr. BROWNE (LaSalle). This only refers to machinery. What we ask to have stricken out only refers to machinery which, in my judgment of the commission, can be more economically purchased in that way.

Mr. McCORMICK (Cook). In the amendment which I have introduced

it covers both the provisos at the end of section ten. The contract for construction and the purchase of machinery. If any of the members would prefer that two amendments should be introduced covering the same question, I have no objection.

Mr. BROWNE (LaSalle). Well, your amendments will simply tie up the hands of the commission and the people handling this matter and put them at the mercy of every little contractor and subcontractor between here and the next world.

Mr. MADSEN (Cook). I believe that the amendment of the gentleman from Cook (McCormick), should be laid upon the table, so that all of this work could be done by the State of Illinois. The United States Government completed the Panama Canal in that way, and I believe that the State of Illinois could build this ditch here in Illinois, and I don't believe that we ought to go to work and tie the hands of this commission in such manner that they may be at the mercy of a band of contractors. I believe the amendment is a bad one and ought to be laid on the table.

(Rising vote taken; amendment tabled.)

Mr. DUDGEON (Grundy). I offer the following amendment, and move its adoption:

AMENDMENT No. 15.

Amend House Bill No. 914 by adding a subsection to be known as "C-1" under section 6 and to read as follows:

"Provided, if the sanitary district of Chicago at any time develops water power in the Des Plaines River below Joliet and destroys thereby all, or any part of the water power at said Jackson Street dam, said district shall restore to the State at said point in electrical energy ten thousand horse power now existing at said dam, or as much thereof as shall be destroyed, and the State shall have the rental therefrom."

Mr. DUDGEON (Grundy). Mr. Chairman, and Gentlemen of the House, this is simply for the protection of the water power rights that now exist at the Jackson Street Dam in Joliet which it is estimated by the best engineers amounts to ten thousand horsepower, and all that this amendment asks is the protection of the water power rights, and that they shall still exist there in case the Sanitary District flooded it.

Mr. IGOE (Cook). Mr. Speaker, I don't know that that amendment will interfere with the bill one way or the other, and so far as the proponents of the bill are concerned, why, we are willing that it should go in.

(Amendment adopted.)

Mr. CAMPBELL (Rock Island). I offer the following amendment, and move its adoption:

AMENDMENT No. 16.

Amend printed House Bill No. 914, by striking out section twelve (12), as found on pages 19 and 20, and inserting in lieu thereof the following:

"SEC. 12. For the purpose of defraying all expenditures of said commission made by the authority of this Act, there shall be levied and collected for the years 1915, 1916 and 1917, at the same time and in the same manner that State taxes are levied and collected a tax of one mill (.001) upon each dollar of the assessed valuation of the taxable property of this State, to be paid into the treasury of the State and set apart as a separate fund to be known as the waterway fund."

Further amend printed House Bill No. 914, by striking out section fifteen (15) thereof, and by renumbering the succeeding sections as sections 15, 16, 17, 18, 19, 20 and 21.

Mr. CAMPBELL (Rock Island). The object of that amendment is this: The bill provides that a twenty million dollar fund shall be created to defray the cost of this work. It will take another million dollars to pay the interest on the bonds which will be issued, and to this I am opposed. The amendment provides that one-mill tax shall be levied which will produce a little more than two million dollars each year. In three years, 1915, '16, and '17, it will produce more than six million dollars. I think that amendment ought to prevail.

Mr. IGOE (Cook). As I understand that amendment, it is to raise the money for the construction of this canal by a direct tax of one mill per year?

Mr. CAMPBELL (Rock Island). That is my intention.

Mr. IGOE (Cook). The objections to that is, of course, that we are seeking to build this canal under the constitutional amendment.

Mr. BROWNE (LaSalle). There is another objection I would suggest to the gentleman from Rock Island (Campbell), and that is that the constitution of the State of Illinois absolutely prohibits the appropriation of any money of any kind, sort or description, for railroads or for the making of any canal, and I am afraid this would come within the purview of the word canal, or the definition of it. It has to come under the constitutional amendment or not at all.

Mr. IGOE (Cook). I move to lay the amendment upon the table.

(Amendment tabled.)

Mr. HUBBARD (Greene). I offer the following amendment, and move its adoption.

AMENDMENT No. 17.

Amend House Bill No. 914, by striking out in section 2, all lines from 1 to 26 inclusive, and inserting in lieu thereof the following:

"The construction, management and operation of said waterway, or canal, power plant, locks, bridges, dams and appliances shall be under the control of the Rivers and Lakes Commission, one of whom shall be a civil engineer, and wherever the words 'Illinois Waterway Commission' shall appear, in the bill, the words 'The Rivers and Lakes Commission' shall be substituted."

Mr. HUBBARD (Greene). Mr. Speaker and gentlemen of the House. This amendment places the construction of this canal in the hands of the Rivers and Lakes Commission, instead of continuing a commission of five. The present bill provides for a commission of five to be appointed and receive a salary each of five thousand dollars a year, excepting one of them is to receive a salary of one thousand dollars extra, or six thousand dollars, making a total of \$26,000 to be paid to these commissioners to construct this canal, and to continue when it is operated. It does not stop this enormous salary of those five commissioners when the canal is built, and they continue in office and receive twenty-six thousand dollars a year, even after the completion of the canal. We already have two waterways commissions, one the Hennepin Canal Commission, and the Rivers and Lakes Commission, composed of three commissioners, and they receive ample salary, one the president, \$5,000 a year, and the other two \$3,500, and there is no reason for continuing an extra commission to do a work that clearly should come under the purview of this Rivers and Lakes Commission. Now, those gentlemen who want to practice a little economy, now is the chance for you to practice it, and let us do away with that \$26,000 commission and place it in the hands of the Rivers and Lakes Commission and save about \$15,000 a year. I believe that the men on this commission are entirely competent to do this work, and I believe this amendment should be adopted.

Mr. IGOE (Cook). As to whether this canal should be built by the Rivers and Lakes Commission, or by the Illinois Waterway Commission is a question of policy. The gentleman from Greene (Hubbard) takes one side of the question, and those who are the proponents of this bill take the other side of the question. They believe that the Rivers and Lakes Commission has enough to do at the present time and that they should not be required to take up this extra work. There is plenty of other work for them and they will earn every dollar that the State of Illinois pays to them, and I have yet to hear of any man criticising any member of that board for his ability, or the manner in which he does his work. Now, the gentleman says we have a Hennepin Canal Commission. I never knew we had such a thing. I presume he referred to the Illinois and Michigan Canal Commission.

Mr. TURNBAUGH (Carroll). The Hennepin Canal Commission is composed of three members.

Will you mention some of the duties of the Rivers and Lakes Commission that makes it impossible for them to construct this canal?

Mr. IGOE (Cook). Yes. One of the duties, as every member from down

the lower end of our State will agree, was the construction of the levees down there at the time of the flood, and I believe they did their work well. Another of their duties is to prevent the pollution of rivers in different parts of the State, and you can get any number of instances in which they have been doing work and are doing their work satisfactorily.

Mr. TURNBAUGH (Carroll). I presume you mean they hired some lawyers?

Mr. IGOE (Cook). No, I mean that they frequently conserved the rivers of the State. The work on the levees down around Cairo was done under the supervision of this commission, and only last week, when the people from down that way asked for some additional improvement work, they sent down to that district a member of this House and a member of the Senate, and the engineer member of the Rivers and Lakes Commission, and that committee recommended the work which the engineer member of the commission said ought to be done. They are doing splendid work.

Now the bill further provides that when this canal is completed the canal commission shall be abolished.

I move to lay the amendment upon the table.

Mr. HUBBARD (Greene). In reply to the gentleman from Cook (Mr. Igoe), I wish to state that I differ with him as to the Rivers and Lakes Commission not having the time to attend to the construction of this canal. It is a well-known fact, gentlemen, that the members of this commission are remaining at home practically all of their time and conducting their own ordinary avocations of life. It is also a well-known fact that they have employed a number of assistants, surveyors and engineers who go out to cities and towns and investigate whether or not, when a sewer is being put in, whether it is going to injure the health of the country, but you never see any of these commissioners go. One of their employees came down to our town a short time ago and investigated a sanitary system we were putting in which carried with it a septic tank, and he staid there two or three days, going over the plans, but we didn't need him, and didn't need his assistance in carrying on the work. He wasn't needed there, and I say all the work that is done by that commission is done by men who are employed to do it.

They have ample time to do this work.

Mr. BROWNE (LaSalle). I can't believe that the argument of the gentleman from Greene (Hubbard) is sincere on the proposition of the activity of the gentleman appointed or assigned to other places of high responsibility. I have never noticed the Governor of the State of Illinois in time of insurrection, riots or anything of that sort going out there carrying a gun or anything of that kind, but there are men who have been appointed to do that work and they go out. Now, the commissioners of the Sanitary District do not enter the court and supervise or control the law suits or look over the testimony, or prepare the law suits, they have people to do those things. Now, I do know that this Rivers and Harbor Commission is being kept busy. They have got enough to do to keep them busy. They have got the enormous task of preserving to the State of Illinois the rights in its property along the rivers and lakes to the State of Illinois as against the creation of private interests. They are doing that work all the time, and it is an almighty big task.

Now, gentlemen, this amendment, if it goes through, if it obtains, this amendment will simply mean the end of the waterway project. This Rivers and Harbors Commission can not do this work, they haven't got the time to do it. They won't have the time to do it coupled with their other business and the Governor and the State authorities will not entrust them to do it with their other business. If you want to kill the bill, all right. That's what it means. This amendment ought to be killed.

Rising vote taken, amendment tabled.

Mr. HUBBARD (Greene). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 18.

Amend House Bill No. 914, by inserting between lines 104 and 105, of section 6, of the printed bill, the following:

"In the construction of said channel provision shall be made for the development of water power which may be created on said channel. This power shall be utilized by the State and may be leased and the income therefrom shall be applied to the payment of the interest and principal on bonds issued for construction of the work named herein."

Mr. HUBBARD (Greene). This amendment, gentlemen of the House, is for the State of Illinois to utilize water power which it seems in this bill they are going to practically ignore or give away. At the dam at Marseilles one water company uses about three-fourths of the water power of the Illinois River and the other one-fourth is not developed, therefore the State should develop and utilize it for commercial purposes. The channel described in the bill which will cost approximately \$7,000, and the income to be derived from this water power would pay the cost of the construction of the canal. To accomplish this it is necessary for us to utilize that water power and I cannot understand why it is not utilized and why it is left out of this bill. It appears to me it is favoring some water power company in some way.

Mr. BROWNE (LaSalle). From whom did you get your information on that?

Mr. HUBBARD (Greene). I got it from various sources.

Mr. BROWNE (LaSalle). I know, but from who, particularly?

Mr. HUBBARD (Greene). Well, that is my affair.

Mr. BROWNE (LaSalle). Yes, and I think I see the hall mark.

I move that the amendment be tabled for several very good reasons. I think the first one is sufficient. It does not do any certain thing, that amendment does not do a single thing that has not already been done in the bill. This bill does that very thing and provides for the utilization of all water power to the benefit of the State of Illinois and it is done in other parts of the bill.

Mr. HUBBARD (Greene). Why does it need to be done in so many places?

Mr. BROWNE (LaSalle). Because it belongs in every place in this bill where it is properly a part of it relative to water power, and what the State shall do with it.

Mr. HUBBARD (Greene). Does that bill provide for the utilization of the water power at Marseilles? That the canal water shall be used for water power?

Mr. BROWNE (LaSalle). You can't use it for water power, and the party that told you that knows it. You can't use it for water power there without subjecting the State of Illinois to litigation for a thousand years. Why, if you were to do that thing the party that told you that would be the first one to object to it. It would wreck his proposition and put it out of business.

Mr. HUBBARD (Greene). He didn't give me that. If you refer to Mr. Ward. He didn't give it to me.

Mr. BROWNE (LaSalle). I didn't refer to anybody.

Mr. HUBBARD (Greene). If you have reference to Mr. Ward, I don't know the gentleman, never saw him, and never met him.

Mr. BROWNE (LaSalle). Well, at any rate, the bill as it now is is satisfactory to Mr. Ward, I know, because Mr. Ward told me so today.

Mr. HUBBARD (Greene). I know nothing about what Mr. Ward agreed, or what he wants.

Mr. BURRET (Champaign). Will the gentleman yield to a question?

Mr. BROWNE (LaSalle). Certainly.

Mr. BURRET (Champaign). Page eight, line ninety-three, "for purposes of navigation only"; is there any water power in that part that is cut out by that clause?

Mr. BROWNE (LaSalle). No, but you can't put in any water power there, you can't put it in at that place without doing just what is obviated by going around, instead of going through. I find today the route was changed one hundred and fifty feet south of the proposed route so as not to interfere with the water power that was already there.

Mr. IGOE (Cook). So that there can be no question about the people of Marseilles getting something for nothing—the Marseilles corporation has certain water power rights at that particular point. Now, it was thought

better to go around their power site and leave them just as they are, give them nothing more than they now have, and take nothing from them and go around and come back into the river again, and this bill provides that nothing in this Act contained, nor nothing the said commission may do thereunder, shall ever have the effect of, or be construed as, creating, recognizing, establishing or enlarging any right, title, interest or claim of any person or corporation whatsoever in and to the said Marseilles dam, or any interest therein, or the right to maintain the same, in or to any water power thereby developed; nor as waiving, restricting, or limiting any right or power of the State of Illinois with respect to said dam or water power, or at any time hereafter preventing or interfering with the State of Illinois in the exercise of any right, power or option, it may lawfully have in respect to, or concerning the said dam or water power. Now, the difference in cost between going around that dam and going through the dam is approximately \$600,000, there is that much saved by going around it instead of through it. Now, this is just a channel which runs outside of the river for a mile and then back into the river, and you could not develop there much power.

I move to lay the amendment on the table.

(Amendment tabled.)

Mr. HUBBARD (Greene). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 19.

Amend House Bill No. 914, by striking out all of "section 22."

Mr. HUBBARD (Greene). This section 22 provides that if any part of this act shall be held for any reason to be invalid or unconstitutional that shall not affect the validity of the remaining part of this act.

Mr. BROWNE (LaSalle). I move to lay that on the table. This bill is only one of a number at the present session and a good many of this House since I have been here that contained that same provision.

(Rising vote taken; amendment tabled.)

Mr. HUBBARD (Greene). I offer the following amendment and move its adoption:

AMENDMENT No. 20.

Amend House Bill No. 914, by adding the following sections:

"SEC. 23. This Act shall not be in force and effect until the same shall at the first general election have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election, as provided in section 18 of the Constitution."

Mr. HUBBARD (Greene). I hold that this act if passed at this General Assembly can not go into force and effect until it is submitted to a vote of the people of the State as provided under section 18 of the Constitution of the State of Illinois.

I claim that the submission of the constitutional amendment carrying with it the twenty million dollar appropriation didn't carry with it the issuing of a part of those bonds. I hold that you can not issue any part of those bonds under any measure that shall be passed here without first submitting it to a vote of the people under section 18 of the Constitution.

Here is what the amendment provided for: "If the General Assembly may by suitable legislation provide for the construction of a deep waterway or canal from the present water power plant of the Sanitary District of Chicago at or near Lockport to a point in the Illinois River at or near Utica which may be practical for a scheme of deep waterway."

This is in no sense of the word a deep waterway, and I don't believe that the amendment change carries the twenty million dollar bond issue to the people. That amendment don't give this House the right to pass an enactment here and to issue bonds without first submitting that enactment to a vote of the people.

Mr. TURNBAUGH (Carroll). I feel that the experience we have had in this State in waterway matters justifies that amendment. The matters of this bill should be put up to the people. If I had had any doubt, the speeches made by the distinguished gentlemen to us today would certainly

have created in my mind some doubt. There seemed to be a tone of fear in their voices during all of their discussions. The distinguished who represents the party I am affiliated with said he was for this at this time as opposed to the twenty million dollar proposition, because that was a mistake, and if commerce failed to respond we would only be wasting five million dollars instead of twenty million dollars. I think that the gentleman had a doubt in his mind that commerce would respond. I think he got that doubt from living along the Mississippi River, as I live, and with seeing these great elevators built there years ago with the spouts reaching out towards the river where they used to load barges and boats, but for the last twenty years there has not been a barge or a freighter loaded with grain at Savannah, Illinois, where two of these elevators stand. The grain is shipped to the elevator in the cars and shipped out in the cars. Passing that elevator is this great waterway that no one had to pay for, and is there for the use of anybody who wishes to use it.

The other distinguished Senator said that a few years ago he had announced his opinion, and he had well defined opinions, and I presume he was as firm in that then as he is in his opinion today, but he said upon looking back that he was an ass to have had such an opinion. Are we entirely certain that as he looks back in two years from now he will not have the same opinion of himself as he stated here today advocating this scheme. The party that has the responsibility for writing this bill upon the books at this time will carry a load and it will have a load they would not care to carry in the next State campaign.

Mr. IGOE (Cook). This amendment is designed to kill this bill. I don't believe that the gentleman that introduced it would vote for the bill if we adopted all of these amendments. There is no question but what the amendment is constitutional for the deep waterway as was submitted to the people, and there is nothing in the amendment and he can read it from beginning to end that provides for the spending of a portion of that money without spending all of it.

Mr. HOUSTON (McDonough). Do you regard this plan as a deep waterway plan in the sense in which it was used in the former act?

Mr. IGOE (Cook). Yes, sir. That is an argument that can be made when the bill is up on third reading. The law department has passed upon the bill in its present form, and they have declared it is constitutional. The men connected with the drafting of the bill are as well known in the legal profession as any other person engaged in that profession in the State, and they say the bill is legal and constitutional.

The arguments that Judge Turnbaugh makes that he sees the elevators on the Mississippi River and the railroads hauling the grain to market. That is a result of the condition that has been produced by the railroad companies and it is a condition that has been sought to be remedied by the amendment to the Interstate Commerce Act, and their first great decision was made last week when they ordered every railroad company in the country owning lake boats on the great lakes to sever all connection with those boats.

Mr. TURNBAUGH (Carroll). If the railroad control the boats and it is so much cheaper and just as efficient to ship by water, why won't they ship that way instead of by rail.

Mr. McCORMICK (Cook). I rise to a point of order. This discussion is not germane to the amendment.

Mr. IGOE (Cook). Doesn't Armour and Company own those elevators?

Mr. TURNBAUGH (Carroll). They own one of them, but not the other.

Mr. IGOE (Cook). They are interested in every railroad in the country.

Mr. TURNBAUGH (Carroll). That would not make any difference.

Mr. IGOE (Cook). The railroads are opposed to the building of any waterway. They are not going to build boats to run up and down the river to compete with their railroad.

Mr. BROWNE (LaSalle). I have never yet knowingly permitted myself to take the floor in this House and advocate a proposition or take a position that I didn't believe in at the time. I have doubtless erred a great many times, but I have been sincere at the time I took those positions. Now, this proposition that has been raised by the gentleman from Greene in his amend-

ment is a proposition that has struck me, and struck me forcibly, more times than one since this project first appeared upon the legislative horizon. I have given it a great deal of thought—not the analytical thought and research that a lawyer will give that is trying to determine for the purposes of a law suit just what is what—but in a general way I have given it a good deal of consideration as a whole. I know that a number of very eminent lawyers in the State of Illinois have been consulted in this matter and have given a favorable opinion on the contrary view to this amendment. That is on the constitutionality course being pursued in this bill. That very matter has been threshed out in the office of the Attorney General of this State. I know the present man at the head of the force in that office, Mr. Strong; I have known him for more years than I have been practicing myself, and that is more than I like to admit at times. I have known him as a practicing lawyer and there is not a better lawyer in the State of Illinois than he is when it comes to knowledge of the law, accuracy of legal judgment, and ability along that line. I know that that office of the Attorney General under his direction has made an investigation of this subject for the Governor of the State and at his request, and I am informed by the Attorney General, irrespective of what has been said upon the floor today, that that opinion has been favorable to the constitutionality of the course pursued in this bill, and the right to proceed in this way. Also, the opinion of the Honorable Samuel Alschuler who is known up and down the length and breath of Illinois to almost every man, woman and child, and is known as a lawyer, a real lawyer, his services have been solicited and have been secured in this matter, not by the Governor or the proponents of this bill but by the several waterway associations from Chicago on down through and beyond Peoria, and it in his opinion, stated to me privately, and announced publicly before others, that this proposition is constitutional and the course pursued by this bill is constitutional, and there is no necessity in law for the course that is suggested by the gentleman from Greene (Hubbard).

When I stated to him that possibly there might be some doubt in my mind, he said "Browne, there would not be if you had investigated it as I have, and if you knew as much about it as I do now." I know also that there are lawyers in Chicago, and down the State who have investigated this matter and have given similar opinions on the subject. I would not say that I know that the gentleman from Greene is wrong, I cannot say that I know he is from an analytical, legal standpoint, as I have not investigated it with that fineness of execution that is necessary. I say that I believe in those opinions that have been given to me by men who have investigated it. I think it would be entirely wrong for this Legislature at this time to incorporate the amendment in this bill. I think the opinion of such gentlemen as I have stated, and especially of the office to which every official of the State is supposed to go for his legal advice, in view of that, I think it would be absolutely wrong and unwarranted for this General Assembly to adopt this amendment at this time, unless there be a disposition on the part of the members of this House to want to kill this bill now, and if so this is a good way to do it. It will do it thoroughly. Let the bill go through, and if it is unconstitutional, and if it is bad, and if your views along the line of this amendment are correct you know what will happen to it before it ever gets to first base, and before a spade is stuck in the ground or a wheel turned, men will be there ready to do just what was done in the case of the canal appropriation. It is wrong for us on the spur of the moment and merely hearing these off-hand opinions to so radically change the bill as this amendment would. I think the amendment ought to be killed.

Mr. TURNBAUGH (Carroll). This is an administration bill, so considered, is it not?

Mr. BROWNE (LaSalle). I don't know what that means. If you mean that Governor Dunne is for it, I will say yes.

Mr. TURNBAUGH (Carroll). The administration as represented by Governor Dunne has been much in favor of the Initiative and Referendum.

Mr. BROWNE (LaSalle). He was, but I don't know whether he is or not.

Mr. HUBBARD (Greene). I am of the opinion now that if any member of the House had any doubt as to what this House should do on this amend-

ment, that after listening to the discussion of those who are trying to kill the amendment, that doubt is now relieved. I have the utmost respect for the legal ability of the gentleman from LaSalle (Browne), and he himself will not come out and say that this is constitutional. There is in his mind a doubt, and why should we place a burden upon someone in this State to go down into their pockets to dig up and furnish money to carry this case into the courts in order to relieve this doubt? Why not be on the safe side? We know, if we submit this to a vote of the people, and the people ratify it, that it is constitutional. Why not be on the safe side?

I am not a lawyer, and do not place my opinion against the judgment of such capable lawyers as the gentleman from LaSalle (Browne), or any other lawyer's judgment, but I say that the Attorney General's opinion was rendered upon *ex parte* testimony. Who went before him for an opinion on that? I have submitted this matter to one of the ablest lawyers in the State of Illinois, a man who has been pioneer in the deep waterway movement and who has been for a true deep waterway, and not for a tad-pole ditch that they are trying to put off on us—Henry T. Rainey, of Carrollton—holds that this is unconstitutional in that it is not in any sense of the word a deep waterway. He is not alone in his opinion on that. I submitted this matter to Mr. Cooley. He is recognized as the greatest deep waterway engineer in the United States, and I submitted to him three different questions—Do you hold this is a deep waterway as coming under the provisions of the amendment to the Constitution, and he said no. He has withdrawn from this project, and I have it from him, and I will read on third reading what he says, which is that he is sorry that he had anything to do with it, and has withdrawn from the entire project, and does not approve of this bill.

Mr. IGOE (Cook). At the time you got this information from Congressman Henry T. Rainey, wasn't that an *ex parte* hearing?

Mr. HUBBARD (Greene). I simply wrote him a letter and sent him a copy of the bill, and asked him about it. I asked him his opinion on the constitutionality of the bill.

Mr. BROWNE (LaSalle). The opinion of the Attorney General was not *ex parte*. It was asked for and given.

Mr. HUBBARD (Greene). I want to reply to the gentleman from Cook (Igoe), and the gentleman from LaSalle (Browne), when he says if you want to kill this bill, adopt this amendment. How is it going to kill it? If the people kill it, isn't that proper? I stood on the floor of this House and fought for the Initiative and Referendum, and I know that Mr. Igoe did the same thing, and I say to him now that he cannot be consistent and vote against this amendment if he stands for the Initiative and Referendum. If that is annexed he must stand for this amendment or he is not consistent.

Mr. MADSEN (Cook). I should be the last man to oppose a referendum to the people. My party and my people dote upon referendum. We want to submit everything to the people, but there are times when you should hesitate. (Laughter.) It is not well to submit everything to the people, and submit them all the time. Once a week is about enough. The people of the State of Illinois voted that twenty million dollars simply for a waterway. They voted for it because they wanted it. The politicians got hold of it and demanded legislation to perfect it, and that delayed the whole thing. They have kept that up for a number of years. Now, it seems we have finally got to the point where there is a chance that the people will get something that they want. Let us not make any political machine out of this. My friend from Greene (Hubbard) says it is not a deep waterway. What is the difference, whether it is a deep waterway or a shallow waterway. The people voted for the principle of the thing. If we don't pass this bill the chances are we will have another proposition of the people throughout the State of Illinois discussing waterways and waterways, and we will not get anything out of it. We will not have a chance to develop a waterway for the shippers and we will not get a chance to develop our water power for the benefit of the people of Illinois that the gentleman from Greene (Hubbard) is so solicitous about. The big corporations will develop water power, and they will get out of it what they can while we are talking about shallow waterway and deep waterway. This proposition should have

your immediate consideration at the present time, and we should press forward now and pass this bill.

Mr. WILSON (Adams). I remember the history of this deep waterway amendment, and the previous bills before the House. I was a member first, of the Forty-sixth General Assembly. I think the first bill came before that General Assembly. I wish now to explain my vote on third reading. I think now is the time to do it. In the Forty-sixth General Assembly a bill came up on third reading, and on some subsidiary question I voted in favor of that bill. I don't remember just what it was.

I shall go back and say that in my county (Adams) the twenty million dollar amendment to the Constitution carried by a substantial majority so I was supposed to have the people behind me. I voted for this proposition, the original proposition in the shape it came before the House. I am getting to the proposition now, whether this should be referred again. I went back to my people, and I was criticized and attacked on that question, and there were only two men of the many who spoke to me in regard to this proposition who approved of the deep waterway scheme, and a bill at that time in the shape it came up in the Forty-sixth General Assembly. Since that time and up to the present there has been deep waterway bills in every shape and form presented to the Illinois General Assembly, but I am getting to the proposition whether this should be referred again. Perhaps I am a little inconsistent, just as my friend from Chicago is, in that I am opposed to the scheme of Initiative and Referendum, but since this thing has been once referred to the people and it went by default, it was the aquatic dream that Judge Sherman spoke about today of seeing these great ships floating up and down the Illinois and Mississippi rivers, and the people immersed from that dream, but I am satisfied that the people in my county would be ten to one against this proposition. If this thing is something that the people of Illinois want, if it is something that they have voted for in 1907, or if it is something else than what they voted for, then if you want to follow the will of the people there is no danger now in referring this back to the people of Illinois for endorsement and amendment so far as the people of the State of Illinois are concerned, that you are stabbing the proposition in the back if you give them a chance to vote on this bill.

Mr. IGOE (Cook). I move to table the amendment of the gentleman from Greene.

Mr. HUBBARD (Greene). I want a roll call, there are five asking for a roll call.

THE SPEAKER. If there is a demand for a roll call you can have it. The clerk will call the roll.

(Roll called.)

THE SPEAKER. On this question the yeas are 81, and the nays 45; and the amendment lies on the table.

Mr. GRAHAM (Mercer). I offer the following amendment and move its adoption:

AMENDMENT No. 21.

Amend House Bill No. 914, as follows:

By adding, at the end of section 16 of the printed bill, this language, "*Provided*, that after such lease or leases shall have been so entered into, the same shall by such commission be transmitted to the Governor; unless such lease or leases is or are ratified by the Governor; then the same shall have no binding force and effect on either party thereto."

Mr. GRAHAM (Mercer). This amendment has been submitted to the proponents of the bill. The necessity of it is this, that these leases should be ratified by some one who is responsible to the people and it occurred to me that instead of leases of valuable power franchises being made by a political board that they should be ratified by the responsible head who is in turn responsible to the people. I understand there is no particular objection to this amendment.

Mr. BROWNE (LaSalle). I don't know that I have any hysterical objection to this amendment, but I am surprised at it coming from the source that it does.

Mr. GRAHAM (Mercer). It would be good to do it, and what harm will

it do if ratified by a responsible head. The person responsible to the people. Here is a power in this bill that gives to these commissioners a right to lease away these power privileges for twenty years. I say there should be some one responsible for that, that is responsible to the people.

Mr. BROWNE (LaSalle). There is not a board or commission in the State of Illinois from the Board of Administration down that cannot make any contract it pleases and the ratification of the Governor would not amount to anything. If they didn't do what was right he would fire them. I don't care whether we have a pink cover on it or a pecan cover on this bill, it don't amount to anything.

(Rising vote taken; amendment tabled.)

THE SPEAKER. Are there any further amendments to this bill? If not, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 929 on the order of third reading.

This bill provides for the appropriation of charitable institution buildings and carries an appropriation of \$1,955,000, and re-appropriates an unexpended portion appropriated two years ago amounting to \$1,400,000.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 111, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 930 on the order of third reading.

This is the Omnibus Bill for the ordinary and other expenses of the charitable institutions for the two years commencing July 1, 1915, and carries with it an appropriation to take care of the twenty-one charitable institutions in the State of \$8,770,882.80.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 101, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 841 on the order of third reading.

This provides for a site of an armory at Monmouth, Illinois, and carries an appropriation of \$50,000.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 88, and the "nays" 2; the bill having received the necessary constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 856 on the order of third reading.

This bill provides for the erection of statues or monuments commemoration of General Ulysses S. Grant, and General John A. McClernand, another general from Illinois who participated in the battle of Vicksburg.

(Roll called.)

THE SPEAKER. The "ayes" on this question are 79, and the "nays" none; the bill having received the necessary constitutional majority is declared passed, and the clerk will report the title of the bill.

Whereupon, Senate Bills 164, 271, 248 and House Bill 935, on the order of second reading were taken up, read a second time, ordered engrossed and advanced to a third reading, all without debate.

Whereupon, House Bills Nos. 461, 558, 392, 854, 493, 514, 864, 778, 838, 836, 824, and 393, on the order of first reading, were taken up, read a first time, and advanced to second reading, without debate.

Mr. GARDNER (Cook). I move that the House do now adjourn.

Whereupon, the House adjourned until 10.00 o'clock a. m., Thursday May 20, 1915.

THURSDAY, MAY 20, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment,

The Speaker in the chair.

Prayer by the Rev. J. Jay Dugan.

The Journal of the previous day being read. Upon motion of Mr. Atwood (Ogle), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, all without debate.

Mr. Holaday, from the Committee on Judiciary, reported back Senate Joint Resolution No. 7 with the recommendation that it be adopted.

Mr. DEVINE (Lee). I move to lay that on the table. This is another scheme to place those who hold office under the State or National government on the pension list. It is another step in making all American citizens dependent, and probably the only man who will not want a pension after a while will be the man that works on the street with a pick and shovel. A few weeks ago an examination was held in my county for two rural mail carriers, and twenty men took the examination for the reason that they could earn more money at that position than in any other occupation that they could undertake. There is not one of these men who would stay with Uncle Sam's service two minutes if they could find any other occupation in which they could make more money. It is a sad commentary on the American government that it does not pay its employees enough compensation so they can save enough money for their old age, and it is sadder still that these wages are paid which will allow them to do that, and they don't avail themselves of it. This is another step to make a nation of dependents, and I know that the protest which I voice here is not going to have any effect because most everyone seems to be in favor of this wild scheme of pensions.

I believe sooner or later there will be an uprising of the people of this State and the nation against it. Uncle Sam had better pay money enough so that these employees can take care of themselves in their old age, and if he don't do it they should not enter the civil service.

Mr. McCORMICK (Cook). I want to say a word against this resolution, but not on the ground on which the gentleman from Lee (Devine) opposed it, but because I don't believe that it is the function of this General Assembly to advise the general government on matters purely within its jurisdiction. I think there ought to be rational pensioning of civil service employees, but for this General Assembly to advise the government in the matter of pensioning civil servants, there is no reason why they should not advise the Federal Government on any matter that concerns some constituent of some member of this Assembly.

Mr. DONAHUE (McLean). I think this resolution should pass the House. It is a well-known fact that the people employed by the government under the civil service system are an ill-paid class of employees. It is impossible for them to save anything for old age or sickness, or any of the ills that the human race is heir to, and this petition is simply advisory and not binding. I believe that it ought to be adopted.

Mr. HUBBARD (Greene). It appears to me that this House should not concur in this resolution. As stated by the gentleman from Lee (Devine) we are opening the doors of paternalism which leads we know not where. We are beginning a policy of class legislation in selecting a certain few who are laboring in a certain field and saying to this certain few, you

are engaged in a little bit better labor than your neighbor or some one else, and you cannot lay up something to live on when old age comes, and we are going to take care of you when you do reach that age. We are not giving pensions to the poor women down on her knees with the scrub brush and to the man down in the coal mine or out upon the section, but we are taking those who are fortunate to have better opportunities in this life to do work that is better, as we consider it, a little, rather than the scrub woman, or the man down in the mines, and I am bitterly opposed to such legislation as that. I fought the teacher's pension bill on the idea that it was class legislation, and you are seeking a class of people and making them a special class, and I claim it is absolutely wrong. I contend that the woman who gets down on the floor with the scrub brush is working for society the same as the man who is teaching in the public schools. The woman who works for society with the scrub brush is doing as much for society with the implements placed in her hand as the man that is working in the school room does for society with the implements placed in his hands.

It is not right to select a certain member of a class of laborers and say to him, you are entitled to a pension, and this other person is not entitled to it. I am not in favor of this resolution passing. Let us stop the whole business and let us not go any further..

Mr. BURNS (Cook). This is merely a petition asking the members of Congress to pension Federal employees. This House has no jurisdiction over the Federal employees. Without any opposition we passed pension bill after pension bill last week, and now this is a petition asking members of Congress to give a pension to the employees of the Federal Government. If there is a class of people that are working for a living that are underpaid it is the employees of the National Government. This should not take up any of your time, but I am surprised to see the gentleman from Lee (Devine), after voting "aye" on every pension bill that came up last week asking to table this resolution. We should pass this without a dissenting vote, excepting those who are opposed to all pensions, and I think the House should adopt the resolution.

Mr. ROTHSCCHILD (Cook). If the members of the House had listened to the reading of the resolution they would find that in the preamble there are two sections, one of which says that certain persons have been improperly discharged from the Federal Government, and another says that inadequate salaries have been paid to certain employees. I am wondering what facts were presented to this House, or any committee of this House, that Federal employees were improperly discharged, or that Federal employees were receiving inadequate salaries. It is not for us to pass upon the salaries or the method of discharging employees of the Federal Government, unless we have the facts before us warranting us to vote for this resolution. I take it, we are having troubles enough of our own in providing pension systems for our employees without trying to go into the question whether Federal employees should be pensioned without having any information before us and I think this resolution should be beaten.

(Rising vote taken; amendment tabled.)

THE SPEAKER. The chair lays before the House Senate Joint Resolution No. 21:

SENATE JOINT RESOLUTION No. 21.

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That there shall be submitted to the electors of this State for adoption or rejection at the next election of the members of the General Assembly of the State of Illinois, in manner provided by law, a proposition to amend Article IX of the Constitution by adding thereto an additional section to be known as section 14 of Article IX, as follows:

Article IX. Sec. 14. From and after the date when this section shall be in force the powers of the General Assembly over the subject matter of the taxation of personal property shall be as complete and unrestricted as they would be if sections one (1), three (3), nine (9), and ten (10) of this article of the Constitution did not exist: *Provided, however,* that any tax levied upon personal property must be uniform as to persons and property of the

same class within the jurisdiction of the body imposing the same, and all exemptions from taxation shall be by general law, and shall be revocable by the General Assembly at any time.

Mr. GORMAN (Peoria). I move that the House concur in Senate Joint Resolution No. 21. I have a few notes that I wish to refer to in connection with this resolution.

1. This is the amendment to the Revenue Article of the State Constitution, adopted by the Senate. It is identical with the terms of House Joint Resolution No. 17 introduced by me and also with House Joint Resolution 15 introduced by Representative Fieldstack. If adopted by this House and approved by the voters in November, 1916, it will merely give to the General Assembly of this State substantially the same power to enact laws affecting the taxation of personal property, that the state legislatures of Minnesota, New York, Michigan, Maryland, Pennsylvania, Wisconsin, Connecticut and Rhode Island, and, to a limited extent, Iowa, now have.

2. This amendment has been prepared by the Illinois Special Tax Commission which was created under legislative act of 1909 for the purpose of investigating the causes of the evils of our system of taxation throughout the State, and of recommending a remedy.

This commission was composed of representatives and able men. It spent ten months of study and investigation of conditions here and tax systems used in other states.

3. This commission found:

a. That a general revision of the tax laws was necessary.

b. That the amendment of the Revenue Article of the Constitution must precede any adequate revision and the enactment of any modern tax laws such as have been effective in other states.

4. The restrictions in sections 1, 3, 9 and 10 of the Revenue Article which would be removed by this amendment so far as concerns laws affecting taxation of personal property, are those which require the taxation of property by valuation and uniform rate and method, regardless of the character of the property—its power to produce income, to bear tax burdens and its ability or inability to evade taxation.

5. The general property tax imposed upon this State by the sections of Article IX referred to above, dates back to the time when practically all wealth was easy to see and easy to find. Since the development of modern forms of wealth this system in every state where it has been retained has resulted in placing the great bulk of the tax burden upon land and visible property. The experience of Illinois is no exception. Real estate today bears 69½ per cent of the total burden of direct taxation as against only 67½ per cent in 1873, in spite of the fact that the great commercial and financial development of the State has come since that time.

New York State clung to the general property tax until 1880, at which time real estate was bearing 87 per cent of the total tax burden. Since then New York has adopted the so-called classified system, using specific tax rates and methods for various classes of personal property, and although the rate placed upon intangible property has been lower than on other kinds, the new revenues produced have been so large that the proportionate burden on real estate has been greatly reduced.

In 1913 special taxes at low rates produced in New York State \$37,327,026. In addition, \$8,273,298 were produced by personal property taxed in the old way. Real estate instead of bearing 87 per cent of the total tax burden, bore only 65 per cent as a result of these added revenues.

(See report on "Taxation of Personal Property in New York State from 1880 to 1913," made by a sub-committee of the Board of Taxes and Assessments of the City of New York. Published in proceedings of 1913 conference of the National Tax Association.)

New York's experience has been to a greater or less degree duplicated in other states not hampered by antiquated constitutional restriction. Recording taxes, stamp taxes and other methods automatic in effect have proved profitable when used in connection with rates varying from 15 to 75 cents on the one hundred dollars, and even optionable registration taxes—such as the secured debts law of New York—have proved good revenue producers and have encouraged investment and business. It is well known also that

the borrower of money enjoys far greater advantages in such states than he does in Illinois where he carries the full burden of double taxation.

This amendment of itself makes no change in our tax laws. Any future changes will have to be made, as they are and have been made in other states by the state legislature.

This amendment has been indorsed by organizations throughout the State—such as the Illinois Farmers' Institute, the Illinois Commercial Federation and the Commercial Clubs, and chambers of commerce throughout the State which compose it; the real estate boards of Rockford, Chicago and other cities, and by many other organizations representing the taxpayers of the State.

On November 5, 1912, it was approved by the largest advisory popular vote cast for any proposition since (direct primaries) in 1904. This vote stood:

Yes, 541,189; no, 187,467.

Throughout the State there is an overwhelming demand for a revision of our tax laws. This amendment will give the Legislature the power to meet this demand. Without this amendment there can be no revision whatever that will benefit the mass of the people.

Now, Gentlemen, this was considered and acted favorably on by the Senate yesterday, or the day before. To pass this body, this resolution requires a two-thirds vote, or in other words 102 votes in order that it may be adopted. Inasmuch as all these other matters have been submitted to your judgment and to your approval or disapproval, this is one question that the members of this House have not been called upon to express their opinion relative to its merits. I believe it is a good measure and should receive the support of the entire membership of this House. I trust you will see this measure and support it as I see it, and vote in favor of it, is all I have to say.

Mr. McCORMICK (Cook). I will not say that this amendment has not many of the merits that the gentleman from Peoria (Gorman) attributes to it. It does not affect the system of taxation itself. It gives to the General Assembly the widest possible latitude in fixing by law the taxes on the several kinds of property and the method for their assessment. I, for one, am inclined to the belief that there should be a difference in the method of taxing real and personal property; that there should be a difference in the method of taxing land on the one hand, and stocks and bonds on the other. It is not a matter of serious personal consideration for me as I have few stocks and bonds and less land. I say candidly, Mr. Speaker, that I believe in my district there are more persons who favor this amendment than in any other district in the State. There is not a resident in the eastern side of that district on the lake Shore Drive who has not written me in support of this amendment. For me to oppose it is a matter of painful, conscientious duty. The most powerful friend I have, the most powerful individuals in my district, and I think I may say the most powerful individuals in the city of Chicago, most of whom live in my district as the members from Cook know, and they are in favor of this amendment and importuned me, or have written me to support it. I feel that I have a duty to perform in behalf of the people of the whole State as well as to the people of my district, and my obligation to the people of the whole State compels me to act upon my conscience and my judgment, and against the wishes of these powerful and loyal friends in my district.

If this amendment passes it will be a generation before there will be serious consideration of a resolution for a Constitutional Convention. Members on the floor of this House have said to me that they were for this resolution because it would defeat a resolution for a Constitutional Convention in this Assembly for a generation. If they are opposed to a new Constitution within a generation, they are right in acting upon their judgment and their consciences in supporting this amendment, those of us who believe that if this General Assembly has failed to pass a resolution for a Constitutional Convention, the people will determine by advising with their own representatives whether the new next Assembly shall pass a resolution for a Constitutional Convention. Those of us who are of that opinion ought not to vote for this resolution if we have regard for our duty, for our conscience and if

we have the courage to stand against the judgment of men earnest, honest, and powerful, though they be, who are for this resolution and against us on this proposition.

I beg you, Gentlemen of this House, to consider your duty to your own districts and to the people of the whole State before you vote for an amendment which, in my judgment, and the judgment of its friends as well, will put off to a far day, another generation, the adoption of a resolution for a Constitutional Convention.

THE SPEAKER. Is there any objection to postponing this matter for five minutes until we take up the West Park Bond Bill, which must be concurred in by the Senate before twelve o'clock? If there is no objection, the clerk will read the bill.

Mr. BURNS (Cook). I desire to call up House Bill on the order of third reading, which is the West Park Bond Bill.

Two years ago the West Park Board was given a one-mill tax to buy a tract of land at the western edge of the city of Chicago. There is some part of that money left today. We have 160 acres of land and the sub-committee went there with the citizens of Austin, Oak Park and the West Park system of Chicago, and it was agreed at the time that this money was needed, and it must be passed today and concurred in by the Senate in order to get on the ballot in the June elections. It will require 102 votes to pass this bill with the emergency clause, and I hope all members who can consistently do so will vote for it.

THE SPEAKER. On this question the "ayes" are 127, and the "nays" none; the bill having received the necessary two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

The House will now continue with the consideration of Senate Joint Resolution No. 21.

Mr. PURDUNN (Clark). One of the reasons why I voted for the Constitutional Convention Resolution was on account of the taxing proposition. It was the main argument in favor of the submission of the new Constitution. I also voted for the amending clause for the same reason.

In 1885, Governor Oglesby appointed one of those useless commissions, composed of high grade men who drafted a good revenue law. It was composed of Mr. Joseph Medill, Mr. Milton Hay, and three other gentlemen whom I can't remember at this time and they reported to the Thirty-fifth General Assembly a recommendation in favor of a new revenue law, and one of the main recommendations in the report was the same ground covered by this joint resolution this morning. I will say that in the Thirty-fourth District there are very few millionaires, if any, but the people of that district are for some relief in the taxing proposition.

Mr. McCORMICK (Cook). Are they in favor of relief contemplated by the proponents of this amendment, that personal property shall pay only one-fourth or one-third of the rate to be paid by real property? You think that would not be a bad scheme? I wonder in a district where land comprises such a large part of the taxable rate whether they would care to have the burden of seventy-five per cent of the tax of the State put upon them?

Mr. PURDUNN (Clark). They want relief and it has been agitated for more than twenty-seven years.

Mr. McCORMICK (Cook). What relief do you expect they will get under this amendment?

Mr. PURDUNN (Clark). The relief that was promised to them by a new Constitution.

Mr. MAUCKER (Rock Island). I wish to voice my sentiments in favor of this resolution for two reasons. One of those is, in view of the reforms mentioned by the gentleman from Cook, who implies by the remarks made against this resolution that it is a good resolution, but inasmuch as the opportunity for a Constitutional Convention was denied and the right to amend the amending clause was denied, now we should deny them this right because if we do they will only put off the time when they will get the new Constitution. It appears to me that he thinks this is a good amendment, but

he wants to retaliate for not being able to get the others. The relief it will give to the people will be localized as to what is done illegally, the smothering of mortgages and the nonpayment of taxes upon them. In my locality, under the present system it nets them less than four per cent on the investment. If this becomes a law and the burden is lifted from the taxation of personal property the dishonest person who is now hiding his mortgage will have no reason to do it and it will reduce the borrowing rate of interest on money. Inasmuch as I am doing considerable borrowing of money, I stand for the law in this State that will make it easier on the man that is the borrower.

Mr. ROTHSCCHILD (Cook). I desire to address myself particularly to the remarks made by the gentleman from Cook, Mr. McCormick. He said in effect that if you can not give us a Constitutional Convention you will have no amendment to the Constitution of any kind no matter how much it is desired. I don't know why everyone who is in favor of some particular amendment to the Constitution should not use the same argument against him. Unless their resolution is acted upon by the House they will be against every other one.

The principal argument was made by the gentleman from Cook (McCormick), and the principal reason was that the Constitutional Convention was of necessity for the so-called revenue reform. The committee of the whole House met to hear these distinguished men from all over the State in regard to the need for a Constitutional Convention. The main arguments advanced by those men was that we needed an amendment to the revenue article of the constitution.

Mr. McCORMICK (Cook). Upon what ground did you say I brought article of the Constitution.

Mr. ROTHSCCHILD (Cook). I know from my experience that the gentleman from Cook (McCormick) becomes very active in anything he engages in. I understand when he is for a thing, he is for it with all his might. I understand his name is on the letter-heads as vice president of one of these leagues, and he must be for it. It don't make any difference whether you brought them here or not they came here, and we listened to them, and the argument they made was an argument in favor of amending the revenue article of the Constitution. If this is a question of retaliation and blocking one another, it would be just as logical to block the Constitutional Convention resolution. I didn't think the Constitutional Convention method was the best method, but I voted for it so we could have some relief. It is either a case of dog in the manger, or it is this. He said, if the revenue amendment is now passed you will not get a Constitutional Convention for a generation. Does he mean that the only need is to revise the revenue law? He must mean that the amendment to the revenue law is the only argument they have for a Constitutional Convention, and if that is so, then we are entitled to have that one proposition submitted to the voters at this time and let them adopt it or reject it, and if they don't want any more constitutional changes that is up to the voters.

I voted for the Initiative and Referendum, for the Constitutional Convention, and the amendment to amend the amending clause because there has been this demand for a change in our Constitution, and where I was not willing to go along with the proposed change I was willing to submit that to the voters of this State. That is what this resolution does. The gentleman from Cook (McCormick), in his adroit way, not in his main speech, but by the questions asked, asked the questions that would try to scare some of the down-state members. He said, they want to make the tax on personal property one-fourth or one-third of the tax on real estate. That is an untrue statement from the standpoint of the resolution.

Mr. McCORMICK (Cook). I would like to say, Mr. Speaker—

Mr. ROTHSCCHILD (Cook). I have the floor and refuse to give it up.

Mr. McCORMICK (Cook). He said I made an untrue statement.

Mr. ROTHSCCHILD (Cook). I refuse to yield. The record shows what you said, and what I said. He said what they wanted was to put the tax on personal property from one-third to one-fourth of the tax on real estate. No such proposition has ever been made. The whole resolution embodies an enabling act to permit the General Assembly to determine by what method

taxes shall be assessed so far as this being something that is going to hurt the real estate owner, it is a fact that in my community the persons strongest in favor of this are the owners of real estate. The owners of real estate are in favor of this resolution, and they are in the same class as the farmers down state. There is nothing to that argument. It is only made to try to scare, and I vote aye.

Mr. MOORE (Henry). I think I said at the time the Constitutional Convention resolution was before this House—I think I made the prophesy that the men who are the most vociferous for the Constitutional Convention would be found against the tax amendment when it came up on the floor of this House. Now, the change seems to me has been made upon the floor of this House against the tax amendment that it is only being pushed for the purpose of defeating the Constitutional Convention. I reserve to myself the same privilege of saying, although I don't make it as a charge that the only reason the Constitutional Conventionalist is against us is because he is afraid he will be defeated in getting something that he wants. I am not for this amendment, for the purpose of defeating the Constitutional Convention, but am opposed to it for other reasons. The Constitutional Conventionalist is not against this amendment because he will not get a convention, but opposed to it for other reasons. Speaking of virtue does not render one virtuous, nor does eating honey make the mouth sweet. I find that the advocates of the Constitutional Convention are doing it at a time when an abnormal condition exists throughout the whole world. They are cutting throats in Europe and in this country we have what they call political chaos. The vagarisms of the patent nostrum vender and the idiosyncracies of the hobby-rider (Applause) and many other things which I might call to your attention, but I don't want to get so much applause, and so forth, but at this time the man that is most vociferous for the Constitutional Convention expects to get some of abnormalities into the Constitution and submit it to the people with all its various vagarisms and idiosyncracies and have them turned down. The main point in the Constitutional Convention has been for the tax amendment, and that is the main thing they desire to kill. It would be eight years before a Constitutional Convention could meet and give them a chance to submit these various dreams they have, and in that time the tax amendment has been kept away for eight years more.

Mr. McCORMICK (Cook). I ask leave to say a word in addition to what I have said already, because of the allusion to myself. I don't say that those who favor the tax amendment propose to reduce the rate on personal property to one-third or less than that paid on real property, but I say many of them do, because I have discussed that very phase of the question with them for five or six years in the past. Whatever the gentleman who appeared before the Committee of the Whole House had to say in behalf of the Constitutional Convention or revision of the revenue system was not the only, or even the principal motive of the organization of the little inconsequential league of which I happen to be a member. I didn't hear them at all when they spoke. I wasn't here. We are interested in securing a revision of the system of taxation. We are interested in a shorter ballot. We are interested in reforms which involve seven or eight amendments to the Constitution.

Now, Mr. Speaker, some of the powerful proponents of this amendment have been opposed to a Constitutional Convention, but have come to the conclusion that if this amendment cannot pass, then they will be willing to join in the movement for a new Constitution. That is the position on the proposition that I take rather than have the powerful interests opposed to the new Constitutional Convention we would have circumstances such that they will favor a new Constitution. It is not a mere policy of dog in the manger. That has been said in this House by the people who were opposed to a Constitutional Convention. Two years ago this House in the face of the expressed will of the people defeated another amendment to the Constitution. If the people don't express themselves in the next two years as favoring a new Constitution it will be time enough to take up an amendment.

Mr. GORMAN (Peoria). Just one word in conclusion. The proponents of this measure have remained in the background until all other questions relative to the Constitutional Convention and amendment to the amendment were disposed of, this being the only relief left the people relative to the tax reform matter. I think you can conceive their position as being one that is

tenable, thinking possibly some action might be taken where much needed tax reform could come about. This is the last time and the last opportunity.

THE SPEAKER. The question is, shall the House concur in Senate Joint Resolution No. 21? On this question the clerk will call the roll.

(Roll called.)

Mr. PERKINS (Logan). (On roll call.) I have not made it a practice to explain my vote. I believe the people of this State have a right to express themselves upon these vital questions that affect them. I believe that the people have the right to express themselves through their representatives in the General Assembly of this State whether they want a Constitutional Convention or not. They have gone on record in favor of conventions in every committee hearing in this State, so far as I know, asking that the General Assembly of Illinois submit to them the question as to whether they should have a Constitutional Convention or not. That question for some reason has been presented to this House and has been turned down repeatedly. I say that the people of this State upon this great question of taxation have a right to express themselves and give their representative to understand what they want in this matter. I am not able to state now just what the opinion of my district might be upon this subject. I believe this is a vital question, this taxing question, and I am willing at this time, not understanding exactly what the people do want, and believing, as I do, that the rights of the people upon these great questions that affect the very vitals of the State Government should be conserved and I vote aye on this question.

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) I am not afraid of shirking my duty in a matter as important as this, but to tell you truthfully, I don't know what my duty is. I am against the Constitutional Convention. The argument presented by the gentleman from Cook (Mr. McCormick) to the effect that the passage of this resolution would probably destroy all chances of a Constitutional Convention is an argument that has almost persuaded me to vote for the resolution. (Applause.)

If I were sure that this classification of taxes would work out as they say it will so as to uncover personal property and bring the largest taxation upon personal property I would be for it, but I don't know whether it will or not. I have studied about it, and I am at sea, and therefore I refuse to vote. I vote present.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 130, and the "nays" 8; the resolution having received the required two-thirds' vote, is declared passed.

Mr. PROVINE (Christian). I desire to recall House Bill No. 624 from the order of third reading to second reading for the purpose of amendment.

Mr. BROWNE (LaSalle). I object.

Mr. PROVINE (Christian). I ask to suspend the rules for that purpose. I don't desire to go into an extended discussion as to the merits of this bill, but I will tell you what it does. It is a bill relating to practice in equity. It is a bill that was referred to the Committee on Judicial Department and Practice, composed entirely of lawyers and discussed from day to day for a period covering two weeks and recommended out with the recommendation that it do pass, and it was heard here one entire legislative day in connection with the Practice Act and sent on to third reading. Objections were made at the time on second reading about certain provisions in the bill, provisions in regard to service of summons by persons other than the sheriff or deputy sheriff.

The purpose of recalling the bill is to so amend it as to place in this law the provisions as the present law now stands. This amends this bill so nobody can serve a summons except a sheriff or a deputy sheriff or duly authorized officers. There are other amendments in regard to service on insurance companies and some amendments that will clarify some of the matters to which objections have been made.

Mr. BROWNE (LaSalle). This bill is our old friend, one of the two Practice Acts that we have heard so much about and so frequently during this session. They come up on the floor of this House after having been threshed out in the Judiciary Committee with the aid of a number of promi-

ment corporation attorneys and it comes up bearing their mark of approval. It came out in conjunction with what was then No. 625, also bearing the stamp of approval, that being the law Act. This came out first. At that time I took about an hour or an hour and a quarter of the time of this House in trying to show the foolish nature and the iniquities of this bill. Not one of my criticisms seemed to have very much weight in the House, at least judging from results, that was so, because the bill went to third reading, where it now is. Then came No. 625, the Law Practice Act. I devoted about an hour and a half to that with the proponents of the bill and those who passed it out of the committee with the stamp of approval of the Bar Associations, etc., and it was admitted on the floor of this House that it was wrong in a number of respects. I urged and offered amendments to it and there were so many amendments that when they would get all of them and the suggestion they would not have a great deal of the original bill left.

It was re-committed to the committee. Not one of these amendments were put to it, but others were put to it, and it was sent out on this floor, and it is now on the order of second reading. Now, they come and want to call back No. 624 to second reading in order to make it passable. A few little amendments—they have got to make the same amendments they did to the Law Act. They have to make an entire change in reference to the service of processes. They have to make a change in the pleas for suit. They must make changes to get it into shape so that they even are satisfied with it.

I have not a single scintilla of interest in this bill, except I assume to be a lawyer and practicing law for my living in the State of Illinois. I believe that I know from my experience and my practice a little bit about the law business, its practice, its virtues and its facilities, and for that reason, and for the fact that I want to continue practicing and be permitted to practice law in the State, in the interest of my clients, if not myself, I am against these bills and any man that has made a study of them from a purely legal, judicial standpoint, cannot help but be against either one of these bills. This Calendar is loaded down with bills that are of interest to some one on the floor of this House. Every man here has some one, or more bills that he is intensely interested in and wants to have called up. Nevertheless he cannot, and should not be permitted to have consideration for it until it is reached in its regular order. No man on the floor of this House is better than any other man, no man should have preference over any other man. These bills are not of any special interest to any single individual here. It is not a matter of personal interest to the gentleman from Greene, and he has told me so. He is simply doing his duty as he sees fit. If it was a matter of personal interest to him, and he said to me, "Browne, I want to call up my bill," I am pretty easy, and I would say, "Walter, all right." It is not that, but it is a matter of general interest. They have no right to call up these bills at this time in preference to other bills on this Calendar. These bills should not see the light of day, and should not pass and take up the time of this House.

I want to say something to you that I know. They come here with the utterance that the Bar Associations of Chicago are for these bills. It is not true. The Bar Association of Chicago is against these bills, and I know of judges in Chicago that have been calling in members of this House and asking them to vote against these bills. The Bar Association of Chicago has not gone on record on these bills.

Now, Gentlemen, I ask you in the interest of fairness, in the interest of justice, and everything that is best for this House at this time to vote against permitting these bills to be called up at this time in any way until they are reached in their regular order on the Calendar, and then they can come up and meet their fate the same as any other bill.

Mr. WILSON (Adams). First, I want to address myself to the statement that the Chicago Bar Association is against this bill, to the statement that the Chicago Bar Association has not endorsed these bills, and second to the statement that the Chicago Bar Association is against these bills. I have no doubt that the gentleman from LaSalle (Browne), made that statement in all sincerity as I believe if he knew the exact state of facts he would not have made it. On the 14th of May, 1915, the Committee on the Amend-

ment of the Law of the Chicago Bar Association addressed this letter to the President and Board of Managers of the Chicago Bar Association.

Mr. BROWNE (LaSalle). I still say the Bar Association has not approved of them.

Mr. WILSON (Adams). I will proceed, if permitted, and will show from a letter I will read to you that the Chicago Bar Association by its Committee on the Amendment of the Law has approved of these bills and the Association insofar as it could have done in the limited time at hand also approved of these bills. I will read:

Your Committee on Amendment of the Law begs leave to report concerning the proposed legislation now pending at Springfield, for the revision of the Illinois system of practice and procedure in courts of record, being House Bill 624, relating to chancery practice, and House Bill 872, relating to law practice.

Your committee has devoted a number of meetings to the consideration of these bills and has heard the views of a considerable number of lawyers and judges on the subject. These measures as now formulated, in effect represent the consensus of six years of earnest consideration of this subject matter by the successive committees of this Association, and of the State Bar Association, and more nearly approximate the views of this Association, as evidenced by its formal action in 1911 and 1913, than any other bills which have yet been proposed, with any chance of enactment into law.

Your committee is of opinion that these bills represent a distinct advance, and we therefore recommend that they be approved, and that the influence of this Association be thrown in favor of their passage.

Respectfully submitted,

GEORGE T. BUCKINGHAM, *Chairman*.

THOMAS J. CONDON.

CORNELIUS LYNDE.

LEON HORNSTEIN.

HAROLD F. WHITE.

Committee on the Amendment of the Law.

Approved by the Board of Managers and ordered to referendum pursuant to Article XVIII of the By-Laws.

MITCHELL T. FOLLANSBEE, *President*.

RICHARD S. FOLSOM, *Secretary*.

May 14, 1915.

For the benefit of some of the down-state men, I want to give you the opinion of one of the down-state judges, the Honorable Harry Higbee, of Pittsfield. He says, "I am writing you concerning House Bills No. 624 and 625, the former being 'An Act in relation to practice and procedure in courts of record.' These bills are, as I am informed, committee substitutes for House Bills No. 90 and 91, in relation to the same subject matter.

"I have been for years in favor of some changes in our procedure both in equity and law, which would tend to simplify pleading and practice and expedite business, but have hesitated to favor changes which appeared to me too radical or too sweeping. Some changes in the practice, tending to the improvement of the administration of justice, have been made by the Legislature in recent years, and their influence has been to encourage further amendments. I have favored for some time a bill approved by the State Bar Association which has failed of passage in several Legislatures.

"While I am not fully advised as to all the changes made in House Bills No. 90 and 91 by the committee bills introduced in their stead, yet I know in a general way what it is now proposed to do. I wish to say that upon the whole I approve of these bills and hope they will be passed.

"That portion of the Act relating to practice and procedure in courts of record which I am particularly anxious to see become a law is the section which provides that the Supreme Court may prescribe suitable forms of pleading, process notices, and all other papers which may be used in the prosecution of defense of actions.

"This is a step in the right direction and highly to be desired. It seems to me, however, that the time has arrived when the reforms contemplated by these two bills, especially the common law bill, should be put in operation."

I don't want to argue at this time the Practice Act in regard to the common law side, but we have up at the present time the Chancery Act. There are a number of members that I see here this morning who are opposed to the Practice Act that are not opposed to the Chancery Act at all. It developes that it is only to amend this Act in some minor particulars that they wish to call it back from third reading to second reading. They are not material features of this bill. The question of the service of process is merely a circumstance connected with it. It does not detract from the nature of the bill or from the merits of the bill so far as the chancery practice is concerned, whether summons is served by private individuals or by sheriffs, but there being some objection along that line, and it being an unimportant feature of the bill so far as the practical features of the bill are concerned that we want to take that out. The gentleman from LaSalle (Browne) wants it to go in. He appreciates that with this feature in there will be several votes less for this meritorious bill. He is opposed to this bill and wants it to go before the House in the shape that it can not attract any more votes than necessary. I think that the reasonable thing to do is to allow this bill to come back to second reading for amendment so we may get this bill in as good shape as possible. Undoubtedly, with the congested nature of the calendar we will be unable to get this bill up unless we get it under rule 12. When this bill comes on for third reading this same objection will be made by the gentleman from LaSalle (Browne).

Mr. DONAHUE (McLean). Do you want this bill passed?

Mr. WILSON (Adams). Absolutely.

Mr. DONAHUE (McLean). I think if you do you are losing votes by talking so long a time. You are taking up the time of this House with this infernal bill.

Mr. WILSON (Adams). I will get through, notwithstanding the pain of the gentleman from McLean (Donahue). As for myself, I consider this bill one of the most important bills before the House, and I would like to have it on the floor of the House.

Mr. BROWNE (LaSalle). I would not ask this indulgence if this didn't seem to me so vital. I would rather see this House pass every other bill on this calendar than pass either one of these. I have heard the gentleman from Adams (Wilson) get on the floor and advocate the passage of this bill just as it was. I heard him get on the floor and advocate the Law Practice Act just as it was, and he offers now a letter from a judge down the state who says these are beautiful Acts. When? Before they were amended, or now? It must be this Act in its present shape, and it has not been amended, and if he says that, he don't know what he is talking about. Some one said it was a good thing, and he wrote this letter. As far as the Bar Association of Chicago is concerned, a little committee of ten men met, and we find Mr. Dunham at the head. He is probably today the king of corporation attorneys in the city of Chicago. He represents only corporations. We find them meeting together and recommending this Act in the Chicago Bar Association, and they never have recommended it. If this Act were to pass, of course I would want these amendments to it and many more, but I don't want this Act to pass, and neither does any other lawyer on the floor of this House that has any regard for his pride, himself or his practice.

Mr. PROVINE (Christian). I desire a roll call.

THE SPEAKER. The clerk will call the roll.

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) I think I am one of those easy-marks that Mr. Browne speaks of. I am against this bill when it comes up, but from time to time there are a number of friends who come to me and say, I know you are against this bill, but will you help me get it out where I can have a hearing on it, and I always have to say yes, and I have said yes on this matter, and I will have to keep my word. I am against the bill and will vote now only to help the gentleman get it out where he can be heard on it. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 75, and the "nays" 14, and the House refuses to go to bills on third reading.

Mr. CURRAN (Cook). I move that the House take a recess until 2:30 o'clock.

Motion prevailed and the House recessed until 2:30 o'clock p. m.

Two-thirty o'clock p. m.

Reconvened.

The speaker in the chair.

Mr. HUBBARD (Greene). I desire to call up House Bill 504 on the order of third reading, and to say that there is no change from the present law except to add this one section, that is to see that it is enforced.

Mr. DONAHUE (McLean). Do they enforce this law against the gypsies?

Mr. HUBBARD (Greene). There is nobody to do it.

Mr. DONAHUE (McLean). You don't think it ought to be enforced, do you? They have been traveling for all these years.

Mr. HUBBARD (Greene). They should not stay in one place on the highway over twenty-four hours, twenty-four hours is long enough.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 102, and the "nays" none; the bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BRINKMAN (Cook). I desire to call up House Bill No. 677 on the order of third reading.

The necessity for the passage of this bill is created by the following:

Where the city condemns a strip of land for street purposes, the cost is collectible in one flat assessment;

Where the city improves a street, such as paving, the cost may be divided into installments not exceeding ten in number, the customary number being five.

The Supreme Court has said in a number of cases, the most recent being *City of Chicago vs. Arnold*, 261 Ill., that the city could not condemn a strip of land for public use unless provision was made for the use. In other words, that it could not condemn a strip for sewer purposes unless provision was made for the construction of the sewer, nor could it condemn a strip of land for street purposes unless provision was made for the removal of all buildings and obstructions from the land and the improvement of the strip of land so that it could be used by the public for street purposes.

These decisions, and particularly that in the *Arnold* case, has brought about a so-called "combination proceeding," that is, the condemnation of the land and the improvement of the land in the one proceeding. The difficulty, however, is presented that the Local Improvement Act *as it now stands* does not authorize the division of the cost of the entire improvement into installments.

The sole purpose of this amendment is to authorize in such a combination improvement, the division into installments not exceeding ten in number of the cost of the entire improvement, with the express requirement that the total cost of the land taken or damaged shall be put into the first installment.

The passage of this bill would not only be of advantage in local improvements instituted by the city of Chicago, but also to those of every municipality in the State.

I hope everybody will vote for this bill, as it is a good bill.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 107, and the "nays" none; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MULCAHY (Cook). I desire to call up House Bill No. 616 on the order of third reading.

Mr. McCORMICK (Cook). Will the gentleman explain the bill to the House?

Mr. MULCAHY (Cook). This is a bill which should be very important to the lawyers of this State. As the law now stands a lawyer is subject to

disbarment proceedings to the combination of any of his enemies in politics. This bill provides that he can have and shall have a trial by jury.

Mr. WEBER (Cook). Is there an emergency clause in this bill?

Mr. MULCAHY (Cook). Yes, there are charges against an attorney down the State now, where it has been shown it is a political frame-up. This bill has been referred out by the Committee on Judicial Department and Practice, and it simply changes the law by giving a man a jury trial when charged with wrong-doings and disbarment proceedings are brought.

(Roll called.)

Mr. BROWNE (LaSalle). I think that this bill is a good bill. It certainly gives to a man that is licensed to practice law and is a recognized practitioner, it gives him an opportunity for a square deal as against people who may be trying to railroad him out of the practice of law. It prevents impositions and gives him a square deal so he can have a hearing and no *ex parte* matter or star chamber trial. It is a real trial he will get. The excommunication of a practicing lawyer is as much of a punishment to him as a sentence of imprisonment. It means as much to him, and he ought to have the same protection, and this bill does not give him anything more than that.

(Roll call continued.)

Mr. SHURTLEFF (McHenry). May I inquire from the gentleman from Cook (Mulcahy) if this bill is endorsed by the Bar Association of Cook County?

Mr. MULCAHY (Cook). Yes; it is. (Laughter.)

Mr. SHURTLEFF (McHenry). Inasmuch as the Bar Association of Cook County are for this bill and it is brought, as I understand, it is not in their behalf but they have assumed that some bar associations have assumed to go outside of their own counties and all over the State to file complaints and informations against attorneys. I think this is a good bill, and I vote "aye."

(Roll call continued.)

Mr. WILSON (Adams). I know something about this bill, as it came up before the Judiciary Committee. I think this meets a long-felt want. I think this is for the protection of the lawyers of the State, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 107 and the "nays" none; the bill having received the required two-thirds vote, is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. COOPER (Wayne). I desire to call up House Bill No. 777 on the order of third reading.

This bill is a court bill and fixes the terms of courts in each of the circuits, and has brought all of the amendments together that have been passed since the original act so that you do not have to look to the amendments to see when the respective terms of court are held in the circuits.

THE SPEAKER. On this question the "yeas" are 106 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. FLAGG (Madison). I desire to call up House Bill 373 on the order of third reading.

The purpose of this bill is to provide for certain employees of the House in the coming sessions which are not provided for in the present statute, chiefly the cloak room attendants. By some omission these were omitted in the Hurburgh statute four years ago. I have provided for two cloakroom attendants in the Senate and four in the House. This bill also provides for a messenger in the House. I have also provided that the committee clerks to the next session shall be expert stenographers for the reason that they draw the same pay as the clerks and should be able to do the same work as the stenographers, and I have also provided finally at the close of this amendment that to this list of employees no addition shall be made without a two-thirds vote of the total membership. The purpose is to make definite something that is indefinite and remove from future sessions some of the things that happened this session where extra employees are put on the pay roll.

Mr. GORMAN (Peoria). I am surprised you didn't put them under civil service and do a good job. It is a bad bill and should not be passed.

Mr. HOLADAY (Vermilion). What is the pay of these expert stenographers?

Mr. FLAGG (Madison). Three dollars a day.

Mr. BUTLER (Sangamon). I am astonished that the gentleman thinks it lies in the power of this General Assembly to make a rule binding future assemblies as to what number of employes is required by them to attend to their own business. The Constitution says where 77 members have the power and where it takes two-thirds vote. It is utter folly and foolishness to put a provision in this bill that a future Legislature has to have two-thirds of the vote to say how many employees they shall have to carry on their business. This is right along the line of a great deal of legislation that is going on now and this Legislature wants to take the job of wet-nursing to future Legislatures, and I am against it.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) I don't believe anybody ought to vote for this bill. In the first place I think it is wrong for us to tie up future General Assemblies as to what they shall do in the way of help. Different conditions may exist in every succeeding Assembly. This bill provides that no stenographer shall be employed except he is an expert stenographer, all clerks must be expert stenographers. That is a physical impossibility as you can not get them at any such money as you include here in the bill. It can't be done. I think this bill is bad. I don't think it is required, and I vote "no."

Mr. HOLADAY (Vermilion). If this bill becomes a law you can only pay an expert stenographer three dollars a day and necessarily it must appeal to the lawyers of this House that you cannot get male expert stenographers for any such figure. You might get some female stenographers, and as the members of the Judiciary Committee know, a female stenographer in that committee with the matters which come before that committee would not be suitable, and for that reason I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 50, and the "nays" 41; the bill having failed to receive the constitutional majority, is declared lost.

Mr. THON (Cook). I desire to call up House Bill No. 500 on the order of third reading, which amends sections 40, 42, and 48 of the Municipal Court Act in Chicago and makes certain changes in the issuance and service of summons in the Municipal Court in Chicago.

Mr. RODERICK (Cook). This is purely local to Chicago, and there is this one feature which was not touched on by Mr. Thon. The Act as amended will provide for the taking care of the attorney for the bailiff in the Municipal Court. It is a good bill, and I hope everybody will vote for it.

THE SPEAKER. On this question the "ayes" are 106, and the "nays" none; the bill having received a constitutional majority, is declared passed. The clerk will report the title of the bill.

Mr. LE PAGE (St. Clair). I desire to call up House Bill No. 134 on the order of third reading.

House Bill No. 134 which is now before the House on third reading is very simple in its purpose. It is for the purpose of compelling persons who become candidates for trustee of schools to file a petition with the school treasurer on the township in which he or she may be a candidate not less than ten days prior to the election, said petition having not less than twenty-five signatures of legal voters. Under the present statute one may become a candidate for school trustee at any time prior to the closing of the polls, which I don't believe gives the taxpayers and the voters of this State the protection they are entitled to. Since the office of trustee of schools is so important that it has the power of appointing the treasurer and the approving of his bonds and since the treasurer handles the moneys for the public schools it seems to me that the taxpayer would be entitled to at least know a reasonable time prior to the election day who the candidates shall be. That is the only purpose of this bill, to file a petition not less than ten days prior to the election with twenty-five signatures.

The bill applies to school districts that have 20,000 inhabitants or over. This is an amendment by the Committee of Education. It seemed that many of the members of that committee who lived in the rural districts objected to it applying to all townships for the reason that they claimed they had enough trouble to get candidates without compelling them to file petitions.

THE SPEAKER. On this question the "ayes" are 92, and the "nays" none; the bill having received a constitutional majority is declared passed. The clerk will report the title of the bill.

Mr. KANE (Saline). I desire to call up House Bill No. 50 on the order of third reading.

There are two provisions in this bill. It takes care of two subject-matters in the Drainage Law. It pertains solely to drainage under what is known as the Farm Drainage Act. Owing to some reason decisions of the Supreme Court in connection with a number of decisions that have been rendered in the last four or five years, it is impossible to organize any drainage district under the Farm Drainage Act and sell any bonds. You can not sell any bonds of any drainage district organized under the Farm Drainage Act, because in 1901 the Legislature for some reason has stricken out of the Farm Drainage Law what is known as section 27. That gives the right of appeal from the assessment of the commissioners and since that time there is no right of appeal from that assessment and the Supreme Court has held that since there is no right of appeal that when the application is made for sale and judgment that the land owner has the right to raise that question although the ditch is dug and the bonds are sold and although one, two, three, four, or more assessments have been made that question may be raised, but owing to the fact nobody will buy a bond so the farm drainage organization is at a standstill.

The other provision relates to the meetings of the commissioners. Under the present law the commissioners have to have a number of informal meetings to approve a bond and pass upon the reports of the treasurer. If the district is twenty miles away they have to hire a team and pay the expenses, and they are meeting and nobody is there and nobody is notified, they drive back to the clerk's office and enter up their records. This provides that all meeting where the land owners have a right to be present must be held in the drainage district, but that all informal meetings where there is no need for the farmers to be present, the meeting may be held in the clerk's office. This is the bill that Mr. Gorman and Mr. Morrasy spoke of on second reading some two weeks ago which you will remember.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 90, and the "nays" none; the bill having received the necessary constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. ROTHSCCHILD (Cook). I desire to call up House Bill No. 781 on the order of third reading.

Mr. YOUNG (Cook). I desire to have that go over until next week as I wish to talk against it.

THE SPEAKER. The bill was called up yesterday and it went over until today by agreement.

Mr. ROTHSCCHILD (Cook). There is no reason why the gentleman should be opposed to this, and if he is inclined to oppose it, let him do it right now, instead of holding it up further.

THE SPEAKER. It is getting on toward the close of the session and to delay matters like this may jeopardize this bills rights.

Mr. BROWNE (LaSalle). I object to it also. I objected to it yesterday and have looked the bill over carefully since yesterday.

Mr. ROTHSCCHILD (Cook). I move that the rules be suspended and that we now consider House Bill No. 781 on the order of third reading. This bill permits the city of Chicago to transfer to the Park Commissioners lands that border on public waters for park purposes and to reclaim any submerged lands. The city of Chicago owns a strip of land at 39th Street, used for a pumping station and there is a bill pending to give the city a bathing beach at the end of 51st Street.

Mr. BROWNE (LaSalle). If I thought that that was all I would not be here objecting to it.

That is the ostensible, but the possibilities are a whole lot different than that. This bill permits the sale of submerged lands and lands along the lake to the Illinois Central and other concerns and it can be done under this bill.

Mr. ROTHSCCHILD (Cook). There is no land now owned by the city of Chicago that would be affected by this bill that is in any way connected with the Illinois Central Railway Company. The 39th Street pumping station land was given to the city of Chicago about thirty years ago. The East End Park has belonged to the city of Chicago longer than that. This has nothing to do with the Illinois Central, but it has and the gentleman can show to the House, then beat this bill on third reading.

Mr. BROWNE (LaSalle). I can show to the House that under the provisions of this bill it can be done. This is a bill for the juggling and exchange of submerged land. Is is the same as House Bill No. 676.

Mr. ROTHSCCHILD (Cook). I am not saying anything about House Bill No. 676.

Mr. R. E. WILSON (Cook). If this bill is what the gentleman says it is it is not necessary at this time. South Park Commissioners if they get their park built up to where this small piece of land is a bill could be passed by this Assembly giving them that right, and they will not be there for eight or ten years and you know it.

Mr. IGOE (Cook). Is there a small park right across the street?

Mr. ROTHSCCHILD (Cook). East End Park, yes. This is merely an enabling Act. This has nothing to do with Chicago Beach Hotel or the Illinois Central Railroad Company. The bill was given to me by the former corporation counsel of the city of Chicago, a democrat, and the present city administration, which is republican is for it.

Mr. BROWNE (LaSalle). That don't help it any.

Mr. ROTHSCCHILD (Cook). Don't hurt it any.

Mr. R. E. WILSON (Cook). Didn't you say in committee that night when the bill was reported out that it was part of the Beach Hotel that was going to be given over as a bathing beach, and if the Park System came up there this bill would allow them to take that in?

Mr. ROTHSCCHILD (Cook). That may have been said. There is a scheme for the development of the lake front in Chicago, whether it is properly or improperly done it is not for this House to determine. If this is a bad bill this, then, is the time to beat it. I am objecting to the gentleman trying to stop this bill at this time. If you allow that any man may object to any bill he wishes.

Mr. IGOE (Cook). This piece of property is at 53d Street.

Mr. ROTHSCCHILD (Cook). It is between 51st and 53d along the lake.

Mr. IGOE (Cook). It is east of the Chicago Beach Hotel?

Mr. ROTHSCCHILD (Cook). It is right along the Lake Front between East End Avenue and the Lake Front, one and one-half blocks from the Illinois Central.

Mr. IGOE (Cook). The Illinois Central is a block west of that?

Mr. ROTHSCCHILD (Cook). Yes, seven hundred feet. That is all built up in there between this particular land and the Illinois Central Railroad.

If there are objections they should be urged on the third reading of this bill, but not attempt to stop the bill because the gentleman from LaSalle happens to be opposed to it. Why should there be any objections?

Mr. BROWNE (LaSalle). I told you why.

THE SPEAKER. The gentleman moves that the rules be suspended for the purpose of considering this bill.

(Rising vote taken, and the motion to suspend the rules prevailed.)

Mr. BROWNE (LaSalle). It takes two-thirds to suspend the rules. It takes the majority vote of this House to call up a bill out of the order.

THE SPEAKER. He didn't take this up under rule twelve.

Mr. BROWNE (LaSalle). He was asking that the rules be suspended.

Mr. ROTHSCCHILD (Cook). I asked this be under rule 59.

Mr. BROWNE (LaSalle). That was what was asked this morning.

THE SPEAKER. He asked under rule 12 that we proceed to third reading this morning, and it takes under rule 12 seventy-seven affirmative votes to go to a certain order of business and then when that order would be reached it would take another roll call of 77 votes to take a bill out

of its regular order. He asks that the rules be suspended for the purpose of taking up this bill on third reading and by a vote of 57 to 10 the House suspended the rules and took the bill up.

The Chair wishes to state that he is more than anxious to give every man on the floor of this House an equal chance with his bill. The Chair has no interest in any bill either to advance it or to delay it. I hope that the members of this House will refrain from objecting as far as possible and let the bills come up and be voted on.

Mr. BROWNE (LaSalle). This bill and two others are the only ones I have objected to this session and I do so because I don't think they are entitled to the consideration of this House. I don't think this bill is even on the calendar, at least I can't find it.

THE SPEAKER. Yes, it is on the calendar, but the last numeral is blurred out.

Mr. ROTHSCCHILD (Cook). The only land affected is a strip of land east of the Illinois Central Railroad Company at Thirty-ninth street used for a pumping station and has been used that way for over twenty-five years. There is another strip between Fifty-first and Fifty-third on the Lake Shore which is 700 feet from the Illinois Central Railroad and there are houses built between the Illinois Central Railroad and Lake Michigan. It may be possible for a little strip of land at the foot of Fifty-first street that is two blocks away from the Illinois Central Railway to be affected. It is simply an enabling Act to make it possible to go ahead with the lake shore development in Chicago. This bill was given to me by a democratic corporation counsel and originated under a democratic administration and the present administration, which is republican, is for it. I think the gentlemen are needlessly alarmed about this bill.

Mr. Speaker, I am opposed to this bill because, like other bills introduced in the House, it takes in more than the gentleman from Cook says it does. It is like the O'Connor bill passed at the last session, which was supposed to be for an outer harbor for the city of Chicago, but we find that under that bill, in the Calumet Lake district, it gives to the city of Chicago the right to deal with riparian owners on Lake Calumet, and in one instance they are giving 250 feet to the Pullman Company, although this company has already appropriated twenty-five acres of State land and this bill not only gives this company this land, but gives them title to same.

Mr. YOUNG (Cook). This bill, 781, and another bill, 676, are implied contracts that have been repudiated by the council and the Secretary of War and about forty other bodies. The basic objection to the contract is this, that it conveys land or will convey land to the Illinois Central in exchange for the riparian rights which the Chipfield Commission and the Supreme Court of the United States claim do not now exist nor never have existed.

I will refer you now to the Chipfield report, volume 1, page 16: "Power to transfer title to submerged and shore lands should only be reposed in the State. It is the conviction of this committee that granting the power to transfer the title to submerged and shore lands should only be in the State of Illinois. To entrust this very comprehensive right to any lesser political subdivision will only result in abuse. We do not intend any censure for any park board, but the exercise of this power by such park board is only viewed from one standpoint, and that is at all hazards to extend the limit of the park system. In so doing, the rights of the State of Illinois and its people are not kept in mind sufficiently. We favor and recommend the repeal of all laws which give this right to transfer to any lesser political subdivision than the State itself. We have gone into this subject extensively in another portion of our report, and there show the evils of which we complain. It had been the intention to submit several bills which would have for their object the inauguration of the several plans of which we have made recommendation. But upon more mature consideration, we feel that such course is not within the province of this committee, and for that reason we have refrained from taking such action. We submit our recommendations to the Legislature in the hope that efforts will be made to carry the same into effect by placing them in whole or in part on the statutes of Illinois."

Again, in volume 2, page 47: "That the State holds title to the lands

under the navigable waters of Lake Michigan, within its limits, in the same manner that the State holds title to the soils under tide water by the common law, we have already shown, and that title necessarily carries with it control over the waters above them whenever the lands are subject to use. * * * It is a title held in trust for the people of the State, that they may enjoy the navigation of the waters, carry on commerce over them, and have the liberty of fishing therein freed from the obstruction or interference of private parties."

Again, at page 183: "From Fifty-first down to the Chicago River, with the exception of a viaduct at Harrison street and another at Randolph street, the Illinois Central has built a strong wall, which shuts off the balance of the city of Chicago from Lake Michigan. For all this distance they have erected a barrier between the city of Chicago and Lake Michigan, so that no one in any of this stretch of the lake shore may use the same.

Streets which have heretofore been extended and used to the lake are shut off and a person at the end of such a street finds himself confronted with a stone wall that cannot be crossed, erected by the Illinois Central Railroad Company.

Of course, this stone wall is erected under the guise and pretense that it is for the purpose of preventing persons from trespassing upon the right of way or being injured by the large number of trains moving in each direction over its tracks but the fact still remains that the purpose and object, as well as the effect of the construction of this wall, is to isolate the holdings of the Illinois Central from the balance of the city of Chicago.

Vigorous words, or invective, will not make the situation more glaring than it is already.

The city of Chicago realizes, but apparently with utter indifference, that its lake front from Fifty-first street to the Chicago River is in the hands of the Illinois Central, and it is the opinion of this committee that of the 265 acres which it thus occupies, its holding, with the exception of several small tracts, is entirely without right and exists simply by forcible occupation and continued and vigorous aggression that has embraced all territory in that vicinity which has not been otherwise occupied."

Again, on page 209 of this report, an extract from *People v. Kirk*, 162 Ill., 138: "It is true that the State holding the title to the lands covered by waters of Lake Michigan does not hold such title subject to barter and sale, as does the United States its public lands; but the State holds the title in trust, in its sovereign capacity, for the people of the entire State, for the purpose of navigation and fishery. The governmental powers of the State over these lands cannot be relinquished or given away. The trust imposed upon the State must be kept and faithfully observed."

THE SPEAKER. I would like to ask the gentleman if he is not talking about the wrong bill.

Mr. YOUNG (Cook). I am speaking on both of these bills. It is only one part of the scheme of this city beautiful to which the Secretary of War refused to grant this privilege.

THE SPEAKER. I am only asking the gentleman to talk to the bill in order that we may save time. Talk to this bill and talk to the harbor bill when it comes up before the House.

Mr. HAMLIN (Cook). Isn't it a fact that the Secretary of War is in favor of Bill 676, and also this bill?

Mr. YOUNG (Cook). The Secretary of War has made no decision upon that.

Mr. HAMLIN (Cook). I have a report to that effect in my desk.

Mr. YOUNG (Cook). You may have it, but I would like to see it.

Mr. HAMLIN (Cook). I will produce it.

Mr. YOUNG (Cook). The title to this land now has been transferred to the city for park purposes. What will be the advantage of transferring it backwards and forwards? You have now passed a consolidation act. What is the benefit of that? We object to either one of these enabling acts passing at this time, because they transfer the rights that don't exist and we feel that these matters should be looked into carefully and be carefully considered before going any further. The idea of this condition existing when Chicago with the great shipping demand they have, only having one harbor, and this

is a part of that scheme to prevent any harbor along that shore line. I hope you will vote the bill down.

Mr. ROTHSCCHILD (Cook). May I read a portion of the bill?

It says: "Any city, town or village which has heretofore acquired, or shall hereafter acquire control over any land bordering upon any public waters in this state, and the riparian rights appurtenant thereto may grant, convey or release any such land or rights for park purposes to any park commissioners."

In Chicago there was a question of jurisdiction arose between several park commissioners and the city of Chicago as to certain lands and this is to remove that condition. The gentleman from Cook (Young) is against any scheme for the improvement of the lake front of Chicago as he is fearful we will have a harbor in Chicago and that will defeat the harbor at Calumet.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) This bill provides that any town, city or village, which has acquired control over any land bordering upon any public waters in this state and the riparian rights appurtenant thereto may grant, convey or release any such land for park purposes to any park commissioners, park board, or board of park commissioners, and make agreements with any such for the reclamation, and so forth.

The trouble under the existing law is that the city hasn't any right to transfer this land in any way. This is what they are seeking to get around by this bill. The title to this land is in the state of Illinois, and the right to control it is in the State of Illinois so far as title carries the right of control. By this enabling act you give the right to transfer to the park commissioners. You give the right to the city to transfer their control to the park commissioners. For what purpose? The park commissioners can transfer for the State of Illinois anything under their contract and bind the State of Illinois by it the same way that the canal commissioners can make a deed to State property and bind the State by it. If they can get this property in the hands of the park commissioners, then they can get it where they want it. They are making of the State a stall, and a fence for the receivership of stolen goods, to pass it on to the place where it is intended to go. It is just what the gentleman from Cook (Young) says it is, and if you want to pass it all right, but I vote "no."

(Roll call continued.)

Mr. FRANKHAUSER (Cook). (On roll call.) Yesterday this House voted a million dollar bond issue to Lincoln Park to reclaim the submerged lands for park purposes. That has been for some years the policy of the park commissioners of Chicago to reclaim the land along the shore by filling it in and converting it into the beautiful parks. I cannot understand why any man in this House should be opposed to this measure, or who commits himself to in any way hinder the park commissioners of Chicago from carrying out the great undertaking for parks along the lake shore.

Mr. BROWNE (LaSalle). Where do you contend the title to this land lies? In the city, or in the State?

Mr. FRANKHAUSER (Cook). Just a moment. Whether the title is in the State of Illinois or Chicago, or the United States, I guess it would not be contended that it is in the United States, the purpose of this bill is what concerns us now. Whether there is a concealed purpose by the proponents of this bill, or by the city of Chicago in taking land or property that does not belong to it, or for the purpose of converting it to uses that would be contrary to the rights of the people.

This bill provides this land can only be conveyed to park commissioners for park purposes. If the title should go from the city, if the title is there, or from the state, if the title is there, and conveyed to the park commissioners it could only use it for park purposes, and the gentleman from LaSalle (Browne) as a lawyer will admit that the only title the park commissioners could acquire under a conveyance of that kind would be for the purposes for which they received the title.

Mr. BROWNE (LaSalle). No sir; I will not concede that.

Mr. FRANKHAUSER (Cook). Then I will have to refer you to a few of the elementary principles of law.

Mr. BROWNE (LaSalle). And I will refer you to Section 197, Chapter 105 of our statutes which says, that if the title is in the city they can transfer it now.

Mr. FRANKHAUSER (Cook). I live on the North Side and am well acquainted with that section. I know the general purpose and object of this bill because it compares exactly with what has been done on the North Side.

No man ever would contradict this statement, that if the whole shore line of Chicago, the entire length of the city could have been saved for park purposes that it would be beneficial beyond words to measure and ultimately you and I will live long enough to see the time when almost the entire lake front of Chicago will be for park purposes and used only by the public for that purpose. If I believed that anything in this bill was for an ulterior motive, for conveying this land through different channels finally into the hands of a corporation to take it from the people, I would vote against it. It seems to me that it is such a violent strain of the imagination of a man to think that the contract that the park commissioners of Chicago would be likely to take away from the people that beautiful lake front that it is impossible to conceive of anybody thinking that.

Mr. BROWNE (La Salle). Haven't they done it in Lincoln Park, all along the line—transfer it to private owners and let private owners go in there all along the line?

Mr. FRANKHAUSER (Cook). I have lived there for twenty years and I don't know of a foot of land that is owned by private parties.

Mr. BROWNE (LaSalle). The report of this Chipierfield committee is reeking with that if you will read it.

Mr. FRANKHAUSER (Cook). I would like to know where it is, and I know something about that land myself.

Mr. McCORMICK (Cook). I think the gentleman from LaSalle alludes to a strip at the south end of the Lake Shore Drive, the so-called Streator strip where there was a dispute about title and the park commissioners made a contract under which the land owners were permitted to fill in a small strip of land and the riparian rights remained in the park.

Mr. BROWNE (LaSalle). No, I wasn't referring to that.

Mr. R. E. WILSON (Cook). I was a member of the Chipierfield Submerged Land Committee that investigated the North Shore and we found that the Lincoln Park Commissioners gave to the shore owners (under a previous act of the Legislature, giving them power) from 100 to 150 feet for their riparian rights, although in several instances they had already filled in 100 feet or more which they were not entitled to, it being State land, thus giving them title to about 250 feet.

Mr. FRANKHAUSER (Cook). Without saying anything further I wish to vote "aye".

Mr. HAMLIN (Cook). With the permission of the House I would like to explain my vote.

This is something unusual for me. It has been said by Mr. Young of Cook that the Secretary of War was opposed to this bill. I want to say that I don't believe that such is the case. The Secretary of War did say that he was desirous of no legislation which would interfere with the harbor scheme of the United States. To protect the United States House Bill 676, which is a companion bill of the present bill, was introduced in this House and I stand sponsor for that bill, and that will protect the United States along this line. It is a good bill and we ought to support it and I vote "aye".

Mr. KANE (Saline). (On roll call.) I am unable to understand how the Chicago members think we people from down the State are going to get at this proposition intelligently. The condition is such that my condition of mind reminds me of a good many of the instances that befell Samantha at Saratoga. One says one thing and another says another in regard to this measure. The gentleman said the title to this land is in the city of Chicago and still they want to get the privilege of making the grant. This is inconsistent with any proposition of law with which I am familiar. If the title is in the city of Chicago the city of Chicago can convey that title to anybody. It is conclusive to my mind that there is something that

does not show here on the surface. It would not be necessary for the city of Chicago if it owned the title to come down here and ask this Legislature what it should do with it. If you had come here with a bill and said that here is some land that belongs to the State of Illinois and we want to make a park for the children and the people in Chicago that they may get a place to go and exercise and breathe the fresh air, I would say, Amen, and vote for that bill. As it is there are so many clouds around this that I cannot consistently vote for it. I vote "no".

(Roll call continued.)

Mr. PIERSON (Cook). (On roll call.) Because I desire this bill to pass I rise to explain my vote, which is something I have not done before in this session. The gentleman who represents the South Chicago district has charged distinctly that some unholy purpose is involved in this bill, and there is a secret agreement between the city of Chicago and the Illinois Central Railroad pertaining to these lands. When a man makes that statement on the floor of this House I consider it made under his oath of office, and I must give it attention. Now, this bill evidently in its present form will not pass. I suggest to the proponents of this bill that they call it back to second reading, amend it in whatever manner they desire, and they provide in the bill that the land shall not ever be used for any purpose other than public parks, and unless that is done, I shall vote "no".

THE SPEAKER. I will explain my vote, if the House has no objection. (Voices: "Leave.") Mention was made of the Chipewfield Committee and I happened to be a member of that committee and I know something about the conditions on the lake front in Chicago. I know that every time an effort has been made in the city of Chicago to do something for the South Park system a bugaboo is raised about the Illinois Central Railroad, in order that the South Park system be prevented from getting the lake shore lands. Millions of dollars are granted to Lincoln Park on the north side and millions of dollars to the West Park system, as was done this morning, and it is surprising to me that any man from Chicago would get up on the floor of this House and vote against having a breathing spot on the south side and saving a few feet of the lake shore to provide for breathing places.

Any man who wants to read this bill has only to underline a few lines that "any city, town or village which has heretofore acquired or shall hereafter acquire control over any lands bordering upon any public waters in this State, may grant, convey or relase any of such lands or rights for park purposes to any park commissioners." It is for a park. Why do you want to stand here and ask whether the city owns it or the South Park owns it? They ask who is the title in? The riparian rights is in the State. The State owns the submerged land and they are asking after they get control of the land that they may take the submerged land for park purposes.

One piece of land indicated by this bill is a piece of land at Thirty-ninth street and the lake that the Illinois Central for years and years have tried to get control of; and another piece of property is a small strip of property between Fifty-first and Fifty-third streets, now a desert, and to the west of it is a small park. If this bill passes, the city of Chicago conveys what title it may have and this piece may be added onto the piece that is now a park and the South Park system will have control of the land instead of the city. It is for park purposes and for no other purpose.

There is nothing in this bill as was in the bill that the gentlemen have indicated, whereby the park commissioners, for a consideration, either by so many feet of land or by the payment of money, could receive the riparian rights and give land to private owners or to railroad companies. This is merely conveying two pieces of property on the south side in the South Park system in order that you may enjoy that much additional of the shore land on the south side for park purposes for all times for the poor people of the city of Chicago. One of the pieces of land is right in the congested part of the city of Chicago.

I am surprised that any man would get up on the floor of this House and say indirectly that this is for the purpose of transferring hereafter any lands to the Illinois Central or for any other purpose. It prevents for

all time the Illinois Central from getting the pumping station at Thirty-ninth street and the Lake Shore. I vote "aye".

Mr. BROWNE (LaSalle). I would like to ask the speaker a question.

THE SPEAKER. All right.

Mr. BROWNE (LaSalle). The word "South Park Commissioners" or "south side" is not used in this bill.

THE SPEAKER. Park commissioners.

Mr. BROWNE (LaSalle). No reference is made even to Chicago.

THE SPEAKER. To any city.

Mr. BROWNE (La Salle). Either is any reference made to any particular piece of land anywhere. It may be that your understanding and the understanding of the people that prepared this bill is that it refers to certain land, but it is not so stated in this bill and there is no guarantee in this bill that that is what it means. I will state to you, Mr. Speaker, as a legal proposition that you cannot deed land—you cannot deed land to save your life for a certain specific purpose today and have it good.

THE SPEAKER. All I have to say is that for 22 years I have fought on the floor of this House to save the lake front of the City of Chicago for park purposes for the poor people of the city of Chicago and to prevent the Illinois Central Railroad Company or any harbor proposition from getting the control of the lake front. I don't care whether the harbor is in Chicago or South Chicago. I want the lake front for park purposes forever for the poor people of the City of Chicago.

Mr. BROWNE (LaSalle). That is what I want to do right now and I will help you do it, but this bill does not do that and that is the reason I am fighting it.

Mr. YOUNG (Cook). Will the speaker yield to a question?

THE SPEAKER. What is the question?

Mr. YOUNG (Cook). You say that two parcels of land are included in this bill only?

THE SPEAKER. Exactly.

Mr. YOUNG (Cook). Why does it use these words, "that any city, town or village which has heretofore acquired or shall hereafter acquire control," why are those words used?

THE SPEAKER. It must be general in its character.

Mr. BASEL (Fulton). (On roll call.) I believe that the poor people in Chicago should have a park. Since the question arose this afternoon on this bill I have thought over the matter and I don't want to vote an inch of land in the State of Illinois to go to a corporation, but I would vote acres for the poor people in Chicago or anywhere else in the State for park purposes. I am going to vote "aye" on this proposition and if some one wishes to take advantage of an honest vote they can, if they think they will be benefitted by it.

(Roll call continued.)

Mr. PIERSON (Cook). On the assurance of the speaker that there is nothing wrong in this bill I change my vote to "aye."

(Roll call concluded.)

(Roll call verified.)

THE SPEAKER. On this question the "ayes" are 95, and the "nays" 4; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent to call up Senate Bill No. 316 on the order of third reading.

The bill provides for a deficiency in the appropriation of the Joliet penitentiary of \$125,000. I have the items listed covering this deficiency and will be glad to have them presented for the record.

Salaries and food, officers	\$30,900.00
Food, inmates	23,100.00
Clothing room	3,000.00
Discharge clothing, transportation	1,800.00
Up-keep cell houses and tobacco	1,200.00
Shops, guard boxes, incidentals	1,500.00
Power, coal and light	10,500.00
Hospital and sanitary	600.00

Supplies	\$1,800.00
Traveling expense	300.00
Teaming and stables	300.00
	<hr/>
	\$75,000.00

The above is for maintenance for the months of April, May and June, 1915.

ESTIMATE OF COST FOR REBUILDING RATTAN SHOPS.

Rattan Shop No. 1, 45x267, one-fourth pitch gable roof.			
Rattan Shop No. 2, 102x215, one-fourth pitch gable roof, double.			
Rattan Shop No. 3, 42x215, one-fourth pitch gable roof.			
	Shop No. 1.	Shop No. 2.	Shop No. 3.
Flooring and joists	\$2,120.00	\$ 5,225.00	\$2,000.00
Roof trusses	1,150.00	5,100.00	1,100.00
Rafters	420.00	1,375.00	400.00
Sheathing	480.00	1,550.00	420.00
Windows	440.00	300.00	250.00
Doors	75.00	225.00	50.00
Hardware and nails	75.00	150.00	75.00
Roofing paper	310.00	600.00	216.00
Painting	175.00	475.00	175.00
Wiring for lights	125.00	400.00	125.00
Heating and plumbing	1,085.00	3,175.00	1,000.00
	<hr/>	<hr/>	<hr/>
Totals	\$6,455.00	\$18,575.00	\$5,811.00
Rattan Shop No. 1	\$ 6,455.00		
Rattan Shop No. 2	18,575.00		
Rattan Shop No. 3	5,811.00		

Total estimated cost	\$30,841.00
Fire, June 3, 1914, Machinery, finished product and raw material—reeds, Shop No. 1	\$ 8,934.01
Fire—Dec. 21, 1914, Machinery, finished product and raw material—reeds, Shops Nos. 2 and 3	11,065.99 \$20,000.00
Rebuilding damaged buildings	30,841.00

Grand total\$50,841.00

NOTE—The amount asked to cover the above losses is.....\$50,000.00

Mr. McCORMICK (Cook). How much is the cost of feeding the prisoners per capita?

Mr. SMEJKAL (Cook). One hundred eighty-seven dollars.

Mr. McCORMICK (Cook). How much is it at Chester?

Mr. SMEJKAL (Cook). I think it is less than that; about \$150, I think.

Mr. McCORMICK (Cook). Thirty dollars per capita difference between Joliet and Chester?

Mr. SMEJKAL (Cook). Yes.

Mr. McCORMICK (Cook). What is the reason for that? Have the visiting committees made an effort to determine the reason for this difference in cost?

Mr. FOSTER (Schuyler). For the information of the gentlemen I will say that while I was not on the committee that visited the Chester Penitentiary I was on the committee that visited the asylum there, and I know they have a large farm of some six or eight acres. I visited the penitentiary at Chester and I noticed they produced a great deal of their stuff on the farm; that probably accounts for the difference in cost.

Mr. PURDUNN (Clark). (On roll call.) I presume that appropriation should pass, but I want to call your attention to a few facts in connection with this appropriation. I have no objection to the appropriation that is asked for to maintain the additional population. But on the first day of April, 1913, there were in this industrial plant \$2,000 worth of raw material. There was \$35,000 in the treasury, in the ordinary fund; there was \$65,000 with a large supply of groceries and necessary supplies. Now, as

I say, I have no objection to the appropriation for the increased population, knowing that it takes money to take care of the increased number of prisoners, but in reference to this industrial fund, it does seem to me strange that these two fire losses would have wiped out this entire industrial fund, \$200,000, together with \$35,000 in money. Now, if you gentlemen want to go on and vote for that proposition, why, it is all right with me.

(Roll call concluded.)

THE SPEAKER. On this question the AYES are 104 and the NAYS, none; the bill having received the necessary two-thirds vote is declared passed with the emergency clause, and the Clerk will report the title of the bill.

Mr. JACKSON (Cook). I desire to call up Senate Bill 80 on second reading.

Mr. WEBER (Cook). I object to consideration of this bill at this time.

Mr. FOSTER (Schuyler). I move that the rules be suspended for the purpose of taking up this bill on second reading.

(Motion prevailed.)

Mr. THON (Cook). I desire to offer the following amendment, and move its adoption.

AMENDMENT No. 1.

Amend Senate Bill No. 80, in the House, by striking out all of line twenty-two (22), section ten (10), after the figures "1902," and the word "States," when it appears, the first word in line twenty-three (23), section ten (10), and inserting in lieu thereof the following: "who were residents of the State of Illinois at the time of enlistment."

Mr. THON (Cook). This amendment simply makes it impossible for anyone to come under this bill except he was a resident of the State of Illinois at the time of his enlistment.

Mr. FOSTER (Schuyler). Taking the position that anyone who happens now to be a resident of the State of Illinois, and who fought for the United States at the time of the Spanish-American war, was fighting for the American people, for the whole country and not for the State of Illinois, I move, Mr. Speaker, to lay that amendment on the table.

(Motion to table lost.)

Mr. JACKSON (Cook). The gentleman who introduces the amendment is probably in good faith, but that simply destroys the opportunity for passing this bill. If the bill is amended, as the gentleman would have it to be, it will necessarily have to go back to the Senate and in the great rush of business over there, the same as we have here, there will be a small possibility of the bill passing as amended. Now, striking out the lines "22" and part of "23", simply does not benefit the bill to any great extent for the reason that we have here in the State of Illinois many residents, perhaps, who served in the Spanish-American War, just the same as we have in Illinois, Indiana, Missouri, Kentucky and other parts of this great country of ours. Now, there are only 5,000 soldiers of the Spanish-American War residing in the State of Illinois at the present time, and the State of Illinois sent 16,000 of its sons to the Spanish-American War. This bill gives them the same rights in competitive examination that it does to men who served in other wars, and I think they are entitled to the same rights as other men who have served in the war of '61 to '65. Being one of those who served his country and the State in the Spanish-American War, those who braved the horrors of war, and who bared their breasts to the bullets, and who sacrificed their lives on the battlefield of Cuba and the Philippines, I think if the American flag is to be represented by the soldiers of this country for the good they have done the people and the flag, I think this bill ought to be allowed to go to third reading, and then if the members of this House shall feel that this bill shall not pass giving to these young soldiers the rights in competitive examinations that they have granted the soldiers of other wars, I then shall be satisfied. This bill two years ago passed unanimously both houses. It passed in the Senate unanimously, and the striking out of this particular line at this time simply injures the passage of the bill, and I hope you gentlemen will support the young soldier in his time of need and give him the same opportunity and right that have been granted to other soldiers.

Mr. THON (Cook). The objection given by the gentleman from Cook, if this amendment should be adopted it would prevent the passage of this bill, is no valid reason why this amendment should not be adopted. If this amendment is not adopted it will open the door to men throughout the United States to come into the State of Illinois and get the benefit of this preference in this bill. If adopted, if enacted into law, it will make it possible for any person who takes the civil service examination and receives a grade of seventy to pass with the same grade with he who makes a grade of ninety, and this amendment simply limits it to persons who are residents of the State of Illinois, at the time of enlistment, and prevents preference being given to men who may come into Illinois from all the other States of the Union, and I insist, Mr. Speaker, that the objection is no valid reason why the amendment should not be adopted.

(Rising vote taken, amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 605 on the order of third reading. This bill carries an appropriation of \$85,000 to the county fairs and other agricultural societies of the State of Illinois. It is the same appropriation that is made every two years.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 96 and the "nays" nothing. The bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 912 on the order of third reading. This bill, Mr. Speaker, appropriates \$50,000 for the repair of the committee rooms of the Senate and House of Representatives, and other repairs to the building.

THE SPEAKER. The "ayes" on this question are 87, and the "nays" nothing. The bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. TICE (Menard). I offer the following resolution and move its adoption:

HOUSE JOINT RESOLUTION No. 24.

WHEREAS, At the convening of each General Assembly there is a wide variance of opinion as to the policy to be pursued with reference to appropriations for the University of Illinois; and,

WHEREAS, But few members of the General Assembly have had opportunity to properly inform themselves as to the policy and needs of the University of Illinois; and,

WHEREAS, Because of these existing conditions much time is consumed and wasted both by the House of Representatives and the Senate endeavoring to reach conclusions as to the proper amounts to be appropriated and the general policy of both Houses toward the Institution; and,

WHEREAS, Even by the expenditure of all the time that can possibly be given by the members to the subject but meager and incomplete information is secured and but indefinite and uncertain conclusions reached; and,

WHEREAS, President Edmund J. James, of the University of Illinois, believing it to be for the best interests not only of the University but also for the taxpayers of the State, has requested that a joint committee representing both Houses of the General Assembly be appointed to visit the institution and secure information both as to the administration, policy and the needs of the University; therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That a joint committee of six be appointed, three to be named by the speaker of the House and three by the Senate, whose functions and duties it shall be to keep in close touch with the University of Illinois and to visit the Institution at such times and so often as may be necessary and make such inquiry as they may need to make to secure detailed and complete data and information relative to the actual administration, policy and needs of the various departments of the Institution and the University as a whole, and such committee is given full authority to make such inquiry as it may deem fit and proper to secure exhaustive information concerning the University of

Illinois, and make a complete and detailed report of their findings, together with such recommendations as in their judgment may be warranted by the information secured, to the Fiftieth General Assembly of Illinois; and for such purpose the said committee is authorized to employ not more than one clerk and one stenographer for a period not exceeding sixty days each.

The Secretary of the State is hereby requested and directed to furnish said committee with such stationery, blank forms and other printed matter as may be required by the committee.

The Board of Trustees, the President of the University, the heads of the various departments, and the faculty of the University are hereby requested to aid said committee in every way possible and to furnish the members thereof all information sought.

The said committee and the members thereof shall be entitled to their actual expenses incurred in carrying out the provisions hereof; the expenses of the members of said committee and the pay of a stenographer and a clerk shall be paid out of the contingent funds of the Senate and House of Representatives, or out of any appropriation made therefor, on itemized vouchers properly signed by the chairman of the committee and approved by the president of the Senate and the speaker of the House of Representatives and filed with the Auditor of Public Accounts.

Mr. LYNCH (Peoria). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 90.

WHEREAS, The Hon. Robert Scholes is an honored member of this the Forty-ninth General Assembly; and,

WHEREAS, He has this day been called to his home by the news of the death of his mother; therefore, be it

Resolved, That we, the members of the Forty-ninth General Assembly, do hereby extend to our brother member, our heartfelt sympathy in his hour of deep bereavement; and, be it further

Resolved, That a copy of this preamble and resolution be spread upon the Journal of the House; that a suitably engrossed copy be forwarded to Mr. Scholes; and as a further mark of our respect, that the House do now adjourn.

Resolution adopted and the House adjourned

FRIDAY, MAY 21, 1915.**10:00 o'Clock A. M.**

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. Jay Dugan.

The Journal of the previous day being read. Upon motion of Mr. Cooper (Wayne) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, and introduction of bills, all without debate.

Mr. FRANKHAUSER (Cook). I desire to call up House Bill 161 on the order of second reading. This bill provides that whenever in the trial of a criminal case the issue of insanity on the part of the defendant be prayed, the court may summon one or more experts, not to exceed three, to testify as to the alleged insanity of the defendant. These witnesses are subject to cross-examination just the same as in ordinary cases where they are there at the request of the defendant or plaintiff.

Mr. BROWNE (LaSalle). This is a very radical departure from the present method and while I don't wish to object, I think the gentleman from Wayne ought to let this go over until there is a full House here.

Mr. FRANKHAUSER (Cook). All right, let it go over.

THE SPEAKER. The bill will go over.

Mr. GORMAN (Peoria). I desire to call up Senate Bill 114. It was called up last Friday and it was objected to, but the gentleman objecting to it is very sorry he made any such mistake. This is a matter that has received the endorsement of all the library associations throughout the State including Cook County.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. KANE (Saline). I desire to call up House Bill 832 on the order of second reading.

Mr. TURNBAUGH (Carroll). I would like that to be held over until next week.

Mr. KANE (Saline). I have no objection to it going over if it can be taken up the first of the week.

Mr. TURNBAUGH (Carroll). I will not object to its being taken up at that time.

Mr. KANE (Saline). Do all bills retain their place on the calendar?

THE SPEAKER. Certainly.

Mr. KANE (Saline). I will let it go over then.

THE SPEAKER. Call the next bill. House Bill 832 goes over until next week.

Whereupon the House took up the following bills on the order of second reading, read them a second time, adopted amendments, and the bills were ordered engrossed and to a third reading, all without debate: House Bills Nos. 806, 419, 713, 884, 698, 827, 386, 138, 903, and Senate Bills Nos. 353, 38, 63, House Bills No. 921, Senate Bill No. 93, House Bill No. 239.

Whereupon House Bills on the order of first reading were taken up, read a first time, all without debate.

Mr. GARDNER (Cook). I move that the House do now adjourn until 5:30 o'clock Monday evening.

Motion prevailed, and the House adjourned.

MONDAY, MAY 24, 1915.

5:30 o'Clock P. M.

House met pursuant to adjournment,

The Speaker in the chair.

Prayer by Rev. Nichols.

The Journal of the previous day being read. Upon motion of Mr. Ellis (Kane), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, introduction of bills, House bills on first reading and Senate bills on first reading, all without debate.

Thereupon, Mr. Smejkal (Cook), from the Committee on Appropriations, called up the following bills on second reading, which were read a second time and advanced to third reading, all without debate, to wit:

House bills Nos. 728, 855, 882, 103, 948, and Senate bills 353 and 327.

Mr. SMEJKAL (Cook). I move that the House do now adjourn.

(Motion prevailed.)

Whereupon, the House adjourned until 10 o'clock a. m., Tuesday, May 25, 1915.

TUESDAY, MAY 25, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Curren (Pulaski) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the Speaker's table, introduction of bills, and House Bills on first reading, all without debate.

THE SPEAKER. The report from the Committee on Rules is that we have two sessions daily on Tuesday, Wednesday, Thursday and Friday of this week, and beginning next Tuesday morning the House will convene at 9 a. m. each day and hold two sessions so as to avoid having evening sessions. If there are no objections the report is adopted.

Mr. DONAHUE (McLean). I desire to call up House Bill No. 561 on the order of third reading.

This bill simply provides that the term of office of County Superintendents shall begin on the first Monday in August instead of the first Monday in December as the present law provides. All the county superintendents as a rule are teachers and by having the terms of office begin the first Monday in December breaks into the school year and deprives the men who go out of office of an opportunity of teaching for that year. Those are some of the reasons why the county superintendents of the State want this bill passed.

The school years begin on the first Monday in July, and the financial condition of the schools in the different counties is not fully advised at that period, but at the close of the month of June all the counties are straightened up for that year and it gives them an opportunity to shift during the month of July from one school to another and they know all about the financial condition of the school for that year.

(Roll Called.)

THE SPEAKER. On this question the "ayes" are 99, and the "nays" 6; the bill having received a constitutional majority is declared passed. The clerk will report the title of the bill.

Mr. IGOE (Cook). I desire to call up House Bill No. 914 on the order of third reading.

Mr. HUBBARD (Greene). I object to the bill being taken up at this time.

Mr. IGOE (Cook). I move that the rules be suspended and the House take up House Bill No. 914 on the order of third reading.

Mr. HUBBARD (Greene). I move as a substitute that we take up the following resolution:

I will withdraw the objections for the time being.

THE SPEAKER. Objections are withdrawn to House Bill No. 914. House Bill No. 914 is now on the order of third reading.

Mr. HUBBARD (Greene). I move to postpone further consideration of this bill until Thursday afternoon at least.

My reasons for making this motion are that I desire to offer the following resolution, a joint resolution, and I will ask that the resolution be read for the information of the House. I would like to be heard on the resolution.

Mr. HUBBARD (Greene). I want to make it clear now that my object in asking for a postponement on this bill until Thursday of this week is not with the intention of killing the bill now. There has been given two hear-

ings on this bill by those who offered it. Those who oppose this bill have certainly been very lenient in the matter of hearings. We have shown the proponents every courtesy that could be shown to men and we believe now that we are entitled to the same courtesy and the same hearing that has been given them.

I have a letter here from Congressman Rainey stating that he would be very glad to address this body and the Senate in Joint Session if you would give him an opportunity to do so. You all know who Congressman Rainey is. He is a pioneer in the deep-waterway movement. He, with a number of others, including Mr. Lorimer, Mr. Madden, Mr. Mann, Mr. Lindley, and others made a trip from Chicago to New Orleans in a launch, holding meetings down the river at every point and organizing deep waterway associations. He strongly favors a deep waterway. He believes that this bill will ultimately kill any deep waterway project and that it is not a deep waterway in any sense of the word. He holds that there should be a hearing on this by those who don't agree with the Governor and those who are advocating this bill and I think it is nothing but right and fair that he should be given a hearing. I just received a telegram from him and I will read it to the House.

"CARROLTON, May 24, 1915.

"*W. A. Hubbard, House of Representatives, Springfield, Ill.:*

"Congressman Madden of Chicago wires me he would like to be heard against the waterway bill. Wire me tomorrow whether or not hearing granted.

"(Signed) HENRY T. RAINEY."

It appears to me that it would not be courteous to deny these gentlemen a hearing on this bill. Mr. Madden is also a pioneer in the deep waterway movement. If you deny them the right to express their opinion it shows you are afraid to listen to the opponents of the bill and are trying to railroad it through without proper consideration. I want both sides to be heard and I am not unreasonable in asking this request. I hope that this motion will prevail.

I went out when this amendment to the Constitution providing for the twenty million dollars was submitted and spoke in fifteen different schools houses and I took the bills with me from Chicago and posters which said that this twenty million dollars is not to be used except in conjunction with the United States government in a general plan of deep waterway. I voted for that bill. You submitted this proposition to a vote of the people and they carried it overwhelmingly, but if you will submit the proposition that is now before the House for its consideration to the people they will beat it twenty to one, and I stand here now to try and correct the false position in which I placed myself in trying to lead my people to vote for the twenty million dollar proposition for a deep waterway.

When this is put up now in the way it is without any opportunity given to the opponents of this bill to be heard when every courtesy has been given to the people who favor the bill and great pressure has been brought to bear from the Governor's office and from the Secretary's office to push this bill through, not on its merits, but because of the power back of these two offices. Gentlemen, I think in fairness and justice we should be given an opportunity to be heard on this.

I hope this motion prevails.

Mr. IGOE (Cook). Were you present in this chamber in March at a hearing upon this waterway bill?

Mr. HUBBARD (Greene). Yes.

Mr. IGOE (Cook). Was Congressman Rainey sitting along side of you at that time?

Mr. HUBBARD (Greene). Yes, he was; and he wasn't invited to speak. He is too much of a gentleman to get up and speak at a meeting called by the Governor when he is not invited. I wrote him on this bill and he wrote me back and said you are right and it should not pass.

Mr. IGOE (Cook). The Gentleman talks about fairness. First he attacks the Waterway Committee and then certain administration officers because of their activity in behalf of this bill. His first insult, and it is nothing more than that, which was pronounced against the Waterway Com-

mittee, is absolutely uncalled for and it is incumbent upon every member to take it to himself as a personal attack. I don't believe there was ever a committee in this House that gave more fair, more full, and more protracted hearings to any proposition than was given to this bill. We had hearings in Springfield to which all were invited; we had hearings in Chicago to which the public was invited. We had hearings in every city of importance down the Illinois valley from Lockport to Peoria, and we had hearings in Joliet. We had hearings in Morris and upon the banks of the Illinois river close to Marseilles. We had five or six hearings in the city of Ottawa then one in Peoria and heard what the people had to say. There is nothing to this charge that the committee has been unfair. There is nothing to the statement that some is trying to put something over on someone else.

Mr. HUBBARD (Greene). Then why do you object to a hearing now upon this bill?

Mr. IGOE (Cook). Because Congressman Rainey was in this House at the time this bill was up for discussion. He sat there along side of you in your seat. This House was full and it was a public meeting. That was in the month of March in this year, and while he prompted you to make certain remarks, he didn't himself offer any suggestions.

Mr. HUBBARD (Greene). I deny the charge.

Mr. IGOE (Cook). He sat along side of you and while he prompted you to make certain remarks and to ask certain questions, he never at any time, or anybody for him, asked that he be heard, and there were people who went up and down that aisle asking all those who desired to be heard to give their names to the Chairman so that they might be heard. I met Congressman Rainey that night and he was asked if he wanted to be heard and he knew he had an opportunity, and so did you know it.

Mr. HUBBARD (Greene). Did you ask him to be heard?

Mr. IGOE (Cook). I asked him.

Mr. HUBBARD (Greene). You didn't.

Mr. IGOE (Cook). I did; were you present with him all the time?

Mr. HUBBARD (Greene). I will take his word against yours any time.

Mr. IGOE (Cook). You can do that if you wish; it is not the first time you have disputed a man's word in this House, and it perhaps will not be the last. This waterway bill has had a hearing all over the State and if those men wish to say anything they have had plenty of opportunity to make known their ideas. This comes at a rather peculiar time. This man has been opposed to the bill in every manner, shape, and form, and at every stage. Now he comes in and wishes to be heard on the bill. The Gentleman from Greene (Hubbard) comes forth with a resolution to postpone this hearing for one week and kill the bill. There is nothing else in his mind but killing this bill or trying to. He wants to kill the bill and wants to do it by that method.

There are men in this House big enough and men in this House broad enough to vote the way they have made up their minds. This speech of Congressman Rainey that the gentleman wishes him to make will not change their views in any way. He is simply seeking to use that at this time as a means of killing the bill.

Mr. Speaker, I move to lay this motion on the table.

Mr. TURNBAUGH (Carroll). I don't understand that this asks for a postponement for a week.

Mr. IGOE (Cook). It is the same thing.

Mr. HUBBARD (Greene). I ask for a postponement until Thursday of this week.

Mr. TURNBAUGH (Carroll). What possible harm can come to postpone it?

Mr. IGOE (Cook). It will kill it, and you know it.

Mr. TURNBAUGH (Carroll). By postponing it?

Mr. IGOE (Cook). Certainly; you would not vote for the bill after a public hearing, neither would the gentleman from Greene (Hubbard).

Mr. TURNER (Carroll). I would not say that.

Mr. IGOE (Cook). You would tell me that yourself.

Mr. TURNBAUGH (Carroll). It is only fair that these people be heard on this proposition. The people are just beginning to realize that there is a waterway bill before the General Assembly. I have seen a statement that Congressman Rainey was in favor of this bill. I read and heard the remarks on it. It is only fair for him to come here and explain why he is against this. He is against it, and he has evidently good reasons for it. If delaying this bill until Thursday is going to kill it, then there is no chance of passing any other legislation in this session, especially a bill that can travel as rapidly as this bill has traveled up to this time. It came out of committee on the 13th and went to second reading just after the two distinguished United States Senators had spoken, while the House was under the influence of that great oratory. I don't suppose there was any pre-conceived plan in that. It was a mere coincidence. If this bill is a good bill and will stand the light of public criticism, there should be no objection to at least one or two men being heard relative to this deep waterway project.

Mr. BROWNE (LaSalle). That might possess some semblance of reason or justice if the members of this House didn't have first-hand information regarding the situation, and not by reading, or by pictures, or by engineers' reports, but by actual investigation down the river. I want to ask the gentleman a question—

Mr. TURNBAUGH (Carroll). What is the question?

Mr. BROWNE (LaSalle). Wait a minute. That being true, do you think that Congressman Rainey or all the Congressmen in Washington could come here and tell this House, most of them never having been down that route, and know nothing about it except as they read, tell this House something they don't know anything about?

Mr. HUBBARD (Greene). Wouldn't the same apply to the two Senators?

Mr. BROWNE (LaSalle). I don't think the House is going to vote for the waterway or against it on the speeches of the two Senators.

Mr. HUBBARD (Greene). If you are not afraid, why don't you let us have a hearing?

Mr. BROWNE (LaSalle). I can not see where the information and where the education is coming from by that method. If I could, I would be with you heart and soul. I think everyone has made up his mind on this now and is anchored, and those who are against it you can't cut them off with an axe.

Mr. TURNBAUGH (Carroll). Why did they call the Senators here, then?

Mr. BROWNE (LaSalle). I don't know, I didn't do it.

Mr. IGOE (Cook). I will tell you why we called the Senators here. There has been an appropriation pending in Congress for several years for a million dollars to improve the Illinois River from Grafton to LaSalle. That appropriation was there for several years, but only available at a time when the Illinois River or the connecting link between Lockport and LaSalle was made available for use. Until that was made available the million dollars could not be spent. In the last session of the National Congress they took away that million dollars and they put it back into the treasury, and we brought the two Senators here to explain to the House, as they did, to explain to the House that as soon as Illinois was through its Legislature, doing something toward this waterway, the National Congress would re-appropriate that money.

Mr. TURNBAUGH (Carroll). Wasn't that explained to the committee by Senator Lewis several weeks ago? Why was it necessary for him to make that speech the day the bill was on second reading?

Mr. IGOE (Cook). They desired to be heard.

Mr. TURNBAUGH (Carroll). Wouldn't it be necessary to have some of the Congressmen come here and be heard as well as some of the Senators?

Mr. IGOE (Cook). Yes; and I will say that every Congressman from Illinois voted against tabling that million dollars and taking it away from Illinois.

Mr. WILSON (Adams). I am not interested in knowing whether Con-

gressman Rainey slept on his rights or whether he should have spoken before the Waterway Committee on this proposition. The important question is whether the members of this House have sufficient advice in regard to this bill. I think any court will let you in at any time upon a proper showing to introduce a little additional evidence.

In regard to the statement of the member from LaSalle that the members of the Legislature are sufficiently advised on account of that beautiful trip down the waters of the Illinois river, it occurs to me as being rather humorous, although I speak seriously in regard to it. I know nothing about engineering problems and I can not imagine myself taking a trip down the river and I would not know anything more about it when I finished than when I started.

Mr. BROWNE (LaSalle). Wouldn't you know as much as the common ordinary garden variety of Congressman?

Mr. WILSON (Adams). Yes; but not as much as a man should know who has been the father of the entire project.

Mr. BROWNE (LaSalle). I mean any Congressman.

Mr. WILSON (Adams). The situation is this: the people are not advised in regard to this bill. I don't think five per cent of the membership of this House have read this particular bill, and certainly with the amendments, including the beautiful amendment for sodding the canal. There has been a hearing where the proponents of this bill have given their ideas. The other side has not been heard. If this bill should be held until Thursday and should happen to pass, it can then go over to the Senate and receive its reference there Thursday afternoon, and can be referred to the proper committee in the Senate and can be reported out Tuesday and pass on third reading next week, and everyone knows that this Legislature is not going to adjourn this next week.

Let me read to you from the Quincy Daily Journal on this subject. What the Journal says is simply in point in regard to the contention of the gentleman from Greene (Hubbard), that this proposition should again be referred to the people for a vote.

"GIVE THE PEOPLE A VOTE ON WATERWAYS BILL.

"The people of Illinois ought to have a vote on this waterways appropriation bill that is now before the Illinois Legislature. And the public ought to have time and opportunity to investigate it before they vote on it. Maybe there is nothing in this woodpile that does not properly belong there—but it should be demonstrated. There are those who believe it is not a deep waterways measure at all—in fact, it is not, on its face, for it only provides for an eight-foot channel—and these folks think it is in reality a water power scheme for the benefit of a few up-State manufacturers.

"Another little phase of the matter seems to be that the Chicago Sanitary District might be able, through this proposed measure to saddle off a lot of costly litigation on the State—and this might be the real 'nigger in the woodpile.' The sanitary district has a lot of damage suits on its hands, filed by the owners of lands alleged to be overflowed by reason of the district's activities. These suits involve more money than the district officers like to contemplate. By saddling the suits onto the State, the sanitary district fellows might be able to ride across the river of debt that seems to threaten them if the suits go against them. At any rate the district fellows would get rid of a very troublesome mess and the State would acquire it—at least it looks that way from this standpoint.

"About five million dollars is proposed to be spent on this eight-foot channel from Chicago to the Illinois River and thence to the Mississippi. This would be, probably, a drop in the bucket. The Federal Government is expected to furnish another drop, and will do so, but the expense is too great for the benefit to be derived even from the most sanguine viewpoint. Chicago might get considerable benefit from the scheme, but Quincy certainly will not, and with the balance of the State we would help to 'hold the sack.'

"Even this five millions appropriation can be made only under very doubtful conditions, unless it is authorized by a vote of the people. There is a certain section 18 of article four of the Statutes of Illinois which provides

that no indebtedness of more than \$250,000 shall be incurred in such a cause unless it is authorized by vote of the people. It has been recently held by some legal lights in the Legislature that this provision does not apply in this case. It may not. But that is a question for the courts to determine, and it will certainly go into the courts and involve a long and costly fight unless the appropriation is authorized in the way the statutes provide.

This deep waterways scheme has been supported and carried this far on a wave of enthusiasm for a Chicago-to-the-Gulf Waterway. All its ugly features have been hidden by a glamor of hurrah and wonderful promise of big things for the State. Just now the public is beginning to realize the real situation and to look beyond the glamor. Before the bill becomes a law, they want to look into it further, and before an immense sum of money is put into a plan that may be only somebody's scheme to acquire cheap power at the public expense, the people of this section want a vote on it."

I want to say that if this proposition is sound it will certainly bear investigation. It will bear the arguments of these men who want to appear in opposition to the bill. If you are not afraid of the bill at the present time it seems to me that you ought to allow this delay to be given for the purpose of these further hearings.

Mr. IGOE (Cook). Do you know Mr. C. F. Perry?

Mr. WILSON (Adams). Yes.

Mr. IGOE (Cook). Who is he?

Mr. WILSON (Adams). Secretary of the Chamber of Commerce.

Mr. IGOE (Cook). Is he also Vice President of the Upper-Mississippi River Improvement Association?

Mr. WILSON (Adams). Yes, he has various activities.

Mr. IGOE (Cook). He ought to be very well informed on this waterway proposition, shouldn't he?

Mr. WILSON (Adams). He might be.

Mr. IGOE (Cook). Don't you know, as a matter of fact that he is?

Mr. WILSON (Adams). I don't know as I never examined him.

Mr. IGOE (Cook). Let me read:

"I very much regret that it will not be possible for me to accept your kind invitation to attend your meeting on the 24th inst.

"I regard the proposed waterways for Illinois with favor for these reasons:

"(1) Owing to effects of the Panama canal on railway transportation rates, development of waterways in the central west, with modern terminal facilities, for through freight traffic, will be absolutely necessary, unless we would suffer irreparable business loss.

"(2) The plan for the proposed waterway in this State has every appearance of being well digested, practicable and economical.

"(3) This project is a logical and an essential unit in the general development of inland waterways of the middle west.

"(4) The proposed waterway would favorably affect transportation rates in the interior of our State as well as along the waterway.

"(5) This transportation advantage will be needed in addition to the railroads, to adequately take care of the rapidly increasing farm production accelerated by modern methods of agriculture and to take care of the rapid growth of manufacturers in Illinois.

"(6) The proposed waterway would bring Illinois into direct connection with the Mississippi River, that great artery of the Mississippi Valley, furnished by nature, for improvement of which stream our association has labored so long and successfully.

"(7) While the proposed waterway would, of course, especially benefit Illinois, that this enterprise has more than a State-wide significance, is evidenced by its hearty, unanimous endorsement by the Terminal Conference in St. Louis, February 19th, at which nine States were represented.

"Again regretting my inability to attend, I am,

Yours respectfully,

"C. F. PERRY.

"*Vice President for Illinois.*"

Mr. WILSON (Adams). I will say, in reply to the gentleman from Cook (Igoe) that four sessions ago I voted for the deep waterway proposition

on a subsidiary motion and Perry was one of the two men in the entire district that commended me on my vote.

Mr. ELLIS (Kane). You did have a fair hearing on your side of the bill, didn't you?

Mr. IGOE (Cook). The members who were not on this Waterway Committee may think that these hearings were all one-sided, but if you people had gone with us up and down the river and if you had been at the towns of Morris, Marseilles and Ottawa, and the members of this House will bear me out in what I say, that instead of finding people supporting this measure we found them opposed to it. We heard from the people opposed to it all along the line. At every meeting there were people who were opposed to this waterway. We have heard them all. We have not confined ourselves to the people who are in favor of it. We have heard the opposition as well as the proponents of the measure and we have heard them all fully and well.

Mr. ELLIS (Kane). You changed the bill to suit the cities up and down the river, didn't you?

Mr. IGOE (Cook). Yes, in some respects.

Mr. ELLIS (Kane). Why have you objection to hearing the other side?

Mr. IGOE (Cook). The objection is that it is one way of killing the bill.

Mr. ELLIS (Kane). Then a lot of bills will be killed this session if this one will.

Mr. HUBBARD (Greene). You stated you gave a fair hearing to everyone on the waterway trip?

Mr. IGOE (Cook). Yes, sir.

Mr. HUBBARD (Greene). How many people south of LaSalle and Ottawa were given a hearing on this waterway bill in your trip down the canal?

Mr. IGOE (Cook). In Peoria, we had about four hundred people present.

Mr. HUBBARD (Greene). How many south of Peoria?

Mr. IGOE (Cook). We didn't go south.

Mr. HUBBARD (Greene). Weren't these hearings purely local? This is a State-wide proposition and not a local proposition.

Mr. IGOE (Cook). We gave a state-wide hearing in this room. We went all over Illinois—

Mr. HUBBARD (Greene). Who invited them to go?

Mr. IGOE (Cook). I invited them.

Mr. HUBBARD (Greene). Were their expenses paid to come here and listen to this waterway proposition, and weren't the expenses of the committee paid for the trip down the river?

Mr. IGOE (Cook). Is that a question, or do you always put something like that in all your questions? Ask us a big question, and see what you can do with that.

Mr. HUBBARD (Greene). This is a big question. Was that only confined to the committee expenses?

Mr. IGOE (Cook). I invited you to make the trip.

Mr. HUBBARD (Greene). Yes; and I didn't go.

Mr. IGOE (Cook). Yes; and that is the reason you don't know anything about it.

Mr. BROWNE (LaSalle). I can not at this time refrain from replying briefly to the gentleman from Greene in his criticism of the chairman of this Waterway Committee and its membership. Unfortunately or fortunately, as the case may be, I happen to be a member of that committee, and I know a little of what transpired with reference to the workings of the committee. On the night of the State-wide hearing in this House, I do know that any gentleman who wanted a chance to speak, either personally or through his friends, either because he desired to or because his friends desired to have him, had ample opportunity to be heard. I know that for the reason that at that time, when the chairman of this committee, Mr. Igoe, had no possible way of knowing that I was for the bill, and when, as a matter of fact at that time, with the bill in its condition, I was absolutely opposed to it, he came to me in this House and asked me who, from the Ottawa delegation—and there was quite a presentable delegation here to be heard—and who from LaSalle County, which was a larger delegation than the Ottawa delegation, would like to be heard, and asked me to present

their names and they would be given a hearing upon the matter. If Mr. Igoe at that time had under the then existing conditions, would have come to me and said that, I feel sure there was nobody here who desired a hearing or whose friends desired to have him heard that could not be heard in the matter.

You want to remember in this matter that this bill is now on third reading. It is not on the order of second reading, but on third reading. The time for amendments has passed. It is a question now of for or against the bill, unless you should call it back to second reading for further amendment. The time for hearing all of those gentlemen and the time for any amendments was on second reading, when it would do some good to hear these Congressmen and when the minds of the learned gentlemen on the waterway question could have been of some value in changing the bill by amending it to conform to what the State wants. That time has gone by. It is now sought to postpone this bill until certain gentlemen, whom we must assume from the start are opposed to a waterway bill, can come and be heard. Every gentleman that has asked for a hearing is opposed to the waterway bill and would not vote for it no matter how many amendments were put on it. We are asked now to postpone this while these gentlemen who are opposed to the waterway plan shall come in here, to furnish information that will enable us to amend it. No, but to furnish information that will enable us to kill it, and vote against it. Let us put a peg right there. That is a conclusion you can not get away from. In order to have a deep waterway you must have a vote of the people for it. We all agree to that. The Constitution provides that this State shall not appropriate any money for railways or canals except upon certain conditions, and in order to get around that you must have a Constitutional amendment. That was had in the administration of Governor Deneen, appropriating twenty million dollars for the creation of a waterway. It was not carried out, but that amendment to the constitution was made for a waterway and water power. In order to proceed to this waterway you have got to act under that amendment or not at all, or start over and have another Constitutional amendment put to the vote of the people. That being true, you acted under the amendment already passed. On this bill coming up on third reading there are only two objections to the bill. There can only be two reasons why a man on this floor should vote against it. In the first place, because he does not believe that this plan is a deep waterway and he don't want it. The second, because he don't believe as a legal proposition it can go through without submitting it to the people of this State. That is all there is. We have settled the second question in this House by a vote, by a vote upon the amendment offered by the gentleman from Greene (Hubbard). It was argued on the floor of this House and was discussed by the best lawyers on the floor of this House, and it was voted down.

The whole question remaining is do you want a waterway under this plan and it is purely a question on that. The majority of the members on the floor of this House are intelligent human beings, or are supposed to be, if they are not they would not be sent here to represent their constituency. They think that themselves, or I assume we all do. They have studied this bill and they know what these amendments mean and know what the bill means. A majority of the members upon the floor of this House have been upon that river and upon and over the canal and know just what is going to be done and they have been at Joliet, at the head of it, and they have been at Morris, and they had hearings there and at Marseilles, and three or four hearings at Ottawa, and a hearing at LaSalle, and a hearing at Peoria. This bill was opposed by the people down that valley until you got below Starved Rock, until the amendments were put in to protect the valley. If there were any amendments that could protect that valley which were not in that bill someone else will have to state them as I don't know of any. The bill is in the best shape it can be put in for putting through this particular kind of a waterway.

No Congressman of the State of Illinois and no Senator from Illinois or anywhere else could come here and in a day's debate or discussion inform this House better than they are now informed as to what the waterway means and what it is. It is a proposition well within the ken and knowledge

of every member on the floor of this House. No amount of discussion by Congressman Rainey will have the slightest effect on any one in this House as those who are for it are for it first and last and those that are against it are against it with the same degree of tenacity. You are either for the waterway as it is or you are against it. This resolution should not pass, but it should be tabled.

Mr. DONAHUE (McLean). We ought to postpone action on this bill until we hear from the Congressman. We have heard from the United States Senators and from proponents of this bill but we have not heard from the Congressmen that represent us in the National Congress. There is a reason why we should hear from Congressman Rainey. The last time when the democratic party went on record on this proposition was in the convention at East St. Louis in 1910. I will read you the plank of the democratic party and when you will hear that plank read you will conclude, if you want to be fair, that you will hear from Congressman Rainey on this proposition now before the House. I will read you from the platform. (To be inserted in corrected copy.)

That is the last expression of the democratic party on this proposition. I believe that the State of Illinois expects that that plank in the democratic platform settled the question. Let the Congressman explain to us what sort of speeches he made throughout the State of Illinois. The democratic party recommended that Henry T. Rainey was well posted on that proposition. What right has any party, or what right has any officer of this State to impose upon the party or upon the people of the State a proposition on which his party has gone on record against. If this is an administration bill let's try to live up to the declarations of the party that created that administration, which I don't propose to say anything about, but I think we ought to have fair play upon this proposition. Let everyone be heard and let's hear from Congressman Rainey on this proposition.

Mr. HUBBARD (Greene). If there is not any other members that desire to be heard on this proposition, I will close.

Mr. IGOE (Cook). He has not got the right to close. It was my motion and I have the right to close.

Mr. HUBBARD (Greene). All right. I desire to be heard a few minutes. I don't want to indulge in any personalities whatever. If I have disputed anybody's word on the floor of this House, I don't now recall it. If I have done it I may have taken my line from the gentleman from Cook, Mr. Igoe, who has been very pronounced and who has denounced more people on the floor of this House than any other man. He has claimed not only that they have not told the truth, but that they have lied.

I want this motion to stand or fall on its merits. Now, gentlemen of the House, what are we asking for here? We are asking that you give this waterway bill a hearing by those who were pioneers in the deep waterway movement. We are asking that they be granted the same courtesy that has been shown to those who favor this bill. Nobody questions the honesty, the sincerity of Congressman Madden and Congressman Rainey, or Mr. Lindley, and many others who have given a great deal of time and money advocating a deep waterway from the Lakes to the Gulf and they have been opposed to this bill because they think it is an opportunity to kill a deep waterway plan in conjunction with the United States Government.

Mr. WILSON (Adams). Mr. Cooley, who was one of the consulting engineers in the first project, now denounces this bill as not a deep waterway project in any sense of the word and he says that he is sorry that he had anything to do with it. You say you have given an opportunity to be heard to everyone? I was present at the meeting when we had such a large hearing in March, and what was that hearing on? It was on another bill entirely, and Governor Dunne and Mr. Igoe and the entire committee seemed to be in favor of that bill. They got up a junketing trip and went up and down the canal and some of them got lost in an automobile and didn't know anything more about where the canal was to be when they got back than when they started. They held meetings at Ottawa and they found——

Mr. BROWNE (LaSalle). That wasn't in LaSalle County where they got lost, but it was in the home of the Sage of Mazor.

Mr. HUBBARD (Greene). Well, they got lost anyway. They favored that bill and they brought experts from the United States Government and they vouched for that bill and showed what a great benefit that bill would be. When they got to Ottawa they discovered that that bill would not do. They found that the other bill if enacted would put out of commission a very expensive sewer system in Ottawa and would overflow a large acreage of land there, land which was very valuable. They came back here and re-drafted an entirely different bill and put that bill before us and we didn't have time to consider it and when we asked for a hearing you will not give us a hearing.

The gentleman from LaSalle (Browne) says they granted everything he asked. He is very modest in his requests usually. He just added a few flower gardens and sodding, and I think if he had asked for pansy beds or heliotrope that they would have granted anything because the State pays for it. You cannot tell what it is going to cost. It is a jump in the dark. The gentleman says you are going to try to kill this bill. The same argument was used against my amendment which I introduced to submit this to a vote of the people. Those of you who were here two years ago know how you voted on the initiative and referendum. I was consistent and I am consistent now. I voted for the initiative and referendum and those who voted for the initiative and referendum turn around now and say it will kill the bill if you submit it to the people. The people should have a chance to vote on it. These people should come here and present their arguments and if they are able to show that it is a bad bill and it should not be enacted, then shouldn't we kill the bill? Are we irrevocably pledged to that bill? I think this is a fair resolution and should be passed at this time.

It seems to me, gentlemen, that when you consider the manner in which this bill has been rushed through in the last two weeks, that there is something back of it that they are afraid of, something they don't want to expose and I believe if you will give these men a fair hearing on this bill that they will expose the infamy of it and show it is an exceedingly bad bill and should not pass.

I am going to vote against this bill, but let us give everyone a fair chance to be heard on it. Is it fair not to give us a hearing upon this matter. I am not trying to kill this bill by this resolution. I am willing to let the matter go to a vote. I believe that in justice to everyone and in justice to those who have given so much of their time and their energy working for a deep waterway that will benefit not only a little State but the entire United States that they should be given an opportunity to be heard.

Mr. Rainey holds that this is not constitutional and it should not be passed and I know he is sincerely opposed to this bill, not because of any personal feeling or because he desires to oppose the administration, but he is opposed to it on sincere grounds, and if you will give him an opportunity to express himself on it I think he will convince you of his honesty on this matter. I hope this resolution will prevail.

Mr. YOUNG (Cook). Gentlemen, it seems to me that the gentleman from Greene (Hubbard) is a little inconsistent in his talk, when he says "I am going to vote against the bill regardless." He is up here asking for a hearing and to bring in the Congressmen to give us a talk, and at the same time, without knowing what that hearing is going to be he simply states to this House that he is going to vote against it anyway. Is that consistency?

Mr. HUBBARD (Greene). I have heard all the arguments in favor of the bill and my mind is made up that it is a bad bill, from hearing those arguments.

Mr. YOUNG (Cook). I believe if there is any bill that has come before this House and received just and honest consideration, it is this waterway bill. There have been times innumerable when each one for or against this bill could be heard, and I believe it is the only bill, and as the gentleman from Greene (Hubbard) has said, if the members have made up their minds already, what is the use now to take up more time of this House?

I believe that the resolution offered by the gentleman from Greene (Hubbard) should be tabled.

Mr. BUTLER (Sangamon). Mr. Speaker and gentlemen, I am glad that the gentleman from Cook (Young) referred to that little sentence about what has occurred within a week or so, for it is of so much benefit at this time: "Consistency, thou art a jewel."

Gentlemen, I want to say and call particular attention to several of my friends on the Democratic side, that inasmuch as they all claim to be sparkling and scintillating jewels of consistency, they are entirely within their own province if they refuse to postpone further the consideration of this bill and bring it up for immediate action. The gentleman from McLean (Rowe) cites the Democratic platform and reads the words of that platform "completing the extension of the Chicago ship canal jointly by the National Government and the State of Illinois, to the Illinois River, upon these terms only." I want to say to you gentlemen that if you stand by your platform, you are inconsistent, for we have that great and shining precedent of the Democratic national platform, which reads: "We favor the exemption from tolls of American ships engaged in any coast-wise trade passing through the Panama Canal," and we have our precedent for the setting aside of the Democratic national platform. Why shouldn't you and Governor Dunne set aside the State platform? Be consistent, gentlemen; be consistent. (Applause and laughter.)

There is only one other link in this chain of consistency, and I am going to vote to bring up your proposition, but in these bright and shining jeweled breath and fixed eye to that matchless orator who, from the rostrum of consistency there is one other step that you should follow. I listened with bated breath and fixed eye to that matchless orator who from the rostrum two years ago spoke,—I refer to William Jennings Bryan,—and he used this exact language: Said he, "I will not allow any man to go beyond me in respect for conscience, and I will not say that any man ought to follow his platform if to do it requires a violation of his conscience,—." He was speaking for the referendum and recall then,—"What I do say,"—and he said it here in this hall to Democrats and Republicans alike, he says, "What I do say is that when a man finds he cannot conscientiously carry out a platform on which he is elected, he ought to be conscientious enough to resign and let somebody else on the platform who will."

Gentlemen, in your consistency you must support this bill this morning. I am with you; I am for it; let us bring it up now and vote for it, and having proved the apostles of consistency you must travel and immediately resign. I am for this bill. (Applause and laughter.) I think that everyone has had plenty of time to have his day in court.

Mr. O'ROURKE (Cook). Read your civil service platform.

Mr. BUTLER (Sangamon). I had the pleasure of reading that once in the House. I am standing on my platform. I named it before election to be my platform. It is against civil service and I am still on it. (Applause.)

Mr. MAUCKER (Rock Island). I just want to call the attention of the members of the House to this one fact, that the National Government have already spent upwards of \$6,000,000.00 in appropriation for the building of a canal, which will become a part of this internal waterway system, and it would be unfair on the part of the State of Illinois if we do not, after what has already been done by the National Government in the furtherance of the waterway improvement in the internal part of this United States, and I think we are justified in voting for this expenditure at this time and proceeding with the good work which will result, upon the part of the Legislature in this State.

Mr. IGOE (Cook). Question.

Rising vote taken. "Ayes," 90; "nays," 43. Motion to table prevailed.

THE SPEAKER. The clerk will read the bill.

(Bill read by the clerk.)

THE SPEAKER. Third reading of the bill. The question is, shall this bill pass?

Mr. TURNBAUGH (Carroll). I move this House adjourn until 2.00 o'clock.

THE SPEAKER. There are several members in this House who want to

be heard on this bill, and I think it is nothing but right that they should be heard.

(Motion to adjourn prevailed.)

Whereupon, the House recessed until 2.00 o'clock p. m.

Two o'clock p. m., Tuesday, May 25, 1915. Reconvened.

The Speaker in the chair.

Mr. TURNBAUGH (Carroll). Mr. Speaker, I rise to a point of order on that bill.

THE SPEAKER. State your point of order.

Mr. TURNBAUGH (Carroll). Rule 28 of House Rules provides:

"All bills for appropriations of money from the State treasury in providing for the expenditure of money when referred to other committees and by them reported back to the House with favorable recommendations, shall be re-referred to the Committee on Appropriations for its consideration before being finally acted upon by the House."

This bill provides for an appropriation of \$5,000,000 and it has not been referred to the Committee on Appropriations.

Mr. IGOE (Cook). Mr. Speaker, this bill does not carry an appropriation; it just specifies that the appropriations by bonds shall be disbursed.

Mr. TURNBAUGH (Carroll). Let us see whether it does. Section 12 of the bill provides: "For the purpose of defraying all expenditures of said commission made by authority of this Act, there is hereby appropriated the sum of five million (\$5,000,000) dollars, or so much thereof as may be necessary," etc., and the amendment itemizes the appropriation—

Mr. IGOE (Cook). Yes.

Mr. TURNBAUGH (Carroll). Section 15 provides: "There shall be included in and added to the tax levied for State purposes a direct annual tax for such amount as shall be necessary to pay and sufficient to pay the interest on each bond issued under this Act as it falls due."

Now, if anything can be more explicit than that, I would like to know how you make it.

Mr. IGOE (Cook). Now, this doesn't appropriate one dollar out of any fund the State has now.

Mr. TURNBAUGH (Carroll). No, there isn't any appropriation in money now; it must be levied the next time we levy taxes, the same as all these appropriations, except for deficiency.

Mr. IGOE (Cook). When you are through I will answer you.

Mr. TURNBAUGH (Carroll). Go ahead.

Mr. IGOE (Cook). Now, this bill does not appropriate a dime out of money in the State treasury outside of the proceeds of these bonds. Now, all appropriations that necessarily go with this bill are in the appropriation bill where they properly belong. There is nothing appropriated by this bill whatever. It simply sets forth the scheme of disbursing the proceeds that arise from the sale of those bonds. You said this morning you had said all you wanted to say, and this afternoon you come in here with a whole lot of motions.

Mr. TURNBAUGH (Carroll). No I don't come in with a whole lot of motions. This bill appropriates five million dollars—

Mr. McCORMICK (Cook). This bill has come up under a suspension of the rules, I think.

Mr. IGOE (Cook). Yes.

Mr. McCORMICK (Cook). Now then, if the House has decided to suspend the rules and proceed to the consideration of the bill, it can do so. Plainly, the House is considering this bill under a suspension of the rules, Mr. Speaker.

Mr. IGOE (Cook). This bill came up by unanimous consent this morning. Objections were made, but they were withdrawn. That is where the bill stands now. If the gentleman over there (Turnbaugh) wanted to object, that was the time.

Mr. TURNBAUGH (Carroll). I have a right to object under Rule 12 at any time. If this is an appropriation bill it should go to the Appropriation Committee. There hasn't been another appropriation bill reported out of this

House this session that was not referred to the Appropriation Committee. Now, here is a bill appropriating five million dollars, and under Rule 28, which has not been suspended, it should go to the Appropriation Committee.

Mr. BURNS (Cook). Mr. Speaker, I believe the point of order is not well taken. This bill is not an appropriation measure. It is an enabling measure.

Mr. TURNBAUGH (Carroll). Your amendment to the Constitution appropriated nothing; it simply changed the Constitution so that the Legislature might spend money for canals.

Mr. BURNS (Cook). The bill asks for an enabling Act now to give to the people of the State of Illinois what they voted for upon a bond issue some years ago.

Mr. TURNBAUGH (Carroll). Now you are trying to make it carry with it an appropriation.

Mr. BURNS (Cook). We are giving you an enabling Act.

Mr. TURNBAUGH (Carroll). Read the last part of Rule 28.

THE SPEAKER. Well, under Rule 28, "All bills for appropriations of money from the State treasury, or providing for the expenditure of money when referred to other committees and by them reported back to the House with favorable recommendations, shall be re-referred to the Committee on Appropriations for its consideration before being finally acted upon by the House."

While this is an enabling Act and the money appropriated is the money that will come into the treasury from the sale of bonds, yet this bill has been amended so as to provide for an appropriation, and it reads in the title of the bill; to create a waterway "and to create a commission to be known as the Illinois Waterway Commission and to make an appropriation to carry out the provisions of this Act."

AMENDMENT No. 1.

"There is hereby appropriated to the Illinois Waterway Commission the following sums:

"For channel excavation and dredging	\$1,240,200
"For locks and dams	1,404,550
"For right of way and damage to land.....	318,250
"For levees, land filling, road work, bridges, sewers and drains...	437,000
"For power and electrical equipment	1,000,000
"For office expenses, salaries of appointees and employees of the commission and other administrative and contingent expenses incurred by the commission	600,000

"Total\$5,000,000"

Under a strict construction of the rule it is an appropriation bill, and when on second reading should have been referred under the rules to the Appropriations Committee. The bill is now on third reading, and under the rule, any time a bill could be referred to the Appropriations Committee. The bill has now been read a third time and is before the House and in the possession of the House and by the House can refer it to the Appropriations Committee to consider at this time. What is the motion?

Mr. TURNBAUGH (Carroll). I move to refer the bill to the Committee on Appropriations.

Mr. IGOE (Cook). I move to lay that motion on the table.

(Rising vote taken. Motion tabled.)

Mr. IGOE (Cook). I believe that everyone in this House knows what this waterway bill is at the present time. It has been discussed in the different readings that the bill has had and from every possible angle. It has been submitted to the attack of those who wanted to attack it. I don't know what would be gained by a prolonged discussion of the bill at this time, and I will now give way, Mr. Speaker, to those who want to attack the bill and will reserve the right to answer.

Mr. HUBBARD (Greene). Mr. Speaker and gentlemen. I would like to be heard on this bill before the final vote is taken.

Gentlemen of the House. This is a bill known as the administration bill, backed by the administration and given the title of a deep waterway bill. The administration, I presume, in giving that title to the bill, was endeavoring to follow the statute, or the Constitution rather, as amended eight years ago by a vote of the people of this State, which authorized this body to issue bonds in the sum of twenty million dollars for a waterway.

Now, gentlemen of the House, I want again to call your attention to the provisions of that amendment, and apply that amendment to this so-called deep waterway which they are now endeavoring to put through this House. This amendment says that the General Assembly may by suitable legislation provide for the construction of a deep waterway or canal from the present water power plant of the Sanitary District of Chicago, at or near Lockport, in the township of Lockport, in the County of Will, to a point in the Illinois River at or near Utica, which may be practical for a general plan and scheme of deep waterway. Now, these are the words I want to call attention to: "that may be practical for a general plan and scheme of deep waterway, along a route which may be deemed most advantageous for such plan of deep waterway."

I want to show to you gentlemen that this bill does not conform to that amendment to the Constitution. I hold that this bill does not comply with the amendment authorizing the twenty million dollar bonds. I hold that this is not a deep waterway bill in any sense of the word, and I want to show that to you by men whose opinions are worth something on this question, and I will read to you a letter from a gentleman who is one of the strongest advocates of deep waterway in this section of the country or in the United States, a gentleman who has spoken perhaps more times in the furtherance of a general plan and scheme for a deep waterway than any other man in the State of Illinois, and who is honestly and sincerely for a deep waterway as contemplated by that section of the constitution, authorized by the people. I refer to the Honorable Henry T. Rainey, who was here at a hearing of the first so-called deep waterway bill. He sat here at my left, and he hadn't yet made up his mind as to whether or not this bill was a good one. I took the matter up with him afterwards, as I was opposed to it, and held that it did not comply with the constitutional amendment, and I asked his opinion in reference to it, and he took it home with him, and he addressed me this communication, and I would like now to call your attention to what he said:

"I thank you for sending me the copy of House Bill No. 177, the alleged deep waterway bill. I have found time to read the same and I was also present at the deep waterway meeting held in the Chamber of the House of Representatives last week, and listened to the arguments, favoring this bill. Commercial organizations along the route of the proposed waterway, where \$3,500,000.00 is to be expended, are, of course, enthusiastically in favor of the measure. I do not think the State of Illinois as a whole, favors this bill. I have been a consistent deep waterway advocate and the bill in question is based on the amendment to the Constitution of 1908, which I enthusiastically favored. When the amendment was submitted I made speeches in most of the counties in the State, favoring it, and I think my efforts contributed something to the fact that the amendment was adopted by a vote overwhelmingly large. The advocates of the amendment, however, stood for a deep waterway, at least fourteen feet deep, and the people of Illinois voted for a proposition of that kind. The bill now before the House is not a deep waterway bill in any sense of the term.

"CONSTITUTIONALITY.

"I question its constitutionality. New York has about completed the work of deepening the Erie Canal, and when the work is entirely completed she will have expended \$104,000,000.00 on the project of making the Erie Canal eleven feet deep. Before they commenced the work on the Erie Canal, they had a canal as deep as it is proposed by this bill to make this particular waterway, and it is not a deep waterway, in any sense of the term. It is simply a barge canal. The deepening, however, of the Erie Canal will give the City of Chicago an eleven foot channel to the sea, and the route to the

sea by the way of New York is no longer than the route by way of New Orleans; perhaps not quite so long, but after you get to New York you are some 2,000 or 3,000 miles nearer Liverpool than you are at New Orleans. An eleven foot waterway will carry a much larger barge than the waterway proposed in this bill. The larger the vessel, the cheaper the transportation. How much freight do you think will be carried by way of this proposed waterway to New Orleans when an eleven foot waterway is open to New York? I undertake to say that it will be cheaper to ship freight for South American ports by way of the Erie Canal and New York than by way of its proposed shallow waterway and New Orleans. I am very much afraid if this scheme goes through, it will be found that this canal is no more useful to the State of Illinois than is the Hennepin Canal,—." And you all know how useful the Hennepin canal has been; you can't even claim it for a good respectable frog pond; a good respectable frog would desert the Hennepin Canal for a deep waterway. (Laughter.)

"The bill in question is rather skilfully drawn, or at any rate the caption is, in an effort to bring it within the amendment of 1908, which provides for a deep waterway from Lockport to Utica, but if an eleven foot barge canal in New York is not a deep waterway, how can a seven foot canal in Illinois be called a deep waterway? If it is not a deep waterway, the bill is not constitutional. I undertake to say that no waterway expert can be found who will say that a seven foot waterway is a deep waterway. It may be deeper than the present Illinois and Michigan Canal. It is not much deeper, however, and will be as useless, I am afraid, when completed, as the Illinois and Michigan Canal now is.

"I note that the proposed waterway is to follow the channel of the Illinois River, which is to be improved so as to secure a depth not less than eight feet, etc. This could not be done without first securing the permission of the National Government. The consent, however, of the chief of engineers of the War Department might be sufficient. Whether this method of construction comes within the amendment which authorizes the Legislature to provide for the construction of a deep waterway from Lockport to a point in the Illinois River at or near Utica, I do not know. I am inclined to think it does not. Under this bill, after the proposed canal reaches a point in the Illinois River at or near Utica, it does not stop, but follows the channel of the river. I seriously question whether the bill is so drawn in this particular as to be within the authority granted by the amendment in question.

"WILL ONLY BE A SEVEN FOOT WATERWAY.

"The bill is being promoted upon the theory that it provides for an eight foot waterway. It is, however, not even that. I call attention to clause "Q" of section 6 of the bill, which provides for the construction of a concrete dam above Starved Rock, and a lock at that point, which lock shall be so designated that craft drawing not over seven feet of water may pass from the pool in the Illinois River above the dam. If this means anything, it means that the canal at this point is to be so constructed that all vessels drawing over seven feet of water shall be excluded from the canal. I am unable to see how a canal of this kind can be any deeper than it is at its shallowest portion and if this lock is to be so constructed that vessels drawing over seven feet of water cannot get into the canal, or out of the canal, the canal certainly is not an eight foot waterway; in fact, such a canal as this will hardly accommodate vessels drawing seven feet of water.

"THE TREATY OF WASHINGTON,

entered into between the United States and Great Britain in 1871, which is still in force, provides that the canals on the Great Lakes on the boundary lines, such canals as the Welland, St. Lawrence, St. Clair Flats, Sioux Canals, etc., shall be used on terms of equality by the inhabitants of Canada and citizens of the United States. Under this treaty the canals controlled by Canada are used by citizens of both countries free, and without the payment of any tolls. There is already a fourteen foot waterway from Chicago to the sea, by way of the Welland Canal, and the Lawrentian Canals. Why

should the people of Chicago prefer to use a seven foot waterway and to pay tolls for using the same, as this bill provides, when they already have a free route fourteen feet deep, by way of the Welland Canal and the Lawrentian Canals, to the sea?

"The Dominion of Canada is preparing now to build the Georgian Bay Canal, which will be a thirty foot waterway, connecting the lakes with the St. Lawrence River, near Montreal. When that is done, if the treaty of Washington is still in force, and we have every reason to believe it will be, Chicago will have a thirty foot free waterway to the sea. Will she prefer to pay tolls on a seven foot waterway when she will have offered to her a waterway thirty feet deep, free of tolls?

"THE WATER POWER QUESTION.

"The Deep Waterway Amendment of 1908, adopted by the people of the State of Illinois upon representations made to them to the effect that the proceeds that the State would derive from the sale of water power would pay the interest on the bonds and would eventually almost, if not quite, pay the principal of the bonds. Since the Constitutional Amendment has been adopted there has been considerable litigation over the subject of water power that might be developed along the canal, and cases are still pending in the Federal Courts involving this question. The Economy Light and Power Company, controlled by one of the great water power groups of the country, it is understood, has acquired the most valuable of these water power sites and is holding the sites so acquired, waiting for the State of Illinois to spend some millions of dollars in order to bring down from Lake Michigan sufficient water to make their holdings tremendously valuable. This great corporation, like some robber baron of old, operating along the River Rhine, has simply camped out along this route, waiting to exact tolls from the State of Illinois when this canal is built. Even the canal proposed in this bill will develop some water power. Will the State get it, or will the corporation get it? I would not be in favor of expending a dollar myself unless I knew the State was going to get all the profits that could possibly accrue from the sale of water power. The proposed bill does not safeguard the interests of the State in this particular, nor does it attempt to do so, and its proponents are strangely silent on this subject. None of them have ever hazarded a guess as to the amount of water power the proposed canal will develop, nor who is to get it.

"THE PROPOSED ILLINOIS WATERWAY COMMISSION.

"The bill provides for a Waterway Commission, upon which there shall be three commissioners, and this board shall have in charge the construction of the waterway. Each of these commissioners shall receive \$5,000.00 per year, except the chairman, who is to receive \$6,000.00 per year. Section 3 provides for a full complement of officers of this commission. They can appoint a secretary, a treasurer, a chief engineer, an attorney, and as many other officers, agents and assistants as they may deem necessary, and the commission shall fix the compensation of all the officers, agents, etc., so appointed by it. How much this will cost is problematical. We already have a Rivers and Lakes Commission, appointed under the Act of June 10, 1911, consisting of three members, the chairman of which receives \$5,000 per annum, and the other members each receive \$3,500 per annum. All their expenses are paid. This commission is given, by the Act of 1911, 'jurisdiction and supervision over all of the rivers and lakes of the State of Illinois,' etc. It is not understood that this particular commission is overburdened with work. Why not give it jurisdiction also of this proposed waterway? The duties certainly would be in harmony with the duties now performed by the Rivers and Lakes Commission. We have so many boards and commissions in this State that it is difficult to keep track of them all, but I am under the impression that the old Board of 'Canal Commissioners' which the law of 1874 provides shall consist of 'three discreet and skilful persons,' is still in existence, each of them drawing \$5.00 per day for each day he is employed in the duties of his office.' Therefore, if the proposed

bill should become a law, we would have three separate and distinct waterway and canal boards in Illinois, all drawing salaries and expenses from the State. It might have been advisable in this bill to consolidate these three commissions and give the commission so created jurisdiction of this matter, and of the other matters heretofore discharged by the other two commissions, and even then I undertake to say if this bill should become a law, the new commission would not be overburdened with work.

“HOW THE DEEP WATERWAY OUGHT TO BE.

“So far as I am concerned, I do not care how deep it is, to start with, provided it is so constructed as in the future to permit of a development to the greatest depth possible. The Chicago Sanitary Canal is twenty feet deep. It is possible to maintain in the Illinois River, all the way to its junction with the extended Chicago ship canal, a depth of twenty-four feet. This depth can be maintained all the way to St. Louis. A channel twenty-four feet deep, connecting these two great cities of the Middle West would be a most desirable thing, and the miter sills of all locks constructed ought to permit of a development of the canal to a maximum depth of twenty-four feet. The development first would probably be about twenty feet, the present depth of the Chicago Ship Canal; ultimately, in the future, if it was found necessary and desirable, the Chicago Ship Canal could be further deepened to the maximum of twenty-four feet. The locks provided for in the proposed bill present no such possibilities. They are apparently constructed with miter sills deep enough to accommodate vessels drawing eight feet of water, and no more. While a very large space is given in this bill to a description of the method of constructing the canal, the bill is strangely silent as to the depth of the miter sills. I undertake to say that not many of these proposed locks could be constructed with miter sills twenty-four feet deep, within the proposed appropriation of \$3,500,000.00.

“WILL THE GOVERNMENT EVER TAKE OVER SUCH A CANAL AS THIS?

“Section 18 of the bill provides that when this waterway has been constructed, it shall be tendered to the Government, ‘Conditioned upon the obligation or agreement of said Government to maintain the channel as a waterway, free from tolls,’ etc. The Government will never take over such a waterway as this. The locks constructed by the proposed appropriation will be absolutely useless if a deeper channel is to be made, and the Government will never undertake to operate a seven foot waterway. At the present time the National Government is acquiring various privately owned canals along the Atlantic Coast, and is preparing to construct what is known as the ‘Inland Waterway’ all the way from Boston around through Florida, around the Coast of Texas. In fact the Government has already entered upon this enterprise and every river and harbor bill contains several million dollars for the continuation of the work. Every canal, however, the Government takes over is capable of being developed to a sufficient depth to enable ocean-going vessels to pass through. There are no locks in any of them. All the Government has to do is to proceed with the widening and deepening of the canals. The expenditure of \$3,500,000.00 on this proposed waterway would be absolutely wasted. It would not assist the Government in the least, in developing any deeper channel and the fact that \$4,000,000.00 has been expended along the route of this waterway, which would be absolutely useless in any scheme the Government might undertake to provide a suitable waterway, will prevent and hinder any real deep waterway project. In fact, if this bill should pass, we can regard the deep waterway project as killed forever.

“THE PRESENT ATTACK ON RIVER AND HARBOR BILLS.

“The fight against river and harbor bills, led by Senator Burton, of Ohio, was really a fight against Illinois. It did not commence until some of us had secured a provision in the river and harbor bills extending Government aid for levees from Cape Girardeau as far north as Rock Island. Here-

tofore Government money has been expended on levees only below Cape Girardeau. The bill of two years ago contained a provision extending the 'Government aid for Levees' proposition so as to embrace the 227 miles of levee we are maintaining along the upper Mississippi River in Illinois, and it will be noted that the fight did not commence against river and harbor bills until some of us had secured an appropriation of \$1,000,000.00 from the Federal Government to be expended on the deep waterway project; thus committing the Government to the project whenever Illinois should take steps in the direction of building a deep waterway. The fight against river and harbor bills is probably ended now. The levee appropriations for the Mississippi River have been defeated, and the \$1,000,000.00 deep waterway appropriation has been entirely rescinded. In order to do this the river and harbor measure just passed expressly repealed the \$1,000,000.00 appropriation, which was carried in the river and harbor bill four or five years ago, for this proposition, and covers that fund back into the national treasury. River and harbor bills are drawn principally in the interest of the Ohio River and Lower Mississippi River, the lakes, southern rivers and such other waterways as are of tremendous advantage to the east and south. The development of western rivers has been discriminated against. The Missouri River was long ago abandoned, but had just succeeded in getting recognition again from the National Government when this new attack again removed the Missouri River from the map. We must commence all over again, in Congress, and fight for deep waterway appropriation, and the fight for Government aid for levees on the Upper Mississippi River. If we go back to Congress advising the Representatives of all the States that we have started to build a seven foot waterway in Illinois, which we want the National Government some day to take over and deepen, and when they find that the amount we have expended is absolutely wasted, and does not assist the Government any in the greater project, we will not be able to make much progress with the proposition.

"THE WATERWAY TO WHICH THIS BILL ATTEMPTS TO COMMIT THE GOVERNMENT.

"The concrete dam in the Illinois River at Starved Rock, provided for in this bill, and the channel construction in the Illinois River, can only be done after the plans of the same are approved by the Chief of Engineers. If the approval of the Chief of Engineers means anything, we have committed the government, or rather the War Department, to a seven foot channel connecting the Illinois River with Lake Michigan.

"HOW MUCH WILL THE PROPOSED WATERWAY COST THE STATE?

"The waterway is being heralded as a \$3,500,000.00 waterway. Section 18 of the bill provides for the construction of the canal with the proceeds of the sale of \$4,000,000.00 worth of bonds. Is it possible that \$4,000,000.00 worth of bonds are to be sold for \$3,500,000.00? Of course this cannot be the proposition. Therefore, it is evidently estimated that the expenses of the commission proposed in this bill, and the army of agents, officials, etc., they may appoint will take up the \$500,000.00. The provision in this rather loosely drawn bill is that these bonds shall draw interest at a rate not to exceed four per cent.

"It may be that the bonds would sell at a premium. They ought to with the great State of Illinois back of them. In that event, this proposed commission might expend more than \$500,000.00 in paying salaries, expenses, etc.

"I am sorry that I cannot enthuse over this bill. I am unwilling to believe that it has a chance to pass. I am and have always been, as you know, an enthusiastic deep waterway advocate. I have given as much time as any other man in Illinois to this subject, and I have done as much work on the deep waterway project. I have advocated it throughout Illinois and for twelve years in the Congress of the United States, and I feel that I have accomplished something in the matter. I have appeared before waterway conventions, state legislatures, state fairs, great mass meetings in many states, advocating a deep waterway, but I have never stood for a shallow

waterway. There are so many objections to this bill that if I were a member of the Legislature I would vote against it, and would do the best I could to defeat it. Beautiful speeches favoring deep waterway transportation, clamoring for waterway from the Lakes to the Gulf, are all out of place when made in connection with such a bill as this. The passage of this measure would be a distinct calamity to the deep waterway project, and would involve an unnecessary and almost criminal waste of the funds of Illinois."

Now, gentlemen, that is the letter that Mr. Rainey wrote before they withdrew their first great bill that they had here. That was after they had gotten up another which they called a deep waterway bill, and which they now claim is a great bill. They had to simply wash their hands of the bill entirely. Now they come back with another bill. How do we know whether this bill is better than the one proposed? They succeeded in satisfying the people at LaSalle and those points down there, but have they satisfied the people throughout the State?

I submitted this bill, gentlemen, to Mr. Rainey again, and I have this letter from him——

Mr. BUTLER (Sangamon). May I ask you a question? Who do you mean brought in another bill?

Mr. HUBBARD (Greene). I would say that the Waterway Committee brought in another bill.

Mr. BUTLER (Sangamon). And you said it was the Governor's Committee.

Mr. HUBBARD (Greene). Well, the Governor was back of it; of course we understand that; we recognize it as his bill. I have always supported the Governor and I am sorry I cannot support him in this. If the Governor is for measures I think are right, I will support him; but I am not going to have the whip used on me in this House. (Applause.) I will show you before I get through that he has been using the lash on more than one member of this House—and his secretary is sitting back here with his pencil in his hand checking up the members of this House as to how they are going to vote. (Applause.)

I know that I am going to be defeated on this, but I purpose to maintain my manhood.

Here is what Mr. Rainey says in reference to this bill—not only Mr. Rainey, but what somebody else said here—a man who stood sponsor for the first bill. Mr. Rainey says:

"I was in Springfield yesterday and called on the Governor, at his request, and went over with him his new Deep Waterway Bill. He also gave me an advance copy of it. It is a distinct disappointment; worse than the other in the disagreeable concessions it makes to power interests. It remedies none of the defects in the old bill. The bill is a 'gold brick' in every sense of the word.

"I told him I could not support the bill; that it was not a step in the direction of the deep waterway. He tried to make me believe that this was a long step in this direction and called attention to the fact that in his new bill the mitre sills were to be put down 'not less than eight feet.' Under this he claims they can go down fourteen feet, and he claims that his engineers will go down fourteen feet deep. This, of course, means nothing at all.

"The clause in the bill which attempts to permit legislation authorizing a deep waterway at some time in the future means nothing. The Legislature could do this without the clause in the bill. They probably would not do it, however, if it involved tearing up these locks."——

Now, Mr. Lyman Cooley, who is recognized, gentlemen, as a pioneer engineer in deep waterway construction. He is recognized all over the United States as an authority on deep waterway and he was one of the consulting engineers on this first bill, and now hear what he says in reference to this second bill:

"I am in receipt this morning, of a letter from Mr. Cooley, advising me that the new bill is a shallow waterway proposition pure and simple; that he has withdrawn from all connection with it and will do nothing further. He says that its concessions to power interests are exceedingly objectionable

and expresses to me his regret that he ever had anything to do with the proposition."

Now, there is a man whom you will rely upon from the very start as the dean of waterway propositions; you are relying upon him to help you through with this proposition and he repudiates every line of your bill and he says he is sorry he had anything to do with it, and yet you have the audacity to label this a deep waterway bill. It is absurd; there is not a single thing about an eight foot canal that anybody can believe it is a deep waterway proposition. Not only that; as I cited to you this morning, Congressman Madden agreed to come here and speak upon this bill as he believes it means the death of all deep waterway propositions. I could cite you many more. But no; the cogs are greased and the wheels started, and the great political machine which Governor Dunne has in his scheme has put its power behind it. It is the biggest mistake of his whole administration, and when he refused to submit this bill to the people and when those who are standing here claiming they are putting up the problem to the people and when he, supporting you by his silence, says that he does not want this bill voted on by the people, I will say to you, when they get a chance at him and his waterway proposition, they will show him what they think of him and his waterway bill. (Applause.)

Mr. O'ROURKE (Cook). Isn't it true that you are against this bill just because it is too wet? (Laughter and applause.)

Mr. HUBBARD (Greene). I will say to the gentleman that I am for all the water you will give me. I want more water. You haven't got enough in this canal for me.

Now, I will go a little farther. I think it would hurry this bill if it was a wet canal. It is too shallow.

I want to go now just a little farther in reference to the constitutionality of this bill, and I notice the gentlemen have not yet attempted to answer that point. In section 18 of the statutes, it says: "The State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate \$250,000; and moneys thus borrowed shall be applied to the purpose for which they are obtained, or to pay the debt thus created, and to no other purpose; and to no other debt, except for the purpose of repelling invasion, suppressing insurrection or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of the votes cast for members of the General Assembly at such election."

I hold that this bill, according to section 18 of the statutes of the State of Illinois, should be submitted to a vote of the people before it can be constitutional; that that expressly provides that you cannot issue bonds that exceed \$250,000 without first submitting the proposition to the vote of the people. The amendment of 1908 in no wise repeals or amends directly or indirectly that section of the Constitution.

Now, I have heard so much, gentlemen, it is really laughable and it is comical, I might say, to hear the speeches that have been made here on the floor of this House advocating that little tadpole ditch from Lockport to Utica; it is really laughable. They brought a great, wonderful expert from Washington here to tell us of the wonders of that waterway, and he showed us the wonders that would take place if that canal was built. Why, I own a very small tract of ground—or I will as soon as it is paid for—down on the Illinois River, and if I believed what that man said on the floor of this House, I wouldn't take \$500 an acre for it; I would expect to go down there and pick ten dollar gold pieces off all the dead brush on my place. It is absurd to think of it.

Now, what have barge canals accomplished? I want to call your attention to the fact, gentlemen, that they are being abandoned everywhere in this country; I want to call your attention to the fact, gentlemen, that right here in Indiana—and this is from the Encyclopedia of American Government. In Indiana canals have a total length of 435 miles, of which none is now in operation, and I could go on down the list. Now, what is the reason for that? Why have they quit their canal propositions? Why, we are getting clear

beyond any transportation by barges; it is too slow a process—and here is what this book says with reference to that—Cause of decline of Canal Navigation:

“Half of the canal mileage built in the United States is no longer used, and most of the other half has comparatively little traffic”——

Now, listen to that, gentlemen: “and most of the other half has comparatively little traffic”—and we are going back now, away back as far as 1850, in our actions here, and going to saddle an indebtedness on this State to build a canal that in a short time in all probability will not be used any more than the Illinois & Michigan or the Hennepin Canal.

“The freight once carried on the canals and rivers is now moved by rail for the reason that the present day railroad is for most items of the traffic and for shipments from most points the more efficient and more convenient carrier. The principal trunk line canals were constructed either before railroads were built or before the technical development of the railroads had indicated that bulky freight could be transported as satisfactorily and cheaply by railroad as by canal. The present highly efficient system of railways in the United States upon which fifty ton cars are sometimes moved in 50-car and 100-car trains, has made possible competition for bulky freights and the system of shipment of carload units from any station in the United States to another station, without regard to seasons or depth of water gives an incomparable advantage to the railroad.

“Business conditions change with the development of industries. More commodities require speedy transportation, more manufacturers and traders demand facilities for shipping directly from plant to plant or warehouse. A large share of the total volume of industry and trade must be carried on at places that have no water transportation facilities. The railroad affords a more flexible and adaptable system of transportation than the waterway does, and business today is for the most organized on the basis of the transportation facilities provided by the railroad system of the country.

“In general transportation by water, when possible, is cheaper than by rail, and the rates on canals, rivers and lakes are less than on railroads. Rates, however, are only one factor affecting the relative use of railroads and waterways. The facilities offered or the services rendered are the real detriment of rival systems of transportation.”

Now, I want to show you a little bit more about this canal proposition. I have heard them ask here on the floor of this House how much they were carrying on the Erie Canal in New York. Now, what are the facts about that canal? Now, remember, they finally abolished tolls on that canal; they don't charge any tolls in order to keep up the trade on it—and the Erie Canal is 361 miles long. Tolls were abolished after the year 1882. The total tonnage which came to the Hudson River in the Erie Canal in 1858 was 1,496,687. The maximum after the railroads started a rate, in 1880, was 3,226,558 tons; in 1900 it had gone down to 189,285 tons, and in 1914—listen to what they got out of it with all their cry about the tonnage being shipped on your barge canal, and they had a canal eleven feet deep and only had 235,389 tons shipped on the Erie Canal, and then have an intelligent man stand up on the floor of this House and say we shall go into the project of building a little tadpole ditch and that it would be a benefit to this country. Why, it is absurd on the face of it, and it has not a single leg upon which to stand. The only reason for this bill at this time is to give out some good fat jobs to somebody out of that \$600,000 which is standing out there so tempting to them, and I fear it is going to have some influence on the conduct of this House.

Now, I want to call attention to this: I notice here that Mr. Rainey refers to some of the dangerous concessions made to the water power interests. I notice here that they have taken that into consideration, and they say that if this suit is not won they can run around the power site owned by the power company up there; but I want you to mark the reading of that bill. It says that if the suit is not won the Governor may change the route. It doesn't say, “shall”; it says “may change the route”——

Mr. McCORMICK (Cook). Oh, no; the amendment makes it read “shall.”

Mr. HUBBARD (Greene). Well, you have got it a little bit better; I am glad you have done that much. It is bad enough with "shall" in it.

Now, I want to go a little farther. I notice, gentlemen of the House, that this has come to be advocated throughout this State as an absolute necessity now, and it must pass this House at this time, and what influence has been brought to bear? As I have stated to you, they brought men here from all over the United States to speak on the Deep Waterway, and tried to prove that this canal was a deep waterway, and all were in favor of the bill. No one was invited to come here or invited to speak opposing this little tadpole ditch, and when it appeared that there might be some amendments put in there that they would like, they called the two distinguished gentlemen, Senators of the United States, out here, to speak on the waterway proposition just before they took the vote on second reading, and oh, those boys came in like two little school-boys and recited their pieces. It was really painful to see how hard they tried to do what the Governor wanted them to do.

Senator Sherman (I respect him), the Governor says to him: "Mr. Sherman, you know I made you United States Senator; this is the pet scheme of my heart, and I want you to come here now and help it over"; and with a ring in his nose, he walks up here like a good little beautiful boy, and you could see that he was sick at his stomach when the time came. (Laughter.) He couldn't help but let his feelings out some. Why, gentlemen, I felt sorry for him; I really did. I like him. I felt so sorry for him I didn't even ask him any questions, I saw he was so embarrassed, and I let him go. He says he would much rather get out of trouble for 25 cents on the dollar than for 100 cents on the dollar. (Laughter.)

Listen, gentlemen. What I mean by that is that he admits by that statement that you are going to get into a five million dollar trouble, but he is afraid if you don't do this, some Governor is going to cop off the whole twenty million dollars; that is what he means. I wanted to get up and ask him this question, gentlemen: "Senator, didn't you, when you were fighting Governor Deneen's proposition, make this statement, 'that that bill was conceived in a refrigerator and born in a frost?' That is what he said, and I want to see him get back some of his old vim and tell where this bill was conceived and born—

Mr. BUTLER (Sangamon). May I ask a question? It wasn't in connection with the waterway bill, but the primary bill, that he said that.

Mr. BROWNE (LaSalle). It was neither; he referred to Deneen himself.

Mr. HUBBARD (Greene). He said all the way through that he just came here through a sense of duty that he had to fulfil to Governor Dunne, and he had; there is no question about that.

Now, I will not dwell upon Senator Sherman's speech any longer. I felt so sorry for him I didn't want to ask him any questions; I saw he was sick at his stomach—

Mr. IGOE (Cook). You ought to feel sorry for a fellow that has gone, and can't answer you.

Mr. HUBBARD (Greene). You know I wasn't allowed to reply to him on that night. Your charges are not well founded, I am willing to meet him here or any other place—

Mr. O'ROURKE (Cook). I want to say, the speaker charges the Governor with electing Sherman United States Senator. Governor Dunne has no vote on the floor of this House; the gentleman from Greene (Hubbard) has, and voted for Mr. Sherman.

Mr. HUBBARD (Greene). Yes, sir, I did, and at the request of Governor Dunne. (Laughter and applause.)

I will say further, I was one of the democrats who worked until one o'clock at night, getting democrats into Governor Dunne's office to sign up to vote for Sherman and Lewis for United States Senators, and Governor Dunne was there until one o'clock that morning, too, and we got the sufficient number signed up. (Applause.)

Mr. O'ROURKE (Cook). And now you are being used to defeat this waterway question for Rainey.

Mr. HUBBARD (Greene). Oh, no, I am not. I want to tell you what I think of it, and I have a right to on the floor of this House.

Now, I want to pay my respects to our good friend, Senator Lewis, and I have great respect for Senator Lewis, as well as I have for Senator Sherman. I really felt sorry for him. He showed by his talk he didn't know anything about this waterway, and he admitted here that three times he had made an ass of himself on the waterway proposition, and thereby he conceded, after he got through with his speech here, that he made an ass of himself again on this proposition (Laughter and applause), and I believe if Senator Lewis will be candid about it and square about it, he will admit that he did, because he is a square man.

You know I have been very much in favor of peace always, and I have never thought I wanted to go to war. I know I didn't. But after I heard Senator Lewis' speech on the question of the canal, I almost felt "thou persuadedest me" when I heard him in his eloquence describe the need for that little tadpole ditch for national defense. "Oh, it will be a great national defense." (Laughter and applause.) Think of it! we may have war with China, England, Germany, France, and they would come together on each side of that canal, and they couldn't get any farther to save their lives; we would have them blocked with barges (Laughter), and that is the reason I thought that I wanted to go up to Chicago and enlist in the army, and they would put us on a barge and start us down the river to go to war, and what glorious times we would have, and it wouldn't cost the Government a cent, and we could catch fish and eels. What a glorious thing that canal would be, gentlemen; it is a great thing, and all these nations might come in here, and if we haven't got that canal, then we will get licked. That is what Senator Lewis thinks.

Mr. IGOE (Cook). You might have a chance to get another pension.

Mr. HUBBARD (Greene). I don't want another pension. Gentlemen, I want to say to you from the standpoint of reason and common sense, I have heard more bunk, I could say, advanced in favor of this canal, than I ever heard in my life on any proposition. You talk about this little canal being a waterway. I live close to the Illinois River, and right down in my county there are something like 40,000 bushels of wheat raised, right along the banks of the Illinois River. Last year, with four good landings on the Illinois River, and with two large boats plying up there three or four times a week, not a bushel of wheat was shipped by boat. Every bushel was hauled a distance of from one to five miles or six miles—when they were within a mile of the landing—and hauled to the railroad station and shipped out. There is your great natural waterway. You can go to Memphis, Tennessee, on the greatest natural waterway in the world, and you will find there the largest hard lumber market in the world, and 75 per cent of the lumber shipped out of Memphis is shipped by rail and not by water, and what is your little seven foot canal going to do for your lumber business or any other business, when they don't use it to carry their freight? Why, it is absurd to think of it.

There is only one waterway to build and that is a waterway that will admit of light ocean-going vessels going through, where you don't have to transfer the freight to barges or smaller vessels. Do you know that it costs a great deal to transfer freight to barges or vessels on a canal and then to a train to carry it inland five or six hundred miles. Does it stand to reason that they are going to ship in small amounts? And then, so far as your barge proposition is concerned, I want to refer again to the distinguished gentleman when he says, "Why, we have discovered that it is not steamboats; that is not the proposition; we want to carry it by barges; that is what counts," he says. I wish he would write to the Diamond Jo Company and all those other companies down at St. Louis and give them that advice. They have got millions of dollars invested in steamboats and if they knew it was cheaper to run barges they would pay Senator Sherman for his advice, and yet he stands up here and says it is the barge proposition we want and not the vessel proposition, when anybody knows that there is only one way that you can make a waterway pay and that is where you can transport for a long distance in large amounts and you don't have to transfer any oftener than possible. If we could build a waterway from the Great Lakes to the Ocean, then we might talk about reducing the rates in the Mississippi Valley, but I will say to you, gentlemen, that this barge cana:

will never at any time reduce the cost of freight to anybody. Who is it that is advocating it? Here is a letter from the Hines Lumber Company to a man over in one district, advising him to go and see his representative and see that he votes for this bill; that all the big commercial concerns up there want this canal. I will not take the time to read that letter at this time. Now, do you think for a minute, gentlemen, that they are going to lower the price of lumber? Suppose they ship lumber by barge down to New Orleans; is the consumer going to get one cent reduction on it? It is going to help the big companies if it is used at all—and I doubt if it is used inside of 10 years—and it will be just as useless as the present canal. What is the use, then, of the State of Illinois going to work at this big expense—and let me say to you, gentlemen, that this five million dollars is only a starter—a beginner, and simply an entering wedge to the twenty million, and before that little tadpole ditch is finished, the twenty million dollars will be wiped out and they will come back here two years from now and say, we want an appropriation; we have decided to make a change, to make it thus and so, and our money is gone. That is what this bill means, in my judgment, and I think you will find two years from now that what I am telling you is true; that two years after this they will come back here and ask you for just as much bond issue as at this time, and when you go through with this little 8-foot canal, you deceive the people of the State of Illinois.

There were a lot of circulars printed, and I want to say here, gentlemen, that I circulated those circulars. I went into the school houses in my district, and I read them the platform there as read by the gentleman from McLean, that this twenty million dollars was not to be used at any time or any place, except in conjunction with the United States Government in digging a deep waterway from the Lakes to the Gulf. It is wrong without first submitting it to the vote of the people; you shouldn't do it, and I say to you that the people of the State will bring you to a reckoning for it when they get a chance to do it. You mark my words on that.

Now, gentlemen, I feel that I have talked long enough on this bill. I just want to say this in closing my remarks: That I am sincerely and honestly in favor of a deep waterway, and I believe as surely as I stand here that the passage of this bill means the ultimate death of any deep waterway project, as contemplated by that amendment. I sincerely hope that it will not become a law, and I think if it does, that the Supreme Court will probably declare it unconstitutional.

I wanted to make some remarks here, but I don't think it is necessary, on the manner in which this bill has been forced through, or attempted to be forced through. I regret that the Governor of the State of Illinois saw fit to use the power at his back, including the Secretary of State's office; that they should come out in the open and crack the whip on those who hold appointments under them, and say, We want you to vote for this bill. They have not been willing to give us a hearing or submit it to the vote of the people; but they hold the power at their back and they crack the whip on the members here and they give you to understand that they expect you to do something. There is no question about that. I can back it up. It is absolutely wrong. You are taking the power of legislation out of the hands of this body and placing it in the hands of the head of this State. It is too much power to place in his hands. It is absolutely wrong, absolutely wrong, and I think that you will discover before many years roll around that he has made a great mistake; that no governor should take such matters in his hands and use such means as he has used here to force a bill through this body. You make him the legislative head of this State instead of this body being the legislative head of this State, when he is only the executive head. I stand here to denounce such action as that, and I think that the people of the State of Illinois will ask you to account for such action as he has taken in this bill, and the manner in which it has been attempted to force this bill through the House of Representatives.

Mr. BUTLER (Sangamon). I would like to ask a question. Are any of the employees that have been importuning and cracking the whip over the legislators, are any of them under the Civil Service?

Mr. HUBBARD (Greene). I don't think they are.

Mr. McCORMICK (Cook). I do not know that it should fall to my lot to defend the Democratic Governor from the attacks of the gentleman from Greene, but I suppose that there are some of the members who might thank him for material for a campaign back two years from now.

This bill is not without its faults, Mr. Speaker, but I do not think that it can be said that the Governor has been arbitrary in insisting on a waterway as originally presented by him, or by the engineers under his direction. Faulty though the bill may be, it has been modified with his consent. It provides for a channel of sufficient depth, according to the majority of opinion, of standards of modern waterways.

In Germany, where waterways have reached their highest development in relatively shallow barges, such as now operate from Pittsburgh to Memphis and below, and I believe that the gentleman from Greene will learn if he inquire, that in spite of the lack of other traffic to encourage the development and investment in barges, lumber today is shipped in barges up the Mississippi as far as Cairo and there trans-shipped.

I do not believe it is the function of States to make this sort of expenditure, but it is obvious from the experience of this State that unless it initiate such expenditure it can hope for none from the National Government.

I say that this bill is not without faults, and in my judgment its principle fault is one suggested by the gentleman from Greene, that it will permit of the entrance of politics into the construction of the canal. I introduced an amendment which, in my judgment, would have cured that objection, and I am going to vote for this bill in the confident hope that in the Senate a Republican caucus will strike out of this bill the provision for direct construction of the canal without contract. If this bill be unconstitutional, and there are some precious good lawyers who think so, that will not be the fault of this Assembly, or a fault of some of the members of this Assembly, for an effort was made to land the bill by providing for a referendum on the bond issues, and if the Senate fails to incorporate that amendment, then the State Administration, and no one else, will be responsible for the rejection of the bill by the Supreme Court. There is no political or moral objection to this bill, as the gentleman from Greene suggests. It is a question of expediency. This is not the bill that we all would have. It is the bill upon which we most of us can agree, and under those circumstances I believe it to be our duty, however, unwilling, to vote for this bill.

Mr. WILLIAMSON (Champaign). Gentlemen of the House, before the vote is taken on this measure, I feel it my duty to say a word in response to Mr. Hubbard's remarks regarding the activities of the Secretary of State and the Governor of Illinois. Now, I propose to vote for this measure, and my decision to do that, and my decision to vote on every other measure, that I have supported or opposed in this House, was arrived at after exercising my best judgment after listening to arguments on the measures for and against, and I want to say in response to that part of the speech the following: that I have never been interviewed by the Governor of the State of Illinois, or by any appointee of his on this measure. I have not been interviewed by the Secretary of State or any appointee of the Secretary of State of the State of Illinois. I have not been interviewed by any member of the committee that has had this measure in charge, and when I vote for this measure I vote for it not because a whip has been cracked over me, and I dare say that is the condition on which many other members of this House shall vote on this measure.

THE SPEAKER. If there is no further discussion of it we will call the roll.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 107, and the "nays" 41. The bill having received the necessary constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SHURTLEFF (McHenry). I desire to call up House Bill No. 104 on third reading.

THE SPEAKER. Third reading, and the question is shall this bill pass.

Mr. SHURTLEFF (McHenry). There has been some contention over this bill. The question is raised by the gentleman from Mercer. I think he has a couple of amendments that have been agreed upon with the proponents of this bill which they agreed to stand for in the Senate if the bill goes there. One amendment amends the first section of the Act, inserting in line 4, the following words:

"Provided, that boys may be employed in agriculture, or in the distribution of newspapers and periodicals in hours when the public schools are not in session in the town, the township, village or city where the boys so engaged reside." That is one amendment. Another amendment is by adding an additional section, known as "section 18": "For the purposes of this Act the term, 'employed in agriculture' shall mean employment in the customary occupations about a farm, and shall not mean employment about a canning or preserving establishment."

I understand, Mr. Speaker, that the parties proposing this bill, and back of it, have agreed with the gentleman from Mercer, Mr. Graham, and other gentlemen in the House, in making a statement which I submit, that if the bill goes over to the Senate, goes forward, they will stand for these amendments and will oppose the bill in the Senate unless these amendments are made a part of the bill in the Senate, and on their behalf I present this statement and ask to have it incorporated in the House Journal.

With that statement the bill is before the House and this amendment will be insisted on in the Senate, and I think it is better that the bill should go to a roll call here today than to take the time of amending it in the House. Therefore, the bill is submitted, with the understanding that these amendments, as read, will be incorporated in the Senate, or else that the parties proposing the bill will oppose the bill in the Senate without these amendments.

Mr. WEBER (Cook). How many amendments are there?

Mr. SHURTLEFF (McHenry). There are two. Let the clerk read the amendments and the statement.

We agree that if House Bill No. 104, relative to child labor, be passed by the House, we shall present to the Senate or to the Committee of the Senate to which said bill is referred, the following amendments, and that further advancement of said measure in the Senate and will use all reasonable efforts on our part to prevent such advancement:

Amend section 1 of House Bill No. 104, by inserting in line 4, following the word "occupation," the following words:

"Provided, that boys may be employed in agriculture, or in the distribution of newspapers and periodicals, in hours when the public schools are not in session in the town, township, village or city where the boys so engaged reside."

Amend House Bill No. 104, by adding thereto the following section, to be numbered section 16:

"Section 16. For the purpose of this Act the term 'employed in agriculture' shall mean employment in the customary occupations about a farm and shall not mean employment in or about a canning or preserving establishment."

Mr. SHURTLEFF (McHenry). I will state that that is an agreement that has been made between the parties proposing this bill, edited by Mr. Mullenbach of Chicago and by Mrs. McCormick in Springfield, and by Mr. Jones, and others, with Mr. Graham of Mercer and other gentlemen that have raised these questions on this bill, that they will stand for these amendments if the bill goes forward to the Senate.

Mr. DONAHUE (McLean). Suppose they pass the bill as it passes the House?

Mr. SHURTLEFF (McHenry). I think they will be probably quite fortunate if they get it through the Senate with these amendments.

Mr. DONAHUE (McLean). That might be so, but suppose the other thing happens. It is possible. Either thing might happen.

Mr. SHURTLEFF (McHenry). My suggestion, in reply to the question, Mr. Speaker, is that this House go to a roll call on the bill at this time and take chances on that proposition.

Mr. GRAHAM (Mercer). I desire to make a statement to keep my word good. I have been very much exercised about this bill because of the fact that it prevented boys under fourteen from working, in my judgment, and I therefore saw the sponsors for this bill and told them that I must object to it in its present condition. They finally proposed these amendments. So far as I am personally concerned, although I do not favor the bill particularly, I think there is enough good in it that I am willing to vote for it, if these amendments are made. In other words, as a compromise measure it seems to me that the greater good of the greater number would be subserved by an advancement of this bill with the understanding that has been made and agreed to in the record, that these amendments will be made as soon as they can conveniently be made. The proposition is made that they could not be made here on the floor of the House, because it might kill the bill entirely, but they could be made in the Senate, and I am taking Mr. Shurtleff's word for it that he will do what he says he will do on this agreement.

Mr. PURDUNN (Clark). I move we recall this to second reading and have it amended here.

Mr. GRAHAM (Mercer). We could do that and have this advanced again to third reading. Possibly Mr. Shurtleff will agree if we take it up quickly on second reading, and not lose its place on the Calendar. I think here is the place to do it.

Mr. SHURTLEFF (McHenry). I am not at this time willing to make this agreement, and I think it is unwise. I think it is unwise on the part of the bill and the House at this stage of the session, getting towards the last days, to send this bill back to second reading, then the amendments, then to the engrossing department, then on another day to take up the time of this House, when possibly if this bill goes to the Senate it will not pass at all; I do not know whether it will or not, but I do know, I think, enough about the legislative situation to know that if the Senate takes up this bill favorably and sees fit to make it a law, or to send it back here, that they will incorporate these amendments, possibly other amendments, and it is my judgment, I will say frankly to the gentleman from Clark, and I think he knows I am correct, that this bill, if it is made into a law is very apt to be made into a law by a Conference Committee, in which all parties in this House will have a chance to have representation and to be heard, and with that view I think it is unwise to delay the bill and send it back to second reading and to the engrossing department. I think we can either pass it as it is or defeat it on the floor of the House.

Mr. MAUCKER (Rock Island). I unite with Mr. Graham in insisting upon this revisory clause for the simple reason of keeping the boys off the street in the summer time, and give them a little vacation, and I hope this bill will pass with this tacit understanding.

Mr. WEBER (Cook). I would like to say a few words in behalf of the measure, with the consent of the House.

The proposed amendment I think would not benefit the bill very much. The only thing it will do is to prevent children under fourteen years of age from working when school is not in session. The bill itself raises the age limit of compulsory attendance at school from fourteen to sixteen years, and as I have said before, when this bill was on second reading, that is a bad feature, because many boys at the age of fourteen are capable of doing physical labor and work and are capable of earning a comparatively reasonable salary, which is very essential to help the family out at home. Now in this bill you say that he can be employed, but only when the school is not in session. Consequently he cannot be employed during any day on which the school is in session, cannot hold any position excepting after school, which amounts to very little or nothing.

Now, besides that, the bill here in section 2 says:

"It shall be unlawful for any person, firm, corporation, agent or manager of any firm or corporation to hire or employ or permit or suffer to work, except in agricultural and domestic service, any minor under the age of eighteen years, unless there is first produced, and placed on file in such place where the minor is employed, a working permit. issued and approved as hereinafter provided."

"Eighteen years," gentlemen of this House; an age when many young men consider about getting married, when they begin to do business for themselves. Many young men at that age are in business for themselves. Many young men at that age are in business for themselves and here you want to limit them and say in this bill that "you shall not do so without a permit." Further go on and you say that he "shall not be issued that permit unless he can read and write." You say further that for permission for a young man or young woman to work under the age of eighteen years they must have a permit from the Superintendent of Public Schools. You virtually put in here in this bill three pages of red tape through which they must proceed before they can get that permit. Suppose a young man seventeen years of age cannot work under this law unless he has a permit from the Superintendent of Public Schools in that district. Now suppose that the Superintendent of Public Schools will not issue that permit? Then they cannot work, and you make no other provision in this bill for them to do work under any condition at all. And what will be the result? Why, if you cannot get the permit, and who is to say whether he is to have a permit or not but the Superintendent of Public Instruction? There is nobody else. There is no appeal provided in this bill. And assuming the Superintendent of Public Instruction says he shall not have a permit? The person cannot work, and what is the result? You know that old saying that "idleness is the devil's workshop." You drive those boy and girls on the street, but you won't let them work. That is the bad feature of this bill.

Here is another proposition under section 5. Line 20 reads: "In cases where minors under eighteen years of age cannot obtain a school certificate, it shall be the duty of the person authorized to issue a working permit to examine them as to ability to read and write legibly simple sentences in their native language." Now suppose that the person who is authorized to make this examination does not understand that native language, what position is he in? He will not be in position to issue the certificate, and consequently not being in position to issue it, if the person cannot work he will be put into idleness by the provisions of this bill, until the time he becomes eighteen years old, and there is no provision in here how he shall appeal. Absolutely in the hands of the Superintendent of Public Instruction whether children under the age of eighteen shall work or shall not work. Do you mean to say it is fair and just to stop young men and young women between the ages of sixteen and eighteen years of age from working in some reasonable and sensible occupation and earning a living whereby they can support their mothers or fathers or families, absolutely unreasonable.

I submit, gentlemen of this House, that this is a bill which ought to be voted down. There are many other things which ought to be said about it, but I believe that most of you have read the bill and know the amendment. I think it is a bad bill and ought to be killed right now.

Mr. DAVIS (Knox). In reference to the permit, the amendment is simply for the purpose of showing that the child is of that age and to identify the age of the person who wants to work.

The clause or the amendment providing for the Superintendent of Schools to issue those permits, as I remember, applies simply to those children between the ages of fourteen and sixteen who can only work when school is not in session, consequently it does not affect the others.

This bill is held up to have a lot of bugaboos in it. It is not anything that anyone needs to be afraid of. It has been amended, the bad features eliminated, and there isn't anything that can harm anybody; the idea of it is to keep the children in school as long as it is possible to do so. The bill is a good bill in its present form and it ought to pass.

Mr. WILSON (Cook). Mr. Speaker and gentlemen of the House. I want to call your attention to section 8 of the bill, which says that:

SEC. 8. All minors between sixteen and eighteen years of age employed at any occupation in any establishment within this State shall submit to a physical examination whenever required by a medical inspector of the State Department of Factory Inspection. The result of all such physical examinations shall be recorded on blanks furnished for that purpose by the Chief State Factory Inspector, and shall be kept on file in such office or offices

as he may designate. If any such minor shall fail to submit to such physical examinations, the Chief State Factory Inspector shall issue an order cancelling such minor's working permit. Such order shall be served upon the employer of such minor, who shall forthwith return to the local school authority who issued it, the minor's working permit. A certified copy of the order of cancellation shall be served on the local school authority who issued the said certificate. No such minor whose working permit has been cancelled, as aforesaid, shall, while said cancellation remains unrevoked, be permitted or suffered to work at any occupation in any establishment within this State, before it attains to the age of eighteen years. If such minor shall subsequently submit to the physical examination required, and as a result of the physical examination made by a medical inspector, it appears that the minor is physically unfit to be employed in any establishment, such medical inspector shall forthwith submit a report to that effect to the Chief State Factory Inspector, setting forth in detail the reason for his opinion, and the Chief State Factory Inspector shall order the cancellation to continue in full force and effect until the minor shall attain the age of eighteen years; but if upon subsequent physical examination of the minor by a medical inspector of the Department of Factory Inspection, it appears that the physical infirmities have disappeared such medical inspector shall certify to that effect to the Chief Factory Inspector, who shall thereupon issue an order revoking the cancellation of the working permit, whereupon he shall notify the local school authorities who issued it, of such action.

Whenever an employer shall require a physical examination by a physician or surgeon as a condition of employment, the party to be examined, if a female, shall be examined by a physician or surgeon of her own sex. If an employer shall require, or attempt to require, a female applicant for employment to submit to an examination in violation of the provisions of this section, he shall be deemed guilty of a misdemeanor.

Now, Gentlemen of the House, you know that parents do not care to have their children at the age of sixteen to eighteen taken up by the Factory Inspector and sent, or have a physician examine them, and then if not in the condition that they say they should be, not allow them to have a working permit. What is he going to do with them? He don't say he is going to put them in the hospital. Why don't you have a hospital to this bill. That is what you should do if you are not going to allow these children to work, and take a physician other than their family physician to examine them. I believe that that section should be stricken out of this bill and I believe that the bill should be taken back to second reading and amended the way it should be.

Mr. PURDUNN (Clark). If it is not too late I want to make a motion that this bill be recalled to second reading for the purpose of amendment.

Mr. SHURTLEFF (McHenry). I move that that motion lay on the table. (Rising vote taken. Motion to table is lost.)

(Rising vote taken on motion to recall bill from third reading to second reading. Motion prevailed.)

SHURTLEFF (McHenry). I offer the following amendment, and move its adoption:

AMENDMENT No. 16.

Amend section 1 of House Bill No. 104, by inserting in line 4, following the word "occupation," the following words:

"Provided, that boys may be employed in agriculture, or in the distribution of newspapers and periodicals, in hours when the public schools are not in session in the town, township, village or city where the boys so engaged reside."

Mr. WEBER (Cook). I move that further consideration of this bill be postponed.

Motion to postpone further consideration lost. Amendment adopted.

Mr. SHURTLEFF (McHenry). I offer the following amendment, and move its adoption:

AMENDMENT No. 17.

Amend House Bill No. 104, by adding thereto the following section, to be numbered section 16:

"Section 16. For the purpose of this Act the term 'employed in agriculture' shall mean employment in the customary occupations about a farm and shall not mean employment in or about a canning or preserving establishment."

(Amendment adopted.)

Mr. WILSON (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 18.

Amend House Bill No. 104, by striking out section 8 of the printed bill.

Mr. WILSON (Cook). This section 8 that I just called your attention to before we called this bill back to the second reading, regarding the medical examination of children from sixteen to eighteen years of age and if they do not pass an examination they are not given a permit, I do not believe that is right. Parents, if they wish their children examined, have physicians and I do not believe that factory inspectors have a right to call in physicians to examine children because they want to have them work, and I move this amendment be adopted.

Mr. SHURTLEFF (McHenry). This part of the bill in no wise seeks to interfere with any child between sixteen and eighteen years of age working at a gainful occupation. It merely provides, and for two purposes, that a permit shall be issued for a boy or girl between sixteen or eighteen years of age to labor at a gainful occupation in order to have an identification of them as to age, and of the question of the physical examination, it merely means this, that if the factory inspector goes into a manufacturing plant, where there is machinery, and in places where these children are working, if there is one of them in his judgment, a girl sixteen years of age or a girl seventeen years of age that from her physical appearance is not fit to be in a factory or a work shop and doing the labor that she is doing, this bill gives the factory inspector of the State of Illinois the right to require her to take a physical examination. It does not refer in any respect to the original right requiring them to take physical examinations before they get their permit; that they get as a matter of course. But it does give the factory inspector the right in this State that where a girl sixteen or seventeen, or a boy seventeen, is working in a manufacturing plant, and plainly they show that their physical condition is such that they ought not to be there, it gives them the right to require them to take a physical examination, and I do not think that the gentlemen of this House desire to vote that out of this bill. If I remember correctly, substantially the same question was before the House when this bill was up before on second reading. I am not certain that the same amendment was made, but the same question was discussed before this House and it was not gone over after discussion.

While I do not care to cut off debate, I wish to make the motion that it lie on the table when the debate is through.

Mr. BROWNE (LaSalle). Gentlemen of the House, with all due respect to the gentleman from McHenry, this does not give to the boy or the girl the right to take a physical examination at the instance of the Factory Inspector, but it does give to the Factory Inspector the right to take your daughter or your son under the age of 18 years and take him to whatsoever physician he may see fit and submit him or her to a physical examination to see if he or she, in their opinion, is fit to work.

A person between the age of 16 and 18 is not a child. That is a joke. This ought not to be called a Child Labor Bill; it ought to be called a Young Man and Young Woman Labor Bill. The idea of calling people 18 years of age children. It is absurd upon the face of it. This amendment ought to pass. That provision giving the Factory Inspector the right to enter the family, the right to dictate in that kind of way, to take the child of a family before some physician and have them examined, put through the paces; it is abhorrent to you, to me, and to everybody else. Why not give

the Factory Inspector and the appointee of the Factory Inspector the right to control the children in this State, the right to say what they shall eat, the right to say what they shall drink, when they shall go to sleep, how long they shall stay out and what exercise they shall indulge in. The Factory Inspector is competent; the assistant is competent. You have known a lot of them. They are competent to govern your child, to doctor your child. You have known a lot of those fellows. You would like to have them running your family. It is a good thing, this is. This ought to pass.

(Amendment adopted.)

Mr. WEBER (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 20.

Amend House Bill No. 104 by changing the word "eighteen" wherever it appears in said bill to the word "sixteen."

Mr. MAUCKER (Rock Island). I move that the motion lie on the table.

(Motion to table prevailed.)

Mr. BROWNE (LaSalle). With the adoption of these words I think this bill has got a chance. Without the adoption of these words; by leaving in this bill the proposition that a person at the age of 18 is still a child, this bill probably will not pass, at least it ought not to pass, here or any other place, and I think this amendment ought to be adopted.

(Amendment adopted.)

Mr. COOPER (Wayne). As a substitute, I offer the following amendment and move its adoption:

AMENDMENT No. 19.

Amend House Bill No. 104 by striking out the enacting clause.

(Motion prevailed.)

Mr. SHURTLEFF (McHenry). I would suggest that the amendment with the sections be reported, to correspond with the amendment, and have them seconded.

(Motion prevailed.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. MULCAHY (Cook). I desire to call House Bill No. 186 on the order of third reading.

THE SPEAKER. Third reading of the bill, and the question is, Shall this bill pass?

Mr. LYLE (Cook). There were two or three bills introduced on fraudulent advertising on this bill, as the result of an agreement between the introducers of the other bills. This bill is identical with the bills which are now laws in 18 other states in the Union. In 12 other states in the Union they have practically the same law enacted, in different words. The bill is self-explanatory and it differs from the present law in the manner and the method of advertising fraudulently, and it also differs from the present law in the nature and substance of the things covered. The present law has reference to damaged goods and merchandise. This law deals with stocks, securities, merchandise and services. It is a good bill and I think it should pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 138 and the "nays" none. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. McCORMICK (Cook). I desire to call up House Bill No. 899 on the order of second reading.

Mr. GORMAN (Peoria). I would like to ask the gentleman that he postpone at this time, and tomorrow morning at 10:00 o'clock that it be made a special order of business for tomorrow. It is a bill of great importance and there will be a great deal of discussion on it, and if the gentle-

man could give way until tomorrow morning and make it a special order of business, I would be very much pleased.

Mr. McCORMICK (Cook). If I can have the unanimous consent of the House that this bill will be called up tomorrow on second reading, I shall be very glad to oblige the gentleman.

THE SPEAKER. If there is no objection, House Bill No. 899 will be special order for tomorrow morning.

Mr. GORMAN (Peoria). I would like to call up House Bill No. 820 on the order of second reading. I would like to proceed under Rule 12.

Mr. WILSON (Adams). The bill ought to be debated more or less and I would vote to bring it on for third reading at this time.

Now, I don't care to indulge in any undue criticism of any person or of his calling. What I have to say in regard to this bill I want to be entirely impersonal, because some of the gentlemen who are for this bill have my high esteem, but I think, gentlemen, that this is one of the worst bills in the House; that it would absolutely be a step backward. It is said that this bill is founded after the New York and Wisconsin Act. I want to say that the chief of police, Mr. John T. Jansen, of Milwaukee, Wis., has absolutely condemned the Wisconsin bill. He says, "I am opposed to all boxing bills and to the game as now conducted."

THE SPEAKER. Any opposition to taking this bill up?

Mr. BUTLER (Sangamon). The gentleman is not submitting a question before the House. The question before the House is the subject of the rules.

THE SPEAKER. The gentleman from Adams may proceed.

Mr. WILSON (Adams). I want to say that the Chief of Police of Milwaukee said in regard to the Wisconsin bill:

"I am opposed to all boxing bills and to the game as now conducted. If the bill was named a school for plugugglies and brutality it would be nearer correct. Boxing is not what the people who attend these exhibitions want; they want gore. That is what they pay their money for. My experience is that many young boys have been set on the road to ruin by following the game."

Now, gentlemen, this is nothing more or less than a ten-round prize fight bill, absolutely, as I see it. I may be mistaken on account of my inexperience along this line, but as I see it, while the fight cannot proceed for more than ten rounds, it is practically a prize fight bill. The bill provides for six ounce gloves, the same weight of glove that was used by Wilard to knock out Johnson down in Havana, Cuba, the other day.

I want to say relative to the fact that there is no decision here, that it is immaterial, because the law is always evaded. There is a provision of this Act against sham and fake fights.

If there is not going to be any decision in regard to the case on the merits of the fight, I would like to know why you would have that provision in section 11 of the bill about sham or fake athletic combats, because if there was nothing of the sort, if there was to be no decision on the merits, then it would make no difference whether it was a sham or fake or not, because there could be no decision, but under this Act it is the way that it has always been. While the referee does not decide, there is some outside source. It is left to some outside newspaper or periodical or referee outside of the case to decide all combats by a sort of gentlemen's agreement.

Now, gentlemen, I want to say that if this bill should be enacted it would absolutely wipe out amateur boxing in the State of Illinois, as section 7 of this bill provides as to that. So it would wipe out, as I understand it, all amateur boxing. Now, gentlemen, there has been in the last fifteen years—

Mr. BUTLER (Sangamon). I insist upon my point of order. I want to know whether you are going to abide by it or not. Cushing's Manual decides or makes the rule that when anything incidental comes up like this, the merits of the bill are not to be debated, but the question put to the House without debate.

THE SPEAKER. We will make more time by not interrupting the speaker.

Mr. BUTLER (Sangamon). Do I understand that Cushing's Manual is now wiped off of our records and not to be used in the House any more?

THE SPEAKER. It is a good thing to have about. Proceed with the roll call.

Mr. BUTLER (Sangamon). It suits me exactly; I will conduct myself accordingly.

Mr. WILSON (Adams). This, as I understand it, is simply founded on the New York bill, and in the State of New York, on April 16th, George Grogan was killed by a blow over the heart by Arthur Stebbins. I want to say, gentlemen, that this bill is also a fundamental violation of the principle of home rule. Under this bill this proposed commission could stage a fight anywhere in the State of Illinois absolutely as against the wishes of the local community, and that has been done in Wisconsin. In Hudson, Wisconsin, somewhere near Minneapolis and St. Paul, they have been having fights under the Wisconsin Act absolutely in opposition to the wishes of the local community. I am not going to take your time for any speech of any great length, but this is a vicious bill, and should not pass. It should not take up the time of the House, and I trust that it will fail to receive the 77 votes to have it called up.

Mr. SANTRY (Cook). While I greatly respect the views of my friend from Adams (Wilson), I want to tell you gentlemen here assembled, that this bill represents a lifelong study to me. I have some facts before me, and I have been, as I said before, twenty years at this sort of business. I have had prize-fights, 362 of them. I may look the part, but I don't feel it, and I say this bill should have the unanimous consent to be called up at this time to hear further arguments. If there are no merits in the bill, if it is to be beaten, let us beat it now. If it is to pass, let it have your consideration now.

Mr. EPSTEIN (Cook). What was the statement that the Chief of Police of Milwaukee, Mr. Janssen, has made in regard to the Wisconsin law? You were reading from section 6 of the Chicago Church Federation Council letter that was sent out.

Mr. WILSON (Adams). Absolutely.

Mr. EPSTEIN (Cook). You stated that Mr. Janssen has said that, has stated that. This statement that Mr. Janssen made was on March 5, 1913, when boxing was not legalized in the State of Wisconsin. Mr. Janssen only had reference to boxing exhibitions that were conducted in Milwaukee prior to this law becoming effective and I will explain to you his reasons for making such a statement. Mr. Janssen at that time was the Chief of Police of Milwaukee. It was the custom of the boxing promoters in Milwaukee to grant the chief of police the courtesy of giving him about 35 or 40 tickets to every show that he conducted. The chief of police distributed these tickets among his friends, and some of these tickets got in the hands of some unscrupulous persons and they saw fit to stand in front of the auditorium and sell these tickets at one dollar apiece. Some of the managers of boxers that were performing at that auditorium objected to the way tickets were being sold outside of the box office and they accused the promoters of the club of doing such a thing. The promoters made a statement that they had absolutely nothing to do with any tickets that were sold outside of the box office and they investigated as to how these tickets came into the hands of the persons who were selling them and they found out that some how or other these persons got them from the chief of police. I am not insinuating on the honesty or integrity of the chief of police, but suffice it to say that he was suspended, and therefore this statement was made.

Mr. BUTLER (Sangamon). Since it is entirely proper to introduce oratory at improper times, I will abide by the rule and explain my vote. There is a class of legislators as well as general reformers who are never happy unless they are reforming someone other than themselves. They denounce boxing because it is too brutal, but the moment you concede them this proposition, they condemn football because it is too violent, and the minute you let them have their way about that, they are against wrestling because it is too dangerous, and when you put wrestling behind you, then they condemn racing because it is too exhausting, and when you get rid of running races, then they are against baseball, because that is too exciting, and finally you go down the list until you have got nothing left but ping

pong. You become decrepit and no account and then they upbraid you because you are a weakling and a no-account citizen. (Laughter and applause.)

We have in this country today no system of militarism that prepares us for the day of reckoning that is coming as sure as you sit in this House. The battle today is a duel one of hand against hand and mind against mind, and I want to say, quoting a little from Pope, "Know thyself, reformer, presume not God to scan; the proper study of mankind is man." And also this: I lay it down gentlemen, in all seriousness, that a nation that ceases to take an ambition in personal contests, soon becomes a subjugated race, be they living in whatever nation they may, and along that line I will cite you the national characteristics of Japan, which is a people and a small nation, compared in numbers, to the nation of China, that lies but a few miles away from it. They have adopted two entirely different ways of looking at physical contests. In Japan the boy from his earliest day is taught to engage in physical combat with the other boys of his neighborhood. China is exactly the opposite, and the result is that a nation of a fighting million of people dominates one of four hundred millions of people. Get away from it if you can. That is the only and the sole cause. Might makes right in the last analysis, and might protects right in the last analysis, and don't get away from that. I want to tell you that underneath the militarism of Germany is that constant training of combat, dueling if you will—you have got to introduce it in some manner or form. Look at India. In India their religion teaches that it is absolutely against the law of nations, man and God, and they will not even take the life of a reptile, and what does India amount to? It is dominated by every race that wants to seek its shores. England has been a country that from the earliest stages has been the home of personal combat, boxing and fighting, and the English troops today are holding their own in that gigantic war in Belgium and in France. Nowhere does the line give way, because when it comes hand to hand, that man's mind is fitted by long contact with the habits of his country and he stands, and if necessary goes down. It is the law of nations; it is the law of the universe and it is the law of the individual. Who places the gigantic antlers on the elk, if it is not God and for combat? The most impressive scene I ever saw in my life was out in the west one time. I was camping down below a mountain that faced towards the east, and the sunrise came; I saw coming up right along the ridge of the mountain a magnificent specimen of the elk race, and I saw his gigantic antlers as he walked up, and following in his foot-steps was a herd of 32. In that western country the elk who would have a herd follow him has to do battle for it. And those gigantic antlers, who gave them to him? They are the result of combat, the survival of the fittest, and the ping pong will not give you that kind of survival.

I want to tell you gentlemen, that I am for this bill for a good many reasons. I am for it for the very reason that one gentleman said he was against it, and that is, it takes the state into co-partnership with it, and I want to tell you gentlemen that you cannot afford to put down and out the element of personal contact and combat in this United States unless you want to become subservient to one of the European powers. Had I made a speech like this only a year ago, it would have been laughed at with derision, but you hesitate to say aught now. If you want to understand what is going on in the European war, you want to get the "Germany and Its Next War," by Count F. Von Bernhardt, "He will be your master if you are not prepared to meet him when he shakes the mailed fist under your nose."

There was a slight crashing of arms about 1911, and one of the famous generals of Germany wrote a book thereafter and that general is now with Von Hindenberg along the line fighting with Russia. He lays down this proposition as absolutely the fundamental policy of Germany: "According to the author's views, the only alternatives before the German Empire are world power, or decline and fall. General Von Bernhardt frankly avows the doctrine that the German must regardless of the rights and interests of other peoples, fight their way to predominance and force upon humanity German culture and spirit. Having proved themselves the ruling people by the power of their arms and the loftiness of their ideas. The synocism

with which he accepts Machiavellian doctrines is remarkable, and he maintains that history shows that wars which were produced by deliberate intent, with statesmanlike insight, had the happiest results. War all around is contemplated with equanimity; war with England; France to be completely overthrown; the permanent neutrality of Belgium ridiculed; the balance of power in Europe must be deliberately destroyed." That book was written before this war was ever commenced, and inside of those covers you will find the doctrine that once disposed of in Europe, will be knocking at the gates of America.

Gentlemen, mental power, mental superiority, depends upon physical superiority? The body feeds the brain. As you cultivate the body, so you have the brain. We must train to be superior in hand and in mind, and any exercise along the line of bringing up the standard of the physical man cultivates his mind and then you get the superior and the supreme citizen.

Mr. HUBBARD (Greene). Is there any law now that prohibits anybody from taking physical training, culture of that kind?

Mr. BUTLER (Sangamon). The law of the State of Illinois is today that anyone who indulges in boxing or boxing exhibitions is subject to a fine of \$500.

Mr. HUBBARD (Greene). You are speaking of physical culture, physical training. There is nothing against that.

Mr. BUTLER (Sangamon). Nothing provided it does not indulge in boxing, but I want to say to you that boxing gives an ambition to those who enter into it; it gives them a spirit that brings about a physical exhilaration that leads them on to physical supremacy by constant contact, and nowhere else will you get it in the same amount as you will from boxing.

Now then, gentlemen, I see where some of them state: "Why is it cut out of the Y. M. C. A.?" In my school-boy days and for a long time afterwards, I believe I was the most constant and the most regular attendant of the Y. M. C. A. there is in the City of Springfield. I know that day after day we used to box in the old gymnasium and we never had any trouble. I want to tell you that the self-control that comes from being boxed and hit and punched about, and yet no matter how much it hurts, you abide by the rules,—that develops your manhood and your self-control as you will get it nowhere else. Some years ago here they wanted to build a new Y. M. C. A. I am consistent in my position on this matter and have been for a long time. They wanted to build a new Y. M. C. A. They came to me for my feeble contribution. I says, "If you will allow boxing in the Y. M. C. A. I will give you my contribution and if you don't I won't." And they said, "We will allow it," and now in the Y. M. C. A. in the city of Springfield, boxing is considered one of the exercises. (Applause.)

Gentlemen, I hope you will vote for this bill. Don't let your mollicoddlism deprive you of your manhood, but vote for a good boxing bill. I vote "aye."

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) I understand that this is a companion bill of the deep waterway, and that votes have been traded on the deep waterway for this bill. I am against that sort of a proposition, and I vote "no."

Mr. IGOE (Cook). (On roll call.) I desire to say that when the gentleman from Greene (Hubbard) says that we traded votes he makes a misstatement. I ask him now to tell me who was approached on the floor of this House with any such proposition?

Mr. HUBBARD (Greene). I have my own information. I was informed yesterday that there was a trade on.

Mr. IGOE (Cook). Who informed you? Let us hear them.

Mr. HUBBARD (Greene). It is none of your business.

Mr. IGOE (Cook). All right. That is in conformity with a lot of other statements you have made to this House. You know it is untrue, and you knew it when you stated it, and it is absolutely untrue. I vote "aye."

(Roll call continued.)

Mr. ROTHCHILD (Cook). (on roll call.) Last Thursday I had a bill on third reading, and asked the House to give me a hearing on that bill

whether they believed in it or not. I think this custom of beating bills at this stage of the proceeding is wrong. Any bill that is anywhere near seventy-seven votes is entitled to a hearing. The pending motion is to give this bill a roll call, and on that motion I vote "aye."

(Roll call continued.)

Mr. TURNBAUGH (Carroll). (On roll call.) For some time we have been working upon what is known as unanimous consent. The gentlemen who are for this bill think it is a bill of some importance. It has been discussed about as much as any bill pending before this House. If we are going to deny them a roll call on this bill let us be consistent and start at the head of this calendar and never leave the order until the gavel falls on the last night. I vote "aye."

(Roll call continued.)

Mr. TUTTLE (Saline). (On roll call.) I think the calendar should be cleared of these bills on third reading. There should be some consideration on these bills. I am not for this bill, but I am in favor of getting it off the calendar. If it can not pass, let it be defeated now and give them a hearing. I vote "aye."

(Roll call continued.)

Mr. FRANKHAUSER (Cook). (On roll call.) There are a good many members of this House that believe in this bill, and they feel they are entitled to a roll call. I believe any bill that has as large a following as this bill seems to have, is entitled to a roll call. I am going to vote "aye," not as an expression of how I shall vote on the final roll call, but to give them an opportunity to have a roll call.

(Roll call continued.)

Mr. KESSINGER (Kane). (On roll call.) There is some difference between a boxing bill and a prize fighting bill. I don't know what this is, but I want to find out. I believe in giving every bill a fair chance, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 88 and the "nays" are 50, and the House goes on third reading for the purpose of taking up House Bill No. 820.

Mr. GORMAN (Peoria). I move that we proceed to the consideration of House Bill No. 820 on the order of third reading.

(Motion prevailed.)

Mr. PERKINS (Logan). This is a bill, gentlemen, that is brought into this House, asking this Legislature to enact it into law in this State. I want to say that I have nothing against any gentleman in this House who may support this bill except the best of feeling and I don't want to say anything that is not exactly true to the line in regard to this bill, but I feel it my duty to my constituency and to the State which I represent in an humble way, that I think the brush should be cleared away on this question and it should be presented to this House in a manner so you will understand it. I want to say to you, in my judgment, the man who sits in his seat and votes for this bill will regret it the longest day he lives. Why? In the first place this House has gone on record, organized as it was in the beginning as a bi-partisan organization, against commission bills. This is the old story of creating a commission. A commission for what? To try and pull up some of the industries that are depleted in this State, and trying to help the poor people that are going up and down this State asking for employment? No. It is a commission asking that this General Assembly turn over the rights and powers of this great State to give the sports of this great State the right to establish an institution that in my judgment every good citizen of this State inside of two years will be crying out against.

They have this law in the State of Wisconsin, and what are the reports that we get? That bill has caused the State of Wisconsin many, many regrets by its citizens that such a law was in effect. Under that commission they go out into the smaller towns of the State of Wisconsin and establish these fights. They carry out into the best cities of that State the rabble that follow these boxing bouts and they stage them there in the towns outside of the larger cities and the result is that under the power and au-

thority and direction of the great State of Wisconsin they go out into the communities and in forty-eight hours they will discredit an entire community. That is what comes from this bill.

I say to you, gentlemen of this House, now that with that bill on the books of this State the result will be that the City of Chicago, that is crying out for home rule, crying out for the help of the people down the State, will under and by virtue of the authority of the great State of Illinois, backed by this commission, clothed with its powers, will be in the boxing business. Their citizens will leave that city in special trains and come to the City of Bloomington and they will stage there a prize fight or a boxing match.

They say there must be no shams. Following that comes that element that brings into the City of Bloomington the class of people that we don't want and the people may go and vote as they please as to what they will do but here comes your state commission and they stage their affair in that city. They bring with them the element, and no man in this house need tell me that they bring anything but the element from the City of Chicago, or the City of Peoria, or any of these cities that is without decency and does not elevate society or make that community better but they bring the lowest class of humanity. I will tell you what they do in Wisconsin.

This is the record here from Wisconsin and these are the men who thought that the prize fight bill might be a good thing for Wisconsin. The big fights bring to Milwaukee a great number of sporting characters, many of whom are of a dissolute sort and the dregs of the towns and cities and every time a fight is staged drunkenness and disorder reign. The Milwaukee chief of police declares that the boxing element and the fighters and their hangers on are the principal source of income for the red light districts and the greatest source of trouble to the police.

I also have a dispatch from a man who has looked into the matter in Wisconsin and he says that that bill has proven a failure. Further than that it has disrupted the morals and corrupted the community and that the people are going to the Legislature asking that the law be repealed or confined to the larger cities.

Don't get the idea just because you happen to be a good fellow or because you happen to think easy along certain lines, and I want to say to you in my judgment that this is a piece of legislation that is absolutely bad and it will stand upon record as one of the worst pieces of legislation ever passed by this Legislature. The chief of police told us that pickpockets and burglars followed in the wake of all these boxing bouts. The city suffers as a result in spite of the vigilance of the police. It would be an outrage upon the decency of this great State of Illinois to put upon the statute books a bill of this kind and some men may feel hard because I take this position, but I feel under my oath that it is the duty of man if he sees a storm coming that he ought to try and warn his fellow man to be careful.

The gentleman from Sangamon (Butler) undertakes to tell you that this country if it was attacked would have to be protected by the men who are running the boxing matches. I want to say to this gentleman that the men that are in France today come from the hill sides of Scotland and the farmer boys that went out and gathered the herds. They don't come from the gilded saloons and places where sporting men hang out. I want to say to the gentleman from Sangamon (Butler) that it wasn't a boxing bout that saved this country but it was the farmers of Illinois, and the mechanics in the great cities and the men who had the muscle and brawn and had the spirit of God in their hearts and saved the country. This country never was saved and never will be saved by creating a prize fight law in this State.

As a political proposition, I want to say to my democratic friends that you are good fellows but when you come to saddle upon the necks of the people of the great State of Illinois a bill of this kind, I ask you to look at the picture of Stephen A. Douglas and ask him what about it. Take a look at him you fellows over there.

I say to you, Mr. Speaker and gentlemen of this House, the industrial conditions of this State are crying out for help. They have been promised help by the mayor of Chicago and they have petitioned us and they are asking for some assistance on the democratic side. They are answered by

a piece of legislation—come, now, be good fellows and we will give you a boxing bill.

As to my republican friends here who are good fellows, smooth articles some of them, and they can say heads I win, tales you lose, now you see them, and now you don't. That's all right, but I will say to you, gentlemen, that if you saddle upon this great State of Illinois that boxing bill, your constituency will call you to account for it when you go home.

This is a bill that effects the vital interests of this State government. It is a bill that gets right down to the morals of this State. It is a thrust at the homes of the State of Illinois. You cannot cover it up and tell us you are good fellows. This bill strikes at the vital interests of the homes of this State. If your commission can come down into my county and go over into Livingston County, or go to LaSalle, where my friend Scanlan lives, they can stage a prize-fight. And when you do that thing you are striking a blow at the homes of this country.

I want to say to the republicans of this House that the republican party who has stood for the homes of this country, and when you make a direct thrust at those things, I say to you, that the people at home will call you to account.

They tell us in Wisconsin that financially it has been a failure. They tell us up there that it brings everything that is bad and everything that goes against decency and morality. The bill has been tried there.

They went up in Michigan, and they got a bunch of good fellows in the Legislature, and they passed such a bill, and the Governor in the chair, being a conscientious and good Governor, rose in his manhood and vetoed the bill. I say, gentlemen, it would be one of the worst things that this Legislature could do.

I say to the democrats, if you force this boxing bill, put it up to your Governor, and if he signs the bill, you might as well hang a mill-stone about his neck, as you will never hear from him again. I say to my republican friends, and I don't care whether you are a good fellow or a smooth fellow, or a presto-change fellow, if you allow the people of this State to be drawn into this thing, they will hold you responsible.

I don't know what the position of the Speaker is upon this matter, as I have never asked him, and I am not going to ask him, but he has tried to give us a fair and square administration this session, and I say, that if you as republicans or democrats who went together and elected him, force him by your vote to go on record as signing this bill, it is wrong, and it is unfair, and I say, if he has the courage I think he has, he never will sign it. It is unfair to put a man in that position. It is wrong to force these things upon the people, things that are against the home and in direct opposition to everything that is good and noble. Any party that strikes at the fundamental principles of this republic, against the home life, will have to answer.

Therefore, I say, Mr. Speaker, and gentlemen of the House, in the name of justice, in the name of decency, and in everything, in the name of everything that goes to make up the principle of right as against wrong, and in the name of Him who does all things well, and He who looks down into the hearts of every man who votes upon this measure, I beg of you members of this Assembly not to force this thing upon the Governor of the State, and above all, examine your own consciences, and examine your own manhood, and then say, is this a good piece of legislation? I hope that out of respect for justice, that every man will rise in his power and say that this shall not be, and say that Illinois, the State of Lincoln, shall not be disgraced, and say that this State shall not have this vicious bill.

I thank you, gentlemen.

Mr. BUTLER (Sangamon). I just want to say a word in reply to the gentleman from Logan (Perkins).

I cannot answer for the history of Mr. Douglas, but my friend from Logan has committed the democrats to his charge. I can speak for Mr. Lincoln. I have read his life's history, and I found that he was a great wrestler, and I will call attention to my friend from Logan County to the fact that when he was challenged to a duel to mortal combat he came forth and was ready to give battle on the field of honor. (Applause.)

Mr. PERKINS (Logan). Was he for a boxing bill?

Mr. BUTLER (Sangamon). He was for a dueling bill, and he came forth and gave battle. He accepted the challenge and issued the conditions and the man was afraid to meet him.

Mr. PERKINS (Logan). He fooled the fellow out of it.

Mr. BUTLER (Sangamon). No, he didn't fool him out of it, he ran him out of it because he knew he had to fight.

While you are referring to these distinguished men don't mislead the Legislature as to their stand on matters of this kind.

Mr. SANTRY (Cook). Mr. Speaker, and gentlemen of the House, to say that I am embarrassed in speaking before an audience of this kind is putting it rather mild. I have entertained much larger audiences than this, and more enthusiastic, but in those times actions spoke louder than words. I feel at this time that every member of this Honorable Body has had some particular line of activity in which he has been successful and I am proud to tell you, members of this General Assembly, that my particular line of activity was that of a professional boxer. I started in that business when I was young through no fault of my own. It was back in 1894, when five doctors told my folks that I had quick consumption and could not last over six months. They told my folks to give me what exercise I could stand and it might prolong my life. My father bought me a little punching bag that hung on the wall and I took to that as a fish does to water. In six months time there was no one living in my neighborhood that could outbox me. I kept that up and later on I was featherweight champion of the world in my class. (Applause). I brought that title back from England where it was taken from me here. I won that contest in sixteen rounds.

This is not a prize fighting bill. Prize fighting stopped at the last fight July 8, 1895, between Sullivan and Kilrain. They fought under the old London prize ring rules, which were that you could knock a man down or throw him down, it made no difference which. Since that time boxing has become quite popular. A gentleman can manage boxers because boxing is a gentleman's game. In section 10 of this bill, "No boxing or sparring match or exhibition held under this Act shall be of more than ten rounds in length, and the contestants shall wear, during such contests, gloves weighing at least six ounces, and all acts of brutality shall be prohibited. No decision shall be rendered in any contest under the provisions of this Act."

Right after the Marquis of Queensbury rules came into vogue they fought with gloves similar to that (exhibiting a boxing glove). It was almost like your bare hands.

(A VOICE. Put them on with Perkins.)

Mr. SANTRY (Cook). The six ounce glove used today is this size glove (indicating glove).

If you can show me where you can do any harm with this size glove I will be surprised. In all the sparring matches that I engaged in, I have had but four black eyes, and I believe those were from bumps.

(A VOICE. You were too good, that was the trouble.)

Mr. SANTRY (Cook). In 1874 they had prize fights. I will read you: "Prize fighting—Sending challenge—Training for. Whoever sends, publishes or causes to be published or otherwise made known, any challenge to fight what is commonly known as a prize fight, or shall accept any such challenge, or cause the same to be accepted, or goes into training preparatory to such fight, or acts as trainer for any person contemplating any participation in such fight, or witnesses such training or engages as a witness in any such fight, shall be confined in the county jail not exceeding six months and fined not exceeding \$500.

"Engaging in. Whoever, by previous appointment or arrangement meets another person and engages in a prize fight, shall be imprisoned in the penitentiary not less than one nor more than ten years.

"Aids, Seconds, etc. Whoever is present at such fight as an aid, second or surgeon, or advises, encourages, or promotes such fight shall be imprisoned in the penitentiary not less than one nor more than five years, or be confined in the county jail not exceeding one year and fined not exceeding \$1,000.

"Leaving the State to Fight. Whoever, being an inhabitant or resident

of this State, by previous appointment or engagement made therein leaves the State and engages in a fight with another person without the limits thereof shall be imprisoned in the penitentiary not exceeding five years, or fined not exceeding \$5,000.

"Sparring and Boxing Exhibitions. Whoever instigates, carries on, promotes or engages in as a witness, any sparring or boxing exhibition, shall be fined not exceeding \$500, or confined in the county jail not exceeding six months.

"Preventing. Any person who shall upon complaint made before any judge or justice of the peace, appear to be about to engage in any such fight or sparring or boxing exhibition may be compelled to enter into bond with security to keep the peace, as in other threatened breaches of the peace."

All of those provisions were good things at that time. If I and someone else should put on a set of boxing gloves and there was another man there as a witness we could be arrested and fined regardless of what they might say about it.

I have a recommendation from Mayor Thompson and he believes in the game as long as it is regulated by State law. The Chicago Tribune has had several editorials on this measure. The Chicago Tribune stands for the best things that are done down here. They are not advocating bad measures. In a recent issue there appeared this article:

"This editorial in support of a safeguarded boxing bill was to be begun with a few reflections upon the physical and moral advantages of offering ideals of clean living, strength, and skill to impressionable and imitative youth. The reflections will subside and give way to the more candid statement that boxing is desirable because it gives a pleasure not needfully brutal nor inherently gross to the spectators, and what is a healthy pleasure that it should need a mask of moral utility?

"To support a boxing bill will bring us words of protest from persons whose support we prefer, but we are increasingly conscious of the fact that humanity can be suppressed until it is compressed and, in expanding, explodes with violence.

"The principal object of the men working for legislation to authorize boxing is to obtain pleasure or profit from it. With that conceded, we may return to the reflections, now honest and not used as a mask, that the exercise has aspects of physical and moral utility. Professional fighters usually are marvels of bone in the head, of coordination and muscular dexterity. So long as they live cleanly they retain their skill and strength, up to the age limit which violent exercise sets naturally.

"We fail to see that a brutalizing code is established by admiration of the self-discipline, courage, strength, and skill necessary to success in the ring or that the world is the worse for exhibitions of these qualities, even if occasionally there is a spectacle of pain inflicted and endured.

"Masculinity, it might as well be recognized, is likely to work itself out either in sex gallantry, booze and cards, or in exercises needing courage, endurance, and stamina. The American people are bred chiefly from nations devoted to the latter. We prefer that such standards should be set before American youth.

"Boxing can be made an odorous offense. Unless it is regulated by authority it will be such an offense. If tolerated and unregulated it will be in the hands of as malodorous a crew as could be recruited within the State. When it is regulated it can be made a spectacle which a decent citizen may enjoy without feeling that he has lost any self-respect.

"Mayor-elect Thompson says he is in favor of such regulated boxing. The Tribune believes that with the enactment of a proper law by the Legislature the experiment can be made safely. If in spite of all precautions the game turns out to be offensive the correction is at hand. Boxing in itself is not offensive."

And then again, the Tribune says:

"Clergymen who appeared before the Senate committee to ask that the boxing bill be defeated followed the urging of their strict ethical principles which one may respect for sincerity and yet not wish to have govern. If Illinois now had a law prohibiting dancing, and it were proposed by a bill in the Legislature to permit certain dances under certain regulations, the

clergymen would be compelled, by devotion to the same principles which actuate them now, to appear and protest.

"So strict a code is not one to be quarreled with, but it is not one to govern by compulsion. It is one for individual acceptance. It is well enough known that dancing can be made expressive of and conducive to immorality. To prevent that so far as possible there is municipal regulation of dances and municipal encouragement of proper dancing.

"The charge of immorality may be brought with much better show of reason against immodest dancing than against the worst sort of prize fighting.

"We do not prohibit dancing merely because it has in it the possibilities of indecency. We regulate it so far as possible. We do prohibit boxing not because it need be brutalizing but because it may be. We are asked to deny ourselves the amusement of supervised boxing because unregulated boxing may become scandalous.

"The clergymen stressed the fact that prize fighting is dangerous and that it has resulted in death. By following a cautious principle of avoiding danger in sports liked by youth we should come instantly to legislation forbidding swimming, and by following up that principle we should eliminate every game except croquet and tiddlewinks. The latter would be regarded as questionable.

"It is the purpose of the boxing bill to allow contests in which suitably matched boxers are limited to a number of rounds which do not overtax strength and endurance. The boxer may expect to be hit hard and often, but when you begin raising young men who mind that he shall be in a bad way.

"The ministers told the Senators that Rev. Frank Gunsaulus, encouraging them on their way, said: "Knock it out in the first round."

"We fear that the doctor has something of sinful man in himself."

I have other clippings by Colonel Roosevelt and many other notable people, including Doctor Parkhurst, and here is what Doctor Parkhurst says about boxing:

"I believe in athletic exhibitions, in contests where two are evenly matched together in a trial of skill and strength; in a contest where blows are given and taken, but not where the exhibition is a brutal, a disgusting spectacle—where blood is shed and bodies are maimed.

"I believe in trial of strength between two men evenly matched if they keep within bounds. Boxing is a manly sport. The ancient Greeks used to make it a part of their games. It is a noble sport when not degraded.

"If everything brutal, everything bloody, everything calculated to arouse the evil passions of the principals and the spectators could be eliminated, then I would approve of boxing contests. I believe in that kind of a contest. But I will say that I think it an impossibility."

Here is what Colonel Roosevelt says about it:

"At one time I boxed a great deal with Jimmy Dime, and I had a professional wrestler named Dwyer—I think that was his name—who called on me several times a week, and I usually made it warm for him. He left Albany after working with me several months, but sent a substitute—a big, husky fellow—but I knew more about wrestling than he did, so I let him go. I am getting too old for that sort of sport, but still like it—especially boxing."

You all know the Reverend Billy Sunday, and this is what he says on these matters:

"It takes strength of mind, body and soul to fight the devil. It's your own fault usually if you haven't the strength of body. Take exercise. Learn to row, swim, box, fight and play ball. If every American boy was as husky as Jess Willard, and would let cigarettes and booze alone, we would have the devil worried."

Such men as Dr. Luther H. Gulick, President of the Campfire Girls, Dr. Belle J. MacDonald, former inspector for the Board of Public Health of New York City; Mary Porter Beagle, Director of Physical Culture, Barnard College; Gustavus T. Kirby, former President of the American Amateur Athletic Union; Rev. Father McGrath, Rector of the Catholic Seaman's Mis-

sion, and Rev. Dr. Keigwin, Pastor of the West End Presbyterian Church of New York City, have expressed similar opinions on these matters. These are from men who you would think would be against these things.

I have another clipping that comes from a down-State paper, from Jerseyville, which my friend Mr. Shepard, has handed me, and it reads:

"BOXING.

"We note a bill to permit boxing in this State will be introduced in the Legislature this session. We believe it should pass. Now we hope our many religious friends and brethren in the church will not be horrified by this assertion, but we have always been a great admirer of boxing and when it comes even to prize fights, they are, as a rule, fairer than football, which is held in such high esteem among society people. A man to be a good boxer has to have nerve and stamina. He must be well trained as are the oarsmen in the college regattas, and in the fight he must be fair. If he gouges or hits below the belt he loses, whereas, in football the chief aim seems to be to disable your opponents by fair or foul means, and this is proven by the guards used for nose, ears, shins and hips. If such a law is passed it should be under the charge of square men, men who could not be bribed, men who would disbar a fake and prohibit him forever entering the ring again in the State. This would elevate this game and place it among the legitimate sports, and if all bouts were limited to ten rounds and a decision, and the contestants be compelled to "tote fair" the "manly art of self-defense" would not be looked down upon as it now is. Take the game out of the hands of the toughs and place it as did the Knights of old, among the manly sports, and our young men will not be mollicoddles, but good defenders of their country. Every year from fifty to seventy-five young men are killed in football games and two hundred seriously, some permanently injured, while there is not one killed a year, on an average, nor any injured by boxing. We all love a brave man, and a good boxer never shows the white feather. Boxing bouts can be elevated and made respectable if the right kind of men are placed in control."

I have a few statistics from Milwaukee. There is a man in the Wisconsin Legislature who has introduced a bill up there to repeal the law, and he has done it for the reason that he understands that the Illinois Legislature is about to pass the boxing bill and they want to show you something that will take your minds off it and try to vote the bill down. They don't want us to have a boxing bill, because we are supporting their commission at this time.

In three bouts staged at Milwaukee, gross receipts have amounted to \$81,256, and of this amount \$77,500 was paid by Chicagoans. The number of people attending these affairs from Chicago is 11,000; the money spent on railroad fares according to the statistics of the Chicago and North-Western and the Chicago, Milwaukee and St. Paul Railroad has been over \$37,000, these figures being for special trains alone. The bouts mentioned are the Ritchie-Wolgast contest on March 12th, 1914, gross receipts \$39,856. The White-Welsh contest, November 9th, 1914, receipts \$26,600, and the White-Ritchie bout, May 26th, 1914, at which \$15,800 was taken in at the gate.

Of the amount paid in at the White-Welsh contest, the State of Wisconsin benefitted to the extent of \$4,062.80. Out of 100 ten dollars seats placed on sale for the Wolgast-Ritchie bout, eight hundred were taken by Chicagoans.

Figuring the railroad and parlor car fare from Chicago at \$4.40, the admission at \$7.50, and the meals at \$1.50, we have an average of \$13.40 for each person which would make a total of \$147,440.

These figures are substantially correct and can be verified by the Wisconsin State Boxing Commission and the North-Western and Milwaukee and St. Paul Railroads, and the participants in the contest. Nor do these figures take in money spent other than for actual necessities.

I have a report of the New York Commission. The report of the State comptroller for the year 1913-1914, shows that the State Athletic Commission paid into the State treasury for the year \$34,564.47.

I want to say, gentlemen, that I have boxed in New York on a number of occasions, and in those days they had twenty and twenty-five round bouts, and New York State is not to be compared with Illinois when it comes to turning out crowds to see the thoroughbreds box. The commission in New York has added to the State treasury approximately \$130,000.

The report of the Wisconsin Athletic Commission, dated December 1, 1914, contains this financial report: "From the organization of this commission, August 25, 1913, to November 30, 1914, it has turned into the State treasury the sum of \$15,690.67. During this same period the total expenses of the commission have amounted to \$3,618.21. Deducting this amount from the total receipts collected by the board, it is found that the state has profited to the extent of \$12,072.46.

I have another long letter from Dr. John Kercher, of Chicago, but I will not take the time of the House to read it, but there is one here that I will read, and it is from George A. Powles, teacher of languages in the McKinley High School in Chicago. It was addressed to me on January 12th of this year, and it reads as follows:

"I have read with much satisfaction of your bill to permit boxing contests in Illinois and to place them under the management and control of responsible men. It is high time that this splendid means of physical development and exercise be rescued from the avarice of unwise friends, and the prejudice of too wise enemies, and restored to its original owners, a great mass of our young and growing manhood whose brain and brawn as well as character, will find in it, under proper conditions, a wholesome influence for good.

"As a means of physical culture so sadly needed by thousands of young men today, there is absolutely no other single exercise to compare with boxing. One of the oldest of sports, it is vastly safer than football, basketball, etc., so largely in fashion today in our schools and colleges, and I am glad to learn that in the high school gymnasiums of Massachusetts, and our progressive neighbor, Wisconsin, boxing is encouraged, both as physical exercise and as a wholesome means of discipline.

"You will deserve well of all wise parents and educators of Illinois if your measure shall rescue this historic sport of the Greek, the Roman and the Saxon from the peril of extinction at the hands of the few whose sole formula in progress is prohibition."

There are other letters, but I will not take the time of this House to read them. I will now turn to this green ticket which was sent out the other day. It was sent out from Boston, Massachusetts, and they have now legalized ten-round boxing bouts.

Here is a picture showing the boxing bout on board a battleship.

I want to say in conclusion, gentlemen, that I have boxed in every principal country in the civilized world.

In Australia they have built two large stadiums, one at Sydney and one at Melbourne. They turn out in large crowds to see these bouts, and about one-third of the attendants is composed of women. In Australia they teach boxing in the public schools; boxing is their national game there the same as baseball is ours here. In France, ten years ago, they had what they called Savate, and you could hit with one hand and kick with your foot. They now have boxing. Georges Carpentier was the first one to give up his title and go to the front in the crisis that his country is passing through now. He went to war and gave up prospects of making a quarter of a million dollars for himself in his profession in the next five years. At the National Sport Club in London, England, the members of that organization attend these bouts in full evening dress, as they did in the city of Chicago at the Athletic Club there when they had bouts. This is not a prize fight bill, and I assure you with every bit of sincerity of which I am possessed, and that is in my make-up, that if this bill were a prize fight bill, I would be up here talking against it just as strongly as I am talking for this measure at this time.

I have received telegrams and telephone messages from every part of this State. I have refereed bouts in all parts of this State, ten-round bouts. There is nothing one-sided about them, and as soon as one man shows he is weakened they stop it and send that man into his corner. Men don't

go into the ring with the intention of knocking a man out. I was boxing George Dixon in New York City, and we were to go twenty-five rounds. It so happened that we got there twenty-five minutes too early, and we went out and played a game of pool. Anybody who would have noticed us playing pool together would never have imagined that we were going to box.

The boxing game is made up now of different fellows to what it was some time ago. They are nice young men. In the old times if you wanted to find a prize fighter all you had to do was to go to one of the saloons, and there he was drinking a lot of whisky or wine. If you want to find a young man now who is boxing, you will get him on the telephone. He is home with his wife and family. I have a wife and a family, and I think more of them than I do of anything else on earth. There is plenty of character in the young men boxing at this time, and there is not a man of you but what can go back to your constituency and show to them that this is a good bill. This bill is to take boxing out of the hands of the professional promoter. This bill calls for legalized boxing. It is not, as the gentleman from Logan (Perkins) said, a case of a club starting up over night. They have to be an organized athletic club and own a building six months prior to the time the exhibition is given. A man is not going to start a club in a small town or small place when he knows he is not going to get the money back that he puts into it. This is not a promoters' bill. This is to benefit the athletic clubs throughout the State. If I thought it would put anybody in bad in their districts I would be the last man in the world to ask them to vote for a bill. There are men who can vote for it, and it is a good measure. If things existed now as they did in 1874, I would not be here advocating this bill. Boxing has taught me how to be on the level with myself and my friends, and I have tried to make and have made a few friends, and being a member of this honorable body shows I have done what I considered to be right.

I thank you, Mr. Speaker, and the honorable members of this House for bearing with me in my humble way. (Applause.)

Mr. GRAHAM (Mercer). I wish to say just a few words, Mr. Speaker and gentlemen of the House, on this bill. I am not a reformer and I don't pose as such and I don't claim that my remarks here are made on any higher moral ground but I fail to see the necessity for this legislation.

I think, gentlemen, that if every representative of the boxing game was as good a man as the gentleman from Cook, (Santry) I would not interpose any objection to this bill or any similar bill. He has proved himself in this House and all walks of life, so far as I know, a gentleman and a good sportsman.

However, I can not see the necessity for this legislation. We have had a law on the books of this state since 1869, before I was born, prohibiting this sort of business. It was the idea of the men that went before us that this was bad for the morals of Illinois. After this long period of time will this Legislature in 1915 undo the work of the past and put on the books what is nothing more or less than legalization of prize fighting?

I will read section 10 : "No boxing or sparring match or exhibition held under this Act shall be of more than ten rounds in length, and the contestants shall wear, during such contests, gloves weighing at least six ounces, and all acts of brutality shall be prohibited. No decision shall be rendered in any contest held under the provisions of this Act."

Now, what kind of gloves? The whole thing is uncertain in the extreme. Let us read now section 3 and in connection with section 10: "The said commission may adopt such rules and regulations as shall be deemed proper and expedient for the conduct of its business and may alter and change the same as it sees fit."

It is left in the discretion of the three gentlemen who get \$2,500 a year for supervising these exhibitions, and left as to what a round shall be and what a legal weight of gloves shall be and how these exhibitions shall be conducted, and furthermore they shall be the judges of what are acts of brutality. I know some one will say that is not so because a round is a certain number of minutes, and so on, but that is what this bill says. They say what shall be an act of brutality. Would it be an act of brutality for two men to stand up and one to bruise the other until the other, from

physical exhaustion, gave up an unequal struggle? I have seen a prize fight. What happens? Two men face each other and there are certain parts of the body where it is prohibitive to hit them, but they hit them in the head and the chest which is perhaps the most vulnerable portion. They pound each other until one or the other in the contest is unsuccessful and if it goes to a finish he is knocked out until he lies quivering and cold on the floor of the ring. It is proposed to abolish that sort of thing. If it is not to be a contest of skill in which we want to see men win, why legalize it in this way? Can't we go into our gymnasiums and practice boxing to our heart's content? The gentleman from Sangamon (Butler) says it will prepare us for the warfare that this country is liable to get into. What particular good would it do us in preparing for war with Germany or Japan for us to get our noses bunged up or our eyes blacked. What good will it do us to watch that sort of thing? There would be more real preparation and more athletic training and I would recommend it to the gentleman from Sangamon (Butler) if he wants to get into shape to prepare himself for war to get into a running shirt and pants and get out mornings and run around this State House three or four times. (Laughter.) If the gentleman from Sangamon will adopt that sort of exercise we will get out every morning and applaud him. There is nothing to that at all. How many men would be benefitted by that athletic training? Simply the men that take part in these athletic contests. How much would it benefit us to watch them? Not a bit.

I will tell you the effect this prize fight had on me. One of them was a tall, lanky, red headed fellow and the other was a Mexican. I sat in a prominent place and saw those fellows get together and after a while the blood began to trickle from one fellow's nose and I wasn't there very long, gentlemen, until what little Irish there was in me became excited, and I was insisting on my red headed friend winning that fight. It has a degrading effect on the people that look on. That is the trouble with that sort of a thing. It don't do the people any good that watch that sort of a contest. The hangers-on that follow this profession are not of the best, and while gentleman like Mr. Santry may be perfect gentlemen, the men that come and watch the game and come to see the boxing matches and follow up these things, are not the kind of men that you and I want in our community.

We are simply legalizing boxing if we put the stamp of approval on this bill. You will bring into your communities two or three fellows that will call themselves an athletic club and they will bring disgrace upon the communities. We cannot afford to do this gentlemen, and I sincerely trust for the honor and good name of this State of which we are all so proud that you will not put this thing on the statute books.

Mr. WOOD (Wayne). I have almost experienced a change of heart on this bill during this speech making. I never knew before that the advocates of this bill relied upon the bill because of its medical proprieties. I would suggest to my friend the Doctor from Champaign (Burres), that he might apply this as it will cure consumption even when a man is in the last stages with only six months ahead and enable him battle 262 separate fights and still be strong. I have been opposing the bill largely because of its brutality, but since I have understood that a man can fight 262 separate and distinct battles without a black eye I am about to change my mind. I may say to the gentleman if he will drop down to the southern part of the State most any farmers boy will give him a black eye in the first battle and it wouldn't be necessary to go 262.

I want to call your attention to just two different boxing matches of recent date recorded in the Chicago Daily Tribune to show whether they are so innocent or not. I will not take time to read them all as we are all tired. Take the boxing match between White and Stewart, and I will call your attention to the fact that Stewart was knocked out in the sixth round, and by reading the rounds as they came you will find that Stewart was very weak in the fourth round and faint in the fifth round and he said himself that he was sicker than he ever was before on account of a blow in the chest. In the sixth round by a piece of super-human courage, by heroic self-will he went into the round. It was an easy matter at that time for his opponent

to hook him one on the chest or over the heart and finish the thing. The referee counted seven and he heard the count and tried to rise again, but he wasn't able to do it, and he was down and out and they drug him from the ring.

That is one of the boxing matches that my friend from Cook (Santry) tells you has all of the brutality taken out of it. The same week there was another fight, or a boxing match, between Clabby and Chip. They started in to box ten rounds, but because they failed to meet the approbation of the audience to give them enough brutality the referee stopped the bout and told them to quit the ring while the crowd was crying for them to get after each other stronger than before.

This little blue slip that caused so much trouble the other day and brought the censor of the speaker down indirectly upon my head because of it being called to his attention by the gentleman from Cook (O'Rourke), who was not in his seat, but upon the other side of the hall when he asked if such things were permissible, and they were only lying on a members desk with documents of all sorts touching upon almost every bill that has come up before this House, this little green slip can be read with some profit. I want you to read and notice what power this commission will be given if this bill becomes a law. We are delegating into the hands of this commission a greater power than is vested in the arm of any one lawmaking body in the United States. It will have the powers of the Legislature, the power of the police and the power of the judiciary department in one if we enact this bill into law.

I don't think you gentlemen want to do it. My friend Mr. Santry, from Chicago, said it was a good bill. I am ready to believe that it must be a good and important bill because more than seventy-seven members have said we will suspend the rules of this House and take up that bill when there are 135 other bills on the Calendar that should be considered. We are setting aside bills of great importance to consider this bill, and therefore, perhaps, it is an important bill. The bill was taken up, and we bowed to your will in that respect. Now, we have come to the last round of this fight, some of us have ducked as long as we can, and we have got to go on record now. I am ready to meet the issue.

Mr. WILSON (Adams). I think there are some of the young men of this House that do not appreciate the gravity of the situation in regard to the facts presented by this bill. Two considerations move me. One is the reputation of this House, and the other is the vote of some of the young men of this House who, if they vote for this bill, will actually be writing their political epitaphs. It is one of my pleasures to defend the Illinois Legislature. I have commended it time and again to the people of this State, and I have told them that I believed that the Illinois Legislature was up to the average in intelligence and patriotism to any other state in the Union. There has been a good many criticisms of the Legislature, but my contention has always been that the criticisms lay in the fact that certain legislation that was needed was not enacted, and I have stood up time and again and invited anybody to point to any law on the statute books of the State of Illinois that was injurious in its character, or vicious in its character. Some of the bills perhaps are not as well drawn as they might be, but it has been my pleasure in looking at the laws on the statute books of the State of Illinois to be able to say that you cannot find a single vicious statute written in the statute book of the State.

There was a bill passed fifteen or twenty years ago called the Allen bill, but it was repealed at the next session of the Illinois Legislature. Since that time there has not been passed a single piece of vicious legislation on our statute books. As I say, if the Illinois Legislature was subject to criticism if it was at all, it was perhaps that the Legislature was not always responsive to public sentiment in placing certain needed legislation upon the books.

They talk about good old times. The good times are not the old times, but they are coming, and we are living on a higher plane than we did twenty-five or thirty years ago, the old men to the contrary notwithstanding.

Since 1869, when I was three years old, and before the time that most of the men of this House were born we have had this statute upon our

books. It has stood in regard to prize fighting making it a felony, and it has been on the statute books since 1869. What are you going to do? Are you going to give a slap in the face at christian citizenship, the decent citizenship of Illinois? I am speaking in general and broad terms, and wish to be so understood. We get among ourselves and talk about our bills. One man gets his back scratched and another man votes for another man's bill and we think it is all right. There is a certain esprit du corps, a sort of fraternity here. I tell you young men that when you go out before your constituencies and you have to answer for your vote on such bills as this, it will be in the glare of the merciless light of publicity and this bill will be branded a prize fighting bill. I ask you not in the name of the dead, as I don't know whether the spirits or shades of the departed are looking down on us and seeing what we are doing, but it is for the sake of the living and for the sake of the reputation of the Illinois General Assembly that I love, and of whose honor I am very jealous and for the sake of the political life of some of the members of this Legislature, I ask you to vote against this bill.

Mr. MAUCKER (Rock Island). I will say, gentlemen, that I have certainly enjoyed these little gentlemanly talks on this subject. I believe that the gentleman who spoke on the other side was too serious in this matter. We are not born of saints. Christ, our Saviour could not please all the people and he was crucified for not pleasing them. It would be much better to pass a reasonable thing of this kind and do away with dog fights, and bill fights where the dumb animals cannot have anything to say. I believe the old law which was enforced for many years was a law that was best for those times. Times have changed and we should modify our laws to meet important conditions of the times. Give it a trial, and if it don't meet the approval of the people it can be repealed. Other States have enacted such laws and they are now giving them a fair trial and if it is not up to the standard it can be repealed.

Mr. GORMAN (Peoria). Reference has been made to the bad results that will follow a man who votes for this bill. I want to say here and now that there is nothing to that. Don't let anybody give you that bugaboo that your political principals will cease if you vote for this bill. There is nothing to it.

Reference has been made to the class of people who attend and patronize these sparring exhibitions. Speaking as I do for the second city in the State of Illinois, I want to say to the gentleman from Logan (Perkins) that some of your best citizens have been attending these sparring matches at Peoria and I trust you have some acquaintance with that class of people. (Laughter.)

We have permanent clubs in Peoria that have been in existence for fifteen or twenty years, having a membership of from two to three hundred of the best citizens of our city. They turn out to a man to all affairs where there is an opportunity of seeing these sparring matches. Seventy-five per cent of the people of Peoria and the membership of these athletic clubs and the best of our city are in favor of this bill. I can consistently vote for this bill as I have voted for similar bills and go back to the people of my county and come back here to Springfield, if I feel so disposed.

Mr. PERKINS (Logan). Isn't it true that when you stage these sparring matches and chicken fights that you take a boat and go out from the City of Peoria and go down the Illinois River to carry them on?

Mr. GORMAN (Peoria). No, sir. The only times we go down the Illinois River is when we have family excursions. (Laughter.)

THE SPEAKER. If there is no one else who wishes to be heard on this bill the clerk will call the roll.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) I would like to treat this bill in what seems to me an entirely different standpoint from what it has been treated by any of the speakers who have preceded me. I hope that, for the reason that it is from that standpoint that the matter appeals to me most. I believe that probably from that standpoint it will appeal to a great many here the most. I want to appeal to you from the standpoint of cleaner morals and cleaner life, and cleaner disposition, and better citizenship, and

more nearly a Christian spirit, and I want to say now that I honestly, sincerely and conscientiously believe that physical training does all of those things, brings all of those things to the average human being that indulges in them.

It is an old saying in railroad parlance that you can't get any steam out of a scrap heap, which means that you cannot get much power out of an old, tinkered-up tea-pot of an engine. There is another saying, and it is in Latin, which is "*in corpora sans mens sono este*,"—a sound mind in a sound body. You cannot show me a well-balanced, cool, deliberate, temperate, mental machine in a body which is not up to the standard physically; it is not possible. Each time a man of average breeding—and I don't mean some plug-ugly, or some man that has neither pride of ancestors or hope in posterity—as they are the exceptions, and they are becoming fewer and fewer, but I mean the average human being who has indulged in physical training and has the muscles of the body developed, and I will show you a man who is cool and deliberate in his thought; I will show you a man who is cool and deliberate in his actions; I will show you a man who is cool and careful and considerate at all times, and I will show you a man who is considerate of the rights of others, and who only asks consideration equally of his own rights; I will show you a man in nine cases out of ten who is not going around with a chip on his shoulder and looking for trouble. There are only two classes of people in this world that are going around looking for trouble. One is the man who is nervous and so emaciated and so debilitated and so worn by tension or otherwise that he has become peevish about everything. This class of man, and the bully, who merely carries the bluff to make good in what he lacks physically; those are the men that go around with the chip on their shoulder. The man that is able to take care of himself is not looking for trouble and never gets into trouble. He knows what he can do; he knows that the average man hasn't a chance with him physically. It is not up to him to try out his strength with this man or that man, for that reason, and he will stand and endure from the other man ten times what the other man that lacks physical training will stand under the same circumstances.

From the days of Samson down through, physical excellence has been admired by all. The man today that cries out against brutality; the man that cries out against physical endeavor and physical contest, is too liable to be the man that admires it the most and looks up to it with a yearning eye as a goal that he cannot reach or acquire. From the day of Samson down through, physical excellence has been admired and looked up to and idolized by all the nations and all the people. It has not been confined to any class or any people or any particular spot or place.

One of the noted strong men, and one of the noted fighters, but not in the prize ring, was Peter Cartwright, one of the most noted divines that Illinois ever knew, and when he could not conquer by mentality and by his thought and by his urgings in his talks, he took them in hand physically. For instance, upon one occasion he came into a ball room where there were men and women and boys and girls dancing, and he looked up and down and around and across and he stopped in the middle of the hall and the dancing stopped. He said, "Let us pray." He knelt down upon the floor. He didn't attempt to stop the dancing but simply asked them to join in prayer. Every one knelt down except a lady, and she stood there with her arms crossed and she did not propose to kneel or be dictated to in that way by anybody. He turned to her and said, "My dear young lady, will you please join us in prayer?" She said, "No." He arose and took her by the wrist and placed her down on her knees and he said, "Now we will pray," and he offered up a prayer and then left the hall. That was his way; that was his system, and it was admired.

You will find physical training is being advanced in a number of state institutions and universities and a number of colleges in this country where physical excellence and physical training and physical education is being brought out and imposed as a part of the curriculum, where men and women are made better for life's battle, and fitted better for life, for fatherhood and motherhood and for all of those things. Those that have not indulged in this training are not so well fitted.

I want to give you just this little illustration of physical training, for the reason that there seems to be some question in the mind of the gentleman from Wayne (Wood) as to the accuracy of the statements made by Mr. Santry (Cook) as to what physical training rescued him from.

In the year 1898, after a very severe campaign, and it was not for the Legislature, but some other office and I didn't win either—a seven months' campaign, and there was no primary in those days, but it was for the nomination and election—I found myself completely exhausted, so much so that I was experiencing several times each day, and oftener during the night hemorrhages from the lungs and I had a cough that would have sent most men into Arizona or some similar place for their health. I went to three physicians, my local physician and two specialists, and I was informed that I had consumption, and I was informed that my right lung was badly tuberculin, and if I did not get out of the country at once it would be "good-night, bar and door, and the lights are out." I didn't have the money to go. All the money I had and some more had gone into the campaign. I didn't feel like walking. I had to stay and do some work. I resorted to the thing that I had been somewhat familiar with in years gone by. I took up the Indian clubs and the dumb bells and the punching bag, and occasionally I put on the gloves when I could find someone who wouldn't hurt me too much. Seven months after that I went to each of those three physicians in turn. My hemorrhages had stopped months before and my cough had gone before that. They couldn't believe that I was the same fellow. I have gone along without any cough or hemorrhages every since. That is what it did for me. Nothing else did it except that and being out in the open air.

You show me a man that is taking pride in his physical being, and show me a man that is proud of his physical excellence, and show me a man that is indulging in physical contests, and I will show you a man that don't drink, and he smokes very little and chews less. I will show you a man that does not stay up very late nights. These things of abstinence are necessary in order to maintain that physical excellence. You say, how does that have anything to do with this bill? Let us stick with each other along common sense topics a little bit. The national past time, outside of poker in Illinois and America is baseball. In every back lot and in every little place, behind the barn in the cross road villages and the bigger towns you will find boys—the little fellows—out there learning how to become a Ty Cobb or a Walsh. They have read about them and they have an ideal in memory of the glory and they want to reach it some day—not to become professional ball players, but so they can become as good as that, and they can write their names in a Hall of Fame.

I want to say to you now that if it were not for the professional baseball, and if it were not for the games you go to see and pay fifty cents and one dollar to see, and if it were not for the leagues being conducted as they are you would not have any of this baseball in the little lots behind the barns. There would not be any incentive or anything to urge them on. You say that the professional baseball is all right. So it is. You say that legalizing it is all right. So it is. You say that charging admission is all right. So it is. It doesn't do any harm and it does all the good in the world. It makes men out of your boys and enthusiasts out of your girls.

There is not a single one of you that can go to the gymnasium today and tomorrow and start in taking physical culture that will keep it up for thirty days if you are alone, you can't do it, and you get stale as there is no competition and you quit. You go in with a class of others and meet a lot of them doing the same thing and you are competing, one with the other, and the contest is there.

I do not believe in prize fights. I have seen prize fights myself, at least one, that anybody in this House would call a prize fight. There were not any gloves used and it was not in a hall, and it was not in any athletic club, but out in the open, in the woods, and it was to a finish. I never want to see another one, and I tried to get away from this one, but I was hemmed in so I couldn't get out and I had to stay. The man I wanted to see win got knocked out too. I don't believe in prize fights, and I don't believe in brutality. I have seen a great many boxing contests, but the minute it becomes in the slightest degree one-sided I want to get up and walk out.

I have only seen a few contests of that kind in recent years. Until very recently they had an athletic club in LaSalle and had one in Peru and one in Streator and one in Ottawa. They were not staged in barns or in the street, but they were staged in the opera house with advertisements in the local papers, and they were attended by the sheriff and the officers of the county. I attended one where there were four contests up in Streator last fall. I sat through the four contests and there wasn't a knockdown; there was one eight round fight and there wasn't a drop of blood shed and it was very enjoyable and you would all have enjoyed it.

At Ottawa I attended two meetings. There were only two knock downs in both of the meetings and no blood shed except by the referee and he got in the way and got a bloody nose and I think he fell and struck his nose on the canvas at that; I don't think anybody hit him. The same things took place in LaSalle and Peru. There was no trouble and there was no drunkenness or anything that would have shocked the views of the most fastidious.

I say to you now from my angle, that I believe that a bill of this kind to legalize this particular kind of sport, guarded as it is, will do no harm, and will furnish some incentive to perfect ones self physically as professional baseball does in its line of profession and wrestling does in its line.

The contest with gloves does not begin to approximate brutality anywhere near as closely as does the average wrestling match or the average football game or the average baseball game. I have seen more men hurt at baseball in ten years than you have heard of being hurt in boxing matches.

Take it in England, almost every man in England, Scotland and Ireland knows how to use his fists. He is taught that from boyhood up; it is a part of his physical training. You don't have to go to Australia, as they do it in England, Scotland and Ireland. It makes men, and makes physical beings that are excellent. It makes engines in which you can generate a mentality. There are four states that have had practically this bill for years. The first state to adopt it was New York; then came Wisconsin; then came Montana, and then came Louisiana and in the last four months, four more have adopted it, namely New Jersey, Minnesota, Ohio and Michigan. The bill was passed in Michigan and was vetoed by the Governor but the legislature came back in special session and among other things it did was to re-cast it over the Governor's veto.

Mr. WILSON (Adams). Did you know on May 11th, a man was killed in New Orleans under that law?

Mr. BROWNE (LaSalle). No, I don't know that. I know that an accident is liable to happen in any kind of game, any place or anywhere, and I know that every few days you hear of some man that has been badly injured in the wrestling game, or in a football game, or badly injured or killed in a baseball game.

Mr. Santry has just handed me a clipping from a Quincy paper saying there were three people killed in this country in baseball. There have not been eleven killed in the prize ring in eleven years.

Mr. WILSON (Adams). Over one hundred.

Mr. BROWNE (LeSalle). No, sir; there have not been eleven in eleven years. Perhaps I am not right, but I am sincere in this matter and I state it from my own personal experience, and I trust that you gentlemen can see your way clear to give this bill your support. I vote "aye."

(Roll call continued.)

Mr. BURRET (Champaign). (On roll call.) Once in a while I get the devil in me when I sit and listen for two or three hours and think I would like to explain my vote on a matter that touches me as this question does.

I appreciate the courtesy of the committee from which this bill came and I want to mention that I was in the committee and when the bill was reported out I said to the gentlemen of the committee that they would have to excuse me from voting on the bill as I could not support it and I was present and not voting.

My friend who has just sat down has spoken something in regard to a matter that touches him and is perfectly sincere, and I want to say one or

two things in regard to this matter that come as near to me as his reasons for supporting the bill do to him in the matter.

"In corpora sans mens sono este," a sound mind in a sound body. I fully agree with the gentleman from LaSalle (Browne), but I want to say further that I believe that the time has come when mental training must go with physical training. When Peter Cartwright lived, conditions were different then and he never heard of an athletic club or a game of baseball or a foot ball. Today the boy that plays baseball has as good an athletic training as the boy who boxes so far as the health standpoint is concerned. I would not particularly object to any law that would regulate foot ball. If you gentlemen will reckon the number of people engaged in boxing bouts, you will readily admit that the percentage of those that have been injured in that kind of contests is far above that of foot ball or base ball or any other athletic sport. So far as the matter of the collegiate sports are concerned I want to say to you that the per cent of people who engage in this particular game would be so small as compared with those who engage in the other sports, that it is not worth passing a law to control.

The matter of the longevity of human life today, it is in advance of what it was fifty years ago. A man who is sixty-five years old now will get mad at you if you tell him he is an old man. At sixty or sixty-five he is still a young man. Life insurance company statistics prove that our lives are longer on an average, and it is brought about by the regular practice of outdoor exercise and good wholesome athletic sports.

There is something else back of this bill. We want to make money for the State of Illinois by creating a commission to legalize boxing. We went on record some time ago as saying we were going to do away with the number of commissions and we will have created more commissions and will be paying higher salaries to them than any other legislative body has done if we pass all of the pending propositions and the most objectionable feature to the bill to me is that for thirty years with the present law on the books that we are attempting to tear away that entire fabric and show that it has been a failure and I think it is entirely out of the question for us to consider this bill as a revenue producer, seeking to collect revenue from sports that were relegated to the rear thirty years ago.

I vote "no."

(Roll call continued.)

Mr. BUXTON (Macon). I don't think anybody who has argued for the bill has touched upon the reasons why any reasonable man should vote against it. The experience of which I am speaking comes from the city of Springfield. A few years ago they held boxing and sparring matches in this city. The boys from the farms and the boys from the city attended and came home with broken heads and broken noses, and broken collar bones, and a short time ago we found a man was killed at the ring side in the ninth round, and it was nothing more than legalized murder.

The State of Illinois should not allow one man to go into the ring and cripple and maim another man. Probably nine out of every ten will be crippled for life with a broken hip, a broken collar bone, a broken nose, or a disjointed wrist. I am against it. Those are the things that are brought to the attention of the physicians every day.

I vote "no."

(Roll call continued.)

Mr. LIPSCHULCH (Cook). (On roll call.) Mr. Speaker and gentlemen of the House: I arise to say a few words on behalf of this bill, not because I am vain enough to think that I can influence its passage, but because I represent a constituency the same as all other members on this floor and a great portion of that constituency belong to different denominations. I have the honor to have a great number of churches, some Protestant, some Jewish and some Catholic, with the total church population probably amounting to the dignifying number of over 100,000 and some of them too have cast their vote for me and, therefore, have a right as much as anybody else to know why I vote a certain way on any question. (Strong applause.)

Mr. Speaker: I wish to say that I neither ask nor appreciate this applause; that I expect the same decorum on the part of the membership

towards me that I at all times have been in the habit of giving them and again I repeat that I ask fair treatment, that I don't want any disturbance or applause, as such applause I want to say may give the wrong impression as to what they mean by it and may be taken by my constituency as a gross insult to them, since I speak for and represent them here.

Now as I sat here listening on this floor to the gentleman from Logan (Perkins) pleading to leave all and everything to the hillside boy and not to destroy the vitals of a home, I began to revolve the question in my mind and as I did, it took me back to ages gone by and I saw the Chaldeans in their might of progress and prosperity, and they were at play in various forms. I saw humanity march down the eternal path of time, and as we reached the Persians again we see men playing all sorts of games and develop muscles and brain alike and after a time they loose their grip on innocent and encouraging athletics and the scene is transferred to Greece where the Helenites, where the Romans are developing the Gladiators in man and the Goddesses among its womanhood.

Yes indeed I see the amphitheatres which would house tens of thousands of people at one time, and for what purpose do these tens of thousands travel in their chariots and magnificent attire in their full manhood, to these amphitheatres. Yes, for what purpose do they go there. They go there because the government and the people all give due recognition to the development of the prowess, manliness, gallantry, cleanliness and clean living of the populace, and as that nation is at play we see the natural consequences. We see such men as Cupernicus, Homer, Virgil and Demosthenes in the field of philosophy and learning. We find the Epicureans and the Stoics in the field of esthetics and we marvel at such men as Caesar and Anthony in politics. Yes all these men were developed while this nation was at play, indulging in the most daring and active sport, but as they neglect athletics and exchange them for sissism the nation crumbles and a race of cowards take the place of the former men.

I will shift the scene to this country (our own) and I see the Indians on one hand and the Puritans on the other striving for mastery over the elements and the natural enemy and I see father and son walking either in front or to the side of the prairie schooner which contains all the possessions of the Puritans, including the family; I see the boy who knows how to ride horseback, how to carry the musket and make use of it, who can fight bare handed if necessary, who is ready in the event that the father succumbs to the struggle over the prairie, to take his place and give the necessary manly gallant protection to his mother and to his sister.

Now compare him with the boy who comes from the city and I want to say that a major portion of the boys now-a-days do come from the city where the hillside is unknown and where the glass of whiskey and the cigarette takes the place of musket and manly fist, where the high collar and the necktie takes the place of the home made shirt, and where cowardice takes the place of bravery and manly gallantry. Yes, I say compare the two and continue to sissify your boys, and in the event when protection would be needed at their hands on behalf of their womankind, would run like scared hounds. Yes, continue to sissify them. At my office the boy that comes to see me is not the one who indulges in good clean and manly sport, it is not the boy who knows how to protect himself, it is the boy who wears the fashionable collar and who at heart is a coward and a sissy, and for this reason I say bring back the **manly clean sport as an encouragement for private emulation and strike at the vitals of the home by rejuvenating the boyhood of this country.** I vote "aye."

(Roll call concluded.)

Mr. BRUCE (Cook). I ask that the roll call be verified.

(Roll call verified.)

Mr. SANTRY (Cook). I move the further consideration of this bill be postponed.

THE SPEAKER. On this question the "yeas" are 72, and the "nays" are 67, the bill having failed to receive a constitutional majority is declared lost.

Mr. SANTRY (Cook). I made a motion previous to the announcement of the vote.

THE SPEAKER. Yes, but you had a verification of the roll before the motion was made.

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 10:00 o'clock tomorrow morning.

Whereupon the House adjourned until 10:00 o'clock a. m., Wednesday, May 26th, 1915.

WEDNESDAY, MAY 26, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Mr. Nicholas.

The Journal of the previous day being read: Upon motion of Mr. Curren (Pulaski), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, and messages on the speaker's table, all without debate.

Mr. McCORMICK (Cook). I desire to call up House Bill 899, which was to be a special order for this morning.

Mr. LE PAGE (St. Clair). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend the title of House Bill No. 899 by striking out in said title all of said title after the word "act" and inserting in lieu thereof the following: "to provide for the regulation of public utilities in all cities, villages and incorporated towns in the State of Illinois."

Mr. WILSON (Adams). I suggest for the information of the House that the entire series of amendments be read now.

Mr. GORMAN (Peoria). Do I understand that the amendment is offered by the gentleman from St. Clair (LePage) and that the gentleman from Cook (Frankhauser) is going to explain it?

Mr. FRANKHAUSER (Cook). I am willing that the gentleman from St. Clair (LePage) shall explain these amendments.

Mr. LE PAGE (St. Clair). I offered this amendment in good faith. I believe the people of Chicago are entitled to home rule, and should have it, and if it is good for the city of Chicago, it is good for other cities in the State. There is no reason why the people living in that community, or in any city, town or village, should not decide for themselves the manner in which the public utilities should be regulated.

I have a statement here from the Chicago News on Home Rule sentiment in New York—New York City and the other municipalities in New York State evidently are becoming very weary of it. (Reading):

HOME RULE SENTIMENT IN NEW YORK.

New York City and the other municipalities in New York State evidently are becoming thoroughly weary of regulations of their local affairs from Albany. A home rule amendment to the state constitution has been offered to the constitutional convention now in session, a committee representing a conference of mayors of cities of New York State having prepared the amendment. It is said by New York newspapers to furnish one of the most important issues with which the constitutional convention will have to deal.

The proposed amendment undertakes to grant not only to New York City but to all the cities of the state the all inclusive right to handle local affairs as a majority of the electors of a city may wish to have them handled. It wipes out existing distinctions by which cities of the first, second or third class are separated from other cities. The basis of the amendment is that cities shall make and amend their own charters; shall fix the salaries and duties of officials paid out of the city treasury, the legis-

lature being barred from passing mandatory laws creating offices and fixing salaries; shall decide what constitutes a public utility and shall have power to acquire, own and operate all such utilities, including transportation lines, water plants, lighting facilities and markets. Each city is also given adequate powers over fiscal policies and local taxation.

As to the need for such an amendment as that suggested the New York Tribune says there can be no doubt. "Every municipality," it declares, "has felt it at some time or other. Buffalo's fight for years to get a commission form of government charter from the legislature and New York's present situation with regard to millions of dollars of mandatory expenditures decreed by Albany each are sufficient illustrations. The mayors' conference is not an aggregation of theorists. Its members—most of them at least—have had cold practical experience in the handling of municipal affairs which has taught them the desirability of greater freedom, greater flexibility and greater responsibility for city officials."

Chicago's fight for home rule has largely taken the form of a battle for the regulation of local public utilities. But within recent years there has been a growing tendency on the part of the legislature to pass mandatory acts affecting local expenditures. This is the great evil from which New York City suffers. Illinois cities should fight this form of outside interference without ceasing.

The cities of this country should all be given the powers of self-government which are necessary to their welfare and should then be left free from legislative interference.

Now, gentlemen, it seems to me that the people residing in a city, town or village are in a better position and can regulate their public utilities more intelligently than those who are living without the corporate limits of the city. It is unreasonable to believe that the city of Peoria could regulate to better satisfaction to the residents of Chicago their public utilities, than the Chicago people could regulate them themselves. The same thing would apply to Peoria, that the people living in Chicago could not so intelligently and for the benefit of the majority of the people in Peoria, regulate their public utilities. If this is a good thing for Chicago, there is no reason why it is not good for other cities in the State of Illinois.

Mr. GORMAN (Peoria). I had no intention of saying anything on this question, but I want to say to you that the name of "home rule" is a misnomer. This amendment that has been offered emanates from my friend from Cook County, Mr. Frankhauser, and is introduced by my friend from St. Clair, Mr. LePage. It is a very inducive proposition.

Mr. McCORMICK (Cook). What kind of a proposition?

Mr. GORMAN (Peoria). Inducive or persuasive—to get all the boys in line by saying we don't want anything in Cook County that we will not give you boys down the State, as we think so much of you when we want something ourselves.

Just a word in regard to the public utilities law. Four years ago the Legislature appointed a committee, consisting of five members of the Senate and five members of the House. The purpose of this committee was to go out and investigate the workings of public utility laws in the states in which they had them. I happened to be a member of that committee. We visited Boston, New York, Albany, and Madison, Wisconsin, and made a trip through the State of Illinois, taking in some 29 cities. The result of the trip through the State of Illinois was a demonstration and a request of the people of the cities visited for a public utilities commission. Why? The utilities had been used as a football by the city councils of the various cities for years and years, and the average man in seeking office found the popular position to take would be opposition to some utility. I will give you an illustration as it occurred in Chicago, where 70-cent gas was the slogan, without any investigation as to the possibility of being able to give the people that priced gas, but they liked to be fooled and they were fooled, and that was the slogan used in the campaign in Chicago.

A man on that occasion was secured to prepare a report—a man selected by the city officers of Chicago—a man by the name of Hagenaw, a man whose reputation and ability nobody questions, and he prepared a report showing that the proposition of 70-cent gas was not possible, but they threw

it into the waste basket. It didn't fit the case, as they wanted it to, and they engaged Professor Bemis, who would prepare a report in keeping with their ideas, not based on facts or figures or anything else.

The same interest that opposed a public utility law, and opposed the enactment of any law two years ago, was the officeholding interests of the city of Chicago, and they are the same gentlemen so busily engaged, that have appeared before the Utilities Committee, telling why the city of Chicago was so able to handle utilities in Chicago.

To show you gentlemen how misleading things are sometimes: at the hearing at Chicago the officers were requested to appear before this committee—the officers of the 70-cent Gas League, and we found it was an organization composed of five members, and they were sending out postal cards to members of the Legislature in regard to their support of the home rule proposition for Chicago. It looked good on paper and the average fellow was inclined to get scared about signing the pledge of the 70-cent Gas League of Chicago.

Another question in connection with this is that in Chicago the original bill provided that the railroads should come under the provisions of this bill.

Mr. McCORMICK (Cook). What was that?

Mr. GORMAN (Peoria). I said it was the original purpose that the steam railroads come under the provisions of what was known as the Home Rule Bill. They found they would meet too much opposition to that and they left them out—left the steam railroads out entirely. Apparently they are willing to let them out and anything that means votes to make it possible for the city officers of Chicago to have control of their utilities.

In April, 1914, a little over a year ago, a number of questions of public policy were submitted to the voters of Chicago and some of the questions at that time carried by 100,000, and the question of home rule carried by 8,000.

Mr. McCORMICK (Cook). Will the gentleman yield to a question?

Mr. GORMAN (Peoria). No, not until I get through. I have so much to say that I don't think I will get through before dinner time. (Applause.)

There was a sub-committee of the Utilities Committee appointed to prepare certain amendments, and it was composed of the legal gentlemen of this particular committee. They met in Springfield and at Chicago and had numerous meetings. The result was the preparing of three bills, and the Utilities Committee held a meeting on Tuesday morning, and these three bills were submitted for consideration and to decide what members of the sub-committee should prepare these amended bills; there was not a member of the committee that knew anything about what the bills were and you have one of the bills before you this morning. I voted against reporting the bills out until an opportunity would be given to know what the bills contained. They said we must make haste; the Chicago press is such that we must hurry up. What were the three bills? One of the bills was that the mayor appoint this commission to look after the utilities; the other bill was that the aldermen appoint the commission, and the other bill was a conglomeration of everything that was in bills 1 and 2. They reported out this bill that is now before you. The proponents of this measure decided, now, we must have votes and in order to get votes we must take in all of the boys. We are going to make them a present of something.

In regard to New York: New York is still working under this law. You have read some criticism of it. Let us get a little closer to home; let us go to Wisconsin. Wisconsin was seeking just what Chicago is seeking. They said, we are so big and men of such extraordinary ability that we are best able to handle our own utilities—and there was a bill prepared wherein Milwaukee was asking for home rule. I said to a friend of mine the other day, who was a man who used the words "home rule" himself, and they all use the words "home rule" because they think the Legislature is made up of so many gentlemen from Ireland, that the words "home rule" will please them, but they will not be fooled with this. There were two bills introduced in Wisconsin and the purpose of the bills was to give the

city of Milwaukee home rule, or exempt Milwaukee from the state public utility law. Both bills were defeated.

This law only went into force and effect January 1, 1914, just about a year and a half ago. What did the city officials that appeared before the committee, say? They are the only ones that appeared in regard to this, and their argument has always been that the Utilities Commission was too busy to have time to take care of Chicago, and some of the gentlemen told me that the city of Chicago and officials of the city of Chicago never recognized the Public Utilities Commission. They criticised them and told you about this unfitness, and they are the only ones that understand how to handle these questions. This commission has only had an opportunity since January 14, to demonstrate to the people of this great State the improvement over the old conditions in regulating utilities.

Men in the city councils are just as honest as any other men—as I was a member of a city council myself, and I want to say that they haven't got the facilities to handle these questions. They say it is not a question of money in Chicago. But I say to you, if you have plenty of money in Chicago, why are you down here every session as you are, asking for amendments to the Juul law increasing your amount of taxation? If you have been handling these questions as well, why haven't you handled them and disposed of them, and why haven't they been settled? I refer at this time to the unsettled condition that has been dragging out for a number of years, namely, the gas question, Mr. McCormick. That hasn't demonstrated the great ability of the officials of Chicago to cope with these questions. One of the cries two years ago when this law was about to be passed was the great expense of this commission and how it would bankrupt the State. I will say to you gentlemen that the showing made by this commission is a very creditable one, especially under the conditions of business stagnation which this country and State has passed through in the last year and a half. I have a statement from the Utilities Commission which was furnished me at my request. This is a statement of expenditures from January 1, 1914, to April 30, 1915. The total amount of expenditures in that period was \$162,508.11, and the receipts in that period with one month's difference, were \$556,424.84. I consider that completely wipes out the argument that was advanced two years ago relative to what a bill of expense you are going to saddle on Illinois by the passage of any such law.

After this bill was passed the press of Chicago—the entire press of Chicago called on the Governor and committees waited here on the Governor requesting him not to sign the bill, and they said if Governor Dunne signed that bill he would kill himself politically—

Mr. McCORMICK (Cook). He has, hasn't he? (Laughter.)

Mr. GORMAN (Peoria). If he has he has not killed himself by the signing of that bill. I say in all fairness to the people of the State of Illinois, that you ought to give this commission an opportunity of demonstrating the improvement this system is over the old system of regulation. You may make this proposition of home rule apply to the cities down to 10,000 or 2,000 or 5,000, but I am against this whole proposition. There has been only one side of this question heard and that side has been the side referred to time and time again.

I want to say to you that the aldermen from Chicago would impress upon the committee how the question of politics is now eliminated in their body up there and how when a man is a member of the city council and served on some important committee, he was continued in that position. If that statement be true, why change the chairman of the Transportation Committee? I see my friend, the present chairman up in the gallery. Why did you dispose of Mr. Block if you have no politics up there? You are so harmonious that you can't arrange your committees in Chicago and you have to come down here in the country some place where you can't be found.

Mr. FRANKHAUSER (Cook). Mr. Speaker, there are some statements made by the gentleman from Peoria (Gorman)—statements that require a little bit further explanation so that it may clear the matter up and make entirely plain what the gentleman had in mind.

Now, any insinuations on the part of the gentleman if any interest that the proponents of this measure have in changing the title of the act or the provisions of it so that it would apply to the downstate towns for the purpose of getting votes in this House, is error on the part of the gentleman. It is not a misstatement; it is only an error.

Mr. GORMAN (Peoria). Mr. Speaker, I didn't understand; if I have misjudged the proponents of the amendment I want to apologize.

Mr. FRANKHAUSER (Cook). I want to consider the effect of this amendment. This bill was prepared by a committee called the Permanent Charter Committee, in the city of Chicago. That committee was composed of people, men and women, able lawyers and those who had given much study, investigation and research upon the question that would be covered by a measure of this kind, and it was only after a deliberation and work of weeks that this bill was perfected as it is now. When the people from Chicago came down to this Legislature with that bill, providing that only towns of 200,000 or over should come within the provisions of the bill, they met very vigorous opposition by the down-state members. The statements that they made were that they were as intelligent as the people of Chicago; that they were just as capable and just as able to manage their own internal affairs as the city of Chicago was, and if it would be insisted that a measure should be tried to be forced through here, that would only include the city of Chicago, why they were opposed to it.

Now that is why this measure has been changed and the gentleman from St. Claire (LePage) who offered that amendment, did it because he believed in it; he believed that his city down here in the State has got the mental capacity to legislate and to regulate its own internal affairs. It was not carried to him for the purpose of in any way influencing country members; he was in favor of it and was willing to propose it.

Now I want to say a word about this home rule that the gentleman from Peoria (Gorman) says is a misnomer. Home rule then has always been a misnomer in the history of man. It has always been in the man and you cannot reject it now, has ever been in the man and you cannot reject it now, that he wants to govern and control his own home affairs; it has been the history of man and the history of nations, and the gentleman who refers to that little country across the sea that has been struggling for ages to throw off the shackles and the burdens that they considered were irksome, know what home rule means; they know what it means by experience and they know that they have grown tired years and years ago of the foreign yoke. It is a catchy word; it always has been catchy; it is a catchy word among the members of this House. Every man that comes here from a city or town of 5,000 inhabitants, or 3,000 or over, that would vote today against this measure and then undertake to go home and explain to his constituents or to his village or his town and say, "I had an opportunity to get for you today the privilege of voting for you to regulate and manage your own home affairs, and I refused." Why? For only two reasons; first, that you are too unfitted and the other that you are too poor. Those are the arguments that have been made by those that are opposed to this measure; only two reasons; one is that we haven't got the mental capacity and we are not fitted financially to take care of and manage our own affairs. I don't believe there is a member in this House today that would go home to his people and meet in the council chambers of his city or village and say to the common council there, "I have voted against that measure, because you were not fitted or able to take care of your own local industries, or that you are too poor."

In other words, then, home rule must be denied because your earning capacity is limited; because it is not a great utility; because you are not a rich man. For that reason somebody else now holding the superior power of money over you, is better able and better fitted to manage your affairs.

Now, I want to say, gentlemen, that home rule in its broadest signification means that the Legislature would confer upon a city charter the right to amend, alter or change its own charter. That is home rule to the limit. There is no offer of that kind in this bill. In that respect the gentleman from Peoria (Gorman) is correct; that is a misnomer; and doesn't go that far, although some of the states have advanced in that

direction and I would prophesy that it will not be many years until home rule in the fullest meaning of it will finally be enjoyed by the cities and the towns of Illinois. This is not for that purpose. This is only to enable you, your city and the city of Chicago to regulate the price of gas and electricity and of your transportation, your street railways.

Now, Mr. Speaker and gentlemen, I only want to say this, without going farther into the argument of what the bill means, but that this amendment is not instigated in Chicago. It was not thought of in Chicago; it was not brought here from Chicago; it originated in this House, and they would not stand for it coming from Chicago. While we are seeking to have this matter become a law so that that great city may regulate and may manage its own internal affairs, yet it would not stand in hand for its coming from that great city, and for them to ask this great Legislature to give us a law that would only apply to the city of Chicago, denying the same privileges and the same rights to every other city and town in the State of Illinois that is entitled to it, and even if this becomes a law there cannot be any misapprehension of what the bill really means. It is only that you may go home to your people and say, "Now, you have got a right to govern yourselves if you want to; you may submit it to the vote of your people, and if they say, No, we don't want it, why, then, you want the State Utilities to manage your affairs." But if the people say, Yes, why, then, you become your own boss and no overlord or any outside influence will have anything to say about your own affairs in your own internal management, if your own internal management is peculiar to your interests.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House: I cannot at this time let the remarks made by the gentleman from Peoria (Gorman) go unchallenged. His criticism was first made of this amendment. The principal part of his address was launched at the proposition of home rule. I don't know just exactly where he stands—neither do you—on the amendment question, but upon the proposition, or rather because he started out in his tirade against the amendment itself, and I want to correct the impression that he may have succeeded in lodging in some places in this House. This amendment to this bill, which gives Home Rule to cities in the State of Illinois having a population of 2,000 or more, did not originate with Mr. Frankhauser (Cook); it did not originate with Mr. LePage (St. Clair); it did not originate with either one of them, and if there is any blame to be attached it is not to either one of them. Neither was it born in the womb of a desire on the part of Chicago to secure votes for this bill. Nothing of the kind. This amendment gives to cities and towns of the State of 2,000 or more of inhabitants the right to adopt home rule by a referendum vote if they want it; they don't have to have it; they needn't take it unless the people say so, and when the time comes that the gentleman from Peoria (Gorman) is opposed to that process, then he is opposed to public utilities, the initiative and referendum, and everything else. It is not a stifling process; it is giving the people a chance to say we want it, or we don't want it. You don't have to have it if you don't want it.

Mr. McCORMICK (Cook). The gentleman from Peoria (Gorman) is opposed to that proposition; he is opposed to the exercise of local option in any form.

Mr. GORMAN (Peoria). Outside of that, I suppose the gentleman from Peoria is all right. (Laughter.)

Mr. BROWNE (LaSalle). Well, we will not go as far as that.

Now, this amendment originated and was born in this way: There was a group, and a considerable group of gentlemen, members of this House, from down the State, who were willing to give to Chicago home rule because they believed that Chicago wanted it, and that belief was based upon the fact that at a recent election in Chicago a referendum vote of the people of Chicago and upon that referendum vote the people of Chicago voted for it overwhelmingly. Not only that, but in the platform of the mayor, who has just been elected in the city of Chicago by a majority of over 100,000, his plank was home rule. We have a right to believe that the city of Chicago did want home rule, and if they do they ought to be entitled to have it. That is, independent of any private belief.

Now, then, these gentlemen down the State—and I was an humble member of that group—insisted that if Chicago was going to have it and they wanted it, that they ought to be entitled to have the cities down State embraced in that privilege, if it was a privilege; not have it thrown to them, but have them given the opportunity to have home rule if they wanted to have it. Chicago demurred. They said, Why, now, that may complicate matters for us. The proponents of the bill said, It may complicate matters; it may be a detriment to us in that it may retard the passage of this bill, but the suggesters of that idea were importunate and the people from Chicago conceded to that proposition, and that is the way that it got into this bill.

Now, Mr. Speaker and gentlemen, on the home rule proposition; I expect I am a little stronger on the home rule than the average man here that is advocating it. I would include in home rule everything—the railroads, the interurban railroads, the stockyards, the express companies, and everything else. I would make no exceptions; but I find that the majority of the members of this House are against me on that proposition, and a considerable majority, and they have some strong grounds to base their difference upon, namely, that a railroad is not located in and within the corporate limits of any municipality; it goes out beyond, and putting that away from the Public Utility Commission and under home rule would involve a clash of jurisdiction. The same thing would apply to express companies and to these other public utilities named in the way that they do business. For that reason there is some semblance of sense and sanity in being antagonistic to my views and beliefs in the matter, and I am willing to concede and grant that they are probably right and I am probably wrong. But in home rule as I have stated on the floor of this House, I have always believed and no man can make me believe otherwise, but that the father and mother of a family know more about the raising of it and bringing it up and the handling of it and know more about the internal economies of that family and the proper method of running it than any outsider—than any alien—and if it applies to the family, it applies to the city and the village and the municipality; and therefore I am for home rule. I believe it should be given to Chicago; I believe it should be given to every city in this State that wants it with these exceptions that have been enumerated.

Now, the gentleman from Peoria (Gorman) has cast rather insinuating remarks against the integrity of the city councils; he has seemed to indicate in his remarks that a city council was not as well fitted to handle these matters as a public utilities commission. He has not stated why, but in his remarks there is a vein and an undercurrent that has left you to infer and to guess.

During the hearings upon this home rule proposition before the Public Utilities Committee, I was present at a number of the meetings, and I found, gentlemen, every corporation of any extent was represented—especially the railroads, the electric railroads—all of those people—I found them there wanting to stay under the Public Utilities Commission and being opposed to home rule. Somebody at one of the meetings asked them why—asked one of the leading speakers for the railroads why—and upon the answer being slow and not forthcoming, the speaker said, “Isn’t it because you think you can make a better bargain with the Public Utilities Commission than you can with the city council?” and he said, “Yes; I guess that is right.” And that was the only explanation I got during the hearings of why they wanted it to stay in one place and not another.

Now, then, I find the gentleman from Peoria (Gorman), with all due respect to him and his views, we find him opposed to the fifty car limit bill; we find him opposed and working against the ten hour in twelve street carmen’s bill; we find him opposed to every single element of legislation in this Assembly that is for the working man, and we find him for everything that the corporations want, and if that is not correct, then I am open to correction and I will apologize for the statement, but that is the way I found him and as I saw it. I don’t know as that means anything; I don’t mean that he holds a brief with the railroad company; I don’t mean that he holds a brief with anybody, but when we find a man doing those things or being there with the constant and official act of adjourning at the apt moments in all

hearings, I always have an idea that his affections at least are enlisted somewhere.

Now, gentlemen, I hope that you will pass this amendment and the one succeeding, which puts this bill in the shape that I have stated. If you do that you give to the members down the country—to many of them—an opportunity to vote for this bill and to help Chicago. If you don't do it, you are going to eliminate from Chicago a number of votes that it would get and from men that want to vote for it, and I hope, gentlemen, that you will pass these amendments and make the bill as it should be.

Mr. FRANKHAUSER (Cook). Why is it that you made the limit 5,000?

Mr. BROWNE (LaSalle). It is not 5,000; I don't care what you make it.

Mr. FRANKHAUSER (Cook). That is the way to talk.

Mr. BROWNE (LaSalle). I will take it any way they ask me. They asked me what limit should be fixed; I said, "I don't know; fix it any way to suit." They said 10,000. I will stand for 10,000; if it is 5,000, I will stand for 5,000; they asked me if I would stand for 2,500. I will stand for that. Now, you ask me if I will stand for 2,000; I will stand for nothing if you say so.

Mr. TICE (Menard). May I ask a question for information? Mr. Browne (LaSalle), if I understand this bill properly, it provides for referendum?

Mr. BROWNE (LaSalle). That is my understanding now and that is the understanding I have from mostly reading, and from my meetings in the committee and my negotiations—or rather my talks with the gentlemen that have it in charge.

Mr. TICE (Menard). Now, until the referendum has been applied in any city from 2,000 up, that city, or all cities not applying the referendum, remain under the Public Utilities supervision?

Mr. BROWNE (LaSalle). Absolutely.

Mr. TICE (Menard). Now, the next question, if you please: How will a city provide for the supervision of its public utilities after having voted to come under the provisions of this Act?

Mr. BROWNE (LaSalle). How will it provide for it?

Mr. TICE (Menard). Yes.

Mr. BROWNE (LaSalle). Why, it automatically does so under this bill.

Mr. TICE (Menard). That is true, but what body; what power will supervise the public utilities of the city?

Mr. BROWNE (LaSalle). The city council, if it is a city; the president of the Board of Trustees, if it is a village.

Mr. TICE (Menard). Then any city of 2,000, if they were under the provisions of this Act, would necessarily provide for a public utilities commission for that city?

Mr. McCORMICK (Cook). No.

Mr. BROWNE (LaSalle). No, sir; not at all; not any more than the city of Chicago; it goes automatically directly to the city council or the president of the board of trustees, and that council or that board is the public utilities commission of that city or village.

Mr. McCORMICK (Cook). Mr. Speaker, may I interrupt? If the gentleman will turn to the bill, on page 3, section 2, he will see that the local municipal authorities, if they see fit in their discretion, may delegate administrative—"may," they don't have to—may delegate administrative, executive or quasi judicial functions to a board.

Mr. BROWNE (LaSalle). So they can in Chicago.

Mr. McCORMICK (Cook). Precisely; it is permissive and not mandatory.

Mr. BROWNE (LaSalle). And it would be permissive without that section.

Mr. TICE (Menard). Then, if it don't delegate this authority to a board or city council, the city council of Petersburg, of 2,000 inhabitants, over here in my district, would be governed by the Public Utilities Commission of the State?

Mr. BROWNE (LaSalle). They would do just as they did before there was any Public Utilities Commission at all. In other words, it would abrogate the Public Utilities Commission in that municipality.

Mr. TICE (Menard). But they do have this authority, if they see fit to create a board?

Mr. BROWNE (LaSalle). They can have that now without that section at all; they have got that today. If they had home rule, if they were back where they were before there was a Public Utilities Commission, they could, if they wanted to, appoint a commission of their own number or others and impose that in them the same as they did on municipal ownership in Chicago.

Mr. TICE (Menard). Now, Mr. Browne, do you tell me that under the present law, that a city of 2,000 inhabitants can perform these functions through a board of the council now; aren't they under the control of the Public Utilities Commission at the present time?

Mr. BROWNE (LaSalle). They certainly are; but this bill will give them the option of coming out from under that control if they want to; or they may stay if they want to; it is up to the dear people to say.

Mr. PURDUNN (Clark). I would like to ask Mr. Frankhauser (Cook) if all towns over 2,000 would adopt this referendum and come under home rule, what becomes of the present State Utilities Commission; would it go out of business or only control towns under 10,000?

Mr. FRANKHAUSER (Cook). The only effect that it would have upon the public utilities now would be to probably relieve it of some of its duties.

Mr. McCORMICK (Cook). I think, Mr. Purdunn, just for the moment, that the Public Utilities Commission now exercises all the powers of the old Railroad and Warehouse Commission. If all the cities larger than those contemplated by the minimum fixed in this amendment went out from under the Public Utilities Commission, it would still have the railways, the elevated, the stock yards, the interurbans, etc.

Mr. IGOE (Cook). They don't exercise any jurisdiction over the stock yards.

Mr. McCORMICK (Cook). I have been told that the commission exercised jurisdiction over the stock yards; I don't speak from actual knowledge.

Mr. BROWNE (LaSalle). Now, this is a very important matter, Mr. Speaker, we don't want to make any mistake. May we have five minutes now to prepare these amendments, as it is desired?

THE SPEAKER. The House will be at ease for five minutes.

Mr. BASEL (Fulton). Mr. Speaker, I offer the following amendment, and move its adoption.

Mr. BROWNE (LaSalle). There are five amendments and they are all so nearly related that they ought to be read together.

Mr. GORMAN (Peoria). I suggest that they be read slowly and that the House be given about the same length of time to consider them as they had to prepare them.

Mr. LE PAGE (St. Clair). I withdraw my amendment in favor of the substitute offered by Mr. Basel (Fulton).

THE SPEAKER. The clerk will read the amendments.

AMENDMENT No. 1.

Amend the title of House Bill No. 899, by striking out in said title all of said title after the word "act," and inserting in lieu thereof the following: "to provide for the regulation of public utilities in all cities, villages and incorporated towns in the State of Illinois."

AMENDMENT No. 2.

Amend House Bill No. 899, in section (1), by striking out all after the word "state," in line 3, down to the word "shall," in line 4 of the printed bill, and by inserting in lieu thereof the words, "villages and incorporated towns"; and also amend by inserting in line 2 of said section after the word "that," the word "all."

AMENDMENT No. 3.

Amend House Bill No. 899, in section 31, by striking out all of the title of the Act after the word "act," in form of ballot between lines No. 25 and 26, and inserting in lieu thereof the following: "to provide for the regulation of public utilities in all cities, villages and incorporated towns in the State of Illinois."

AMENDMENT No. 4.

Amend House Bill No. 899, in section 28, by striking out in line 2 of the printed bill, all after the words "in regard to," and also line 3 and line 4 to period, and inserting in lieu thereof the following: "all cities, villages and incorporated towns in the State of Illinois."

AMENDMENT No. 5.

Amend section 24 of House Bill No. 899, as printed, by adding thereto, after line 70, the following:

"The term 'cities, villages and incorporated towns,' when used in this Act, shall mean and include all cities, villages and incorporated towns in the State of Illinois."

Mr. BROWNE (LaSalle). Mr. Speaker and Gentlemen, these amendments, five in number, simply place every city, village and incorporated town in Illinois, irrespective of population, on the same basis, except that it gives absolutely to the city of Chicago home rule, whereas, each of the cities, villages and incorporated towns get it upon a referendum if they want it. That is the only difference.

Mr. TICE (Menard). For information, Mr. Browne; suppose that we have a rural electric lighting line or a rural telephone line, what regulation is that subject to?

Mr. BROWNE (LaSalle). Telephone or electric light and heating, which?

Mr. TICE (Menard). Well, either one of them, or both of them. Do they remain under the present utilities board?

Mr. BROWNE (LaSalle). No, sir.

Mr. McCORMICK (Cook). Just a moment, Mr. Speaker. If it is a rural line, presumably it serves patrons both within and without an incorporated town, village or municipality; in so far as the service was within the municipality it would remain under the Public Utilities Commission.

Mr. BROWNE (LaSalle). Necessarily so, but in so far as the service was within, it would be governed the same as any other city, by the city council.

Mr. TICE (Menard). It would be governed by the city council?

Mr. BROWNE (LaSalle). Yes.

Mr. TICE (Menard). But now here is a rural service that partly serves a small village or small town and also serves county patrons. Now, who superintends or has authority over that part or portion of it that serves the country patrons?

Mr. BROWNE (LaSalle). The Public Utility Commission of the State.

Mr. TICE (Menard). Then we are out from under it?

Mr. BROWNE (LaSalle). That is necessarily so, unless you abolish the Public Utilities Commission entirely. If you want to do that, I will vote for that.

Mr. TICE (Menard). Doesn't this practically do that?

Mr. BROWNE (LaSalle). Oh, no it don't; it leaves them in control of the railroads, both steam and interurban, and the express companies.

Mr. TICE (Menard). Then it really relegates the present utilities board back to the functions of the old Railroad and Warehouse Commission.

Mr. BROWNE (LaSalle). Where it belongs.

Mr. TICE (Menard). Mr. Speaker, I have only one more question: Under the provisions of this Act then, isn't it a fact that it would be possible that the same utilities companies furnishing light and heat and power in a

village and to rural partons, might have one scale per kilowatt-hour in towns and another in the country under this?

Mr. BROWNE (LaSalle). Yes, if the public utilities and the city council and the village trustees were insane enough to leave that with them. It is possible, yes.

Mr. TICE (Menard). It is up to them to charge one rate in towns and another in the country?

Mr. BROWNE (LaSalle). Yes, this bill only assumes to regulate in municipalities; it can't go any further; if you want to go further you have got to limit the public utilities and the promoters of this bill didn't seek to do that.

Mr. TICE (Menard). That is what I wanted. I wanted your judgment on that.

Upon a rising vote being taken, amendments 1, 2, 3, 4, and 5 were adopted.

THE SPEAKER. All of these amendments are really one amendment, are they not?

Mr. FRANKHAUSER (Cook). Yes.

THE SPEAKER. The same vote will apply to all the amendments. The five amendments are connected; they are practically the same amendment.

Mr. GORMAN (Peoria). Mr. Speaker, I offer the following amendment, and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 899, by striking out the enacting clause.

Mr. McCORMICK (Cook). Now, Mr. Speaker, I want to be heard. I am not sorry that my friend from Peoria (Gorman), introduced that amendment at this time. The House might as well determine today as at a later date whether or no it wishes to give to the cities of the State the right by referendum of their citizens to decide whether or no they would control and regulate their local utilities through the local government.

Mr. Speaker, this question has been before this House in one form or another all through this session; it was before this House two years ago. The only opposition to home rule of utilities came from the combination of the so-called Insull interests and the McKinley interests in this State. I don't know if the members of this House realize what those two groups control today—approximately 75 per cent of all the public service corporations in the State of Illinois. There is growing up within the confines of this State a single monopoly of the public services of the State, and the tendency, of course, is to increase to concentrated control by a single corporation.

I say there has been no positive opposition to home rule except by those interests. They have been candid about it; they are out in the open, against home rule.

Gentlemen, there is nothing in the bill as now amended which will put upon any community the problem and the burden of controlling these utilities locally, unless that community by a majority vote of its citizens, decides that it wants to assume that burden and to face that problem. If you are of the opinion that the people of these several communities are unable in the face of this local problem at their own doors, to decide whether or no they wish to entrust to the city council rather than to the State Utilities Commission, the control of these utilities, then of course you will vote against this bill and vote to strike out the enacting clause.

Now, then, somebody will suggest that there is more expert knowledge in the Utilities Commission than you will find in the city council. I think that the facts will not bear that out. The Utilities Commission has not been made up of experts; it is a haven for the political aspirants who have been appointed to it while waiting political preferment.

I move to lay on the table the motion of the gentleman from Peoria (Gorman).

Mr. GORMAN (Peoria). Will the gentleman give way to just one question?

Mr. McCORMICK (Cook). Always.

Mr. GORMAN (Peoria). Is it not a fact that some of the gentlemen who compose this commission that you refer to were recommended by you?

Mr. McCORMICK (Cook). There were none of them endorsed by me; not one. (Applause.)

Mr. GORMAN (Peoria). I have been misinformed, then.

Mr. McCORMICK (Cook). You are misinformed.

Mr. GORMAN (Peoria). Your former party has got a representative on this commission.

Mr. McCORMICK (Cook). Well, I don't recommend any former member of any party to appointment on that commission. (Applause.)

Mr. PURDUNN (Clark). I want to ask Mr. McCormick if he voted for the Public Utilities Act two years ago?

Mr. McCORMICK (Cook). Yes, and I said in voting for it that I did so in the hope that the Senate would see that a home rule provision was embodied in the bill and the provision was struck out by my then seat mate, a Bull Moose, I am sorry to say, and his motion was supported by some of the gentlemen who today on that side of the House will vote against Mr. Gorman.

Mr. FRANKHAUSER (Cook). I presume that the motion to lay on the table was not with the intention of prohibiting any further debate.

I presume that every member of this House who voted against the adoption of these amendments did so for reasons that are very satisfactory to themselves. Each man knows the temper of the people he represents in this House; he knows the industries, the extent of the business, the population of the towns or the villages in his district, and he is well aware of the conditions at home; he is well satisfied that the people in his district have a reason that at least guides him in voting as he has, that the people in his district should not have the privilege or the right to control their own internal affairs. I don't know what those surroundings are and I don't know what those conditions are, but I can hardly imagine any man today, a member of a legislature of a State as great as the State of Illinois, who is willing to put himself on record in denying to his people the right to choose for themselves whether or not they are willing, or whether or not they are capable of managing their own home affairs. I do not believe—and I am speaking now only from general information—I do not believe that there is a town, a city or a village in this State that has not the full measure of mental capacity to make such rules and regulations as it needs in the management of its affairs at home. I cannot imagine a city or a town in the State of Illinois that has traveling its streets a street railway—a town that elects a common council or a city council—I cannot imagine a city in this State with a council in that city that is mentally incapacitated or unfitted to know what kind of street railway service it wants. Now, if there is such a town in the State of Illinois that has street railways, and they patronize those railways, that has got a common council that does not know or could not know by investigation, what would be the best service for the people of that town, then you men must know where such towns or villages are in the State.

I am not speaking for the down-state, only as a general proposition, because every man that is studying the times today and has his eye out for the future at all knows that the time is fast advancing, not only in Illinois but all over the Union where the municipalities, the towns and the villages are going to be their own bosses, and I just want to refer here briefly to a pamphlet and to an argument on home rule that in 1889 Washington recognized the wisdom of adopting home rule in her constitution; then follows Minnesota in 1896; Colorado in 1902; Oregon in 1906; Oklahoma in 1907; Michigan in 1908; Ohio in 1912, incorporated into its constitution the following home rule provision. Now, this goes way beyond what the proponents of this measure ever contemplated, or at least contemplated at this time: "Any municipality may frame and adopt and amend a charter for its government and may exercise thereunder all the powers of local self government, subject, of course, to the general State law."

Now, that is home rule. That is what I mean when I say that a city or village has absolute control and dominion over its own affairs; when it has the power under the constitution or under the power granted to it by

the General Assembly of its state to amend or change or alter its own charter. That is not contemplated here. All that this bill contemplates is that the city council shall have the right to regulate the price of gas. It shall have the right to regulate the price of telephone; it shall have the right to regulate the price of street railway transportation, and those utilities that are operating primarily within the limits of the municipality.

Wisconsin in 1911—and I would like to call the attention of the gentleman from Peoria (Gorman), to this: Wisconsin in 1911 endeavored to give its cities home rule by legislative enactment, but the Act was held unconstitutional by the courts, and this emphasized the fact that home rule may only be assured by the constitutional guarantee. In the November elections of 1912 Texas, Nebraska and Virginia adopted a home rule amendment. The Arizona constitution of 1912 provides for home rule. Michigan endangered the freedom of her cities by failure to revise and amended their charter piecemeal.

In May, 1913, the legislature of Connecticut enacted a home rule law applicable to the city of New Haven alone.

Now, is it possible that the people of the State of Illinois, represented by its representatives in this Assembly, are not as well fitted to regulate their own affairs as those States which I have just named? Now, in interesting myself here I want to, for a moment, call attention to some figures of the city of Chicago. Now, not with the intention of in any way drawing any comparison between Chicago and any other city in the State. What is true in Chicago is in a large measure true of every city in the State of Illinois. You men that are voting here against home rule are doing so because you believe that the people left to themselves cannot intelligently legislate for themselves. That is what objection to home rule means. Fundamentally, it means that the people at home are the best judges of what they need.

In Chicago in 1913 the people of that city paid to the Chicago Telephone \$16,274,000. Now, any city of any people that are great enough to spend sixteen million dollars for telephone service, it seems to me that a people that are large enough and great enough to earn sixteen million dollars to pay for one utility have brains and common sense enough and knowledge enough to say whether or not that service is good or bad, and if it is not good that it should be better. In other words, they are the best judges of whether or not that service is what they deserve.

They paid to the Commonwealth Edison Company for the same time sixteen million and over eight hundred thousand dollars. They paid to the People's Gas Light and Coke Company during that same time \$16,825,000. They paid to the Chicago Elevated Railways for that same period over \$8,000,000. They paid to the Chicago surface lines for the use of its cars to go to and fro from one point to another in the city of Chicago, over \$31,000,000. Now, what is the difference, as a matter of principle, whether it is \$31,000,000, or \$3,000, or \$31,000? The principle that you, yourselves, are the best judges of whether or not a street railway company serves you, and serves your interest, as you deserve for the money that you pay to keep them going. That is the fundamental question of home rule.

Now, gentlemen, I just want to say that this striking out of the enacting clause cannot be seriously contemplated by this House on a measure of this kind.

Mr. BURNS (Cook). When this bill was before the Committee of the House on Public Utilities we went through this bill section by section, amending some and adopting others, and when we were all through—there sat during that session, or during all those sessions, a representative of the public utility interests—and when we were through we asked him if there were any other amendments that he wanted to place upon this and he said, "Yes, there is one." I said, "What is it?" "Strike out the enacting clause," he said, a similar motion upon which we are called upon to vote now.

This measure is simply and solely in the interests of the public utility corporations, and for no other purpose.

I want to correct a statement also made by the gentleman from Peoria (Gorman) in his talk before this assembly, in which he said that the proposition was submitted to the people of the city of Chicago, and although some

were carried by some 100,000 majority, this was carried by a small plurality of probably 10,000 to 12,000. When that was submitted to the people of the city of Chicago, there were some 14 or 15 propositions and the majority of them were beaten by from 75,000 to 125,000. Three of the propositions went through, and amongst those three was one that the people of the city of Chicago wanted home rule. There are cities possibly that have not voted upon this proposition, but it seems to me that there is no shadow of a doubt that any city of any size in the State of Illinois, if the proposition was put to the citizens, but what would say that they had public pride enough in their representatives whom they elected to make their laws for them to leave the public utility proposition inside the city limits in the hands of the city council and their representatives.

The framers of the Constitution of this great country were believers in home rule; if they were not we would not be sitting in this legislative hall today. Our laws would be made entirely in Washington for the entire country. If those who wrote the Constitution of the State of Illinois did not believe in home rule, the laws that are made for the various cities and villages would be made in this chamber. Those men, men of sound judgment, believed then, and the man of judgment believes now, that the people, through their representatives, and the small communities, are entitled and do know more about the local conditions, and are entitled to make the laws for themselves.

If this amendment is passed and the enacting clause is stricken out—which I don't believe it will be—everything will be left as it is now in the hands of the Public Utilities Commission—a commission with which we have no quarrel whatever—other than we believe it is a physical impossibility for five men, or any number—three, five or ten—to do the work and do the work properly for the entire State.

The gentleman from LaSalle (Browne) stated to you the reason why the public utility corporations of the State wanted it left in the hands of the Public Utility Commission. I asked this man that question and he told me that he believed in dealing with a small number of men, and he said to the committee at that time, or the subcommittee, "Gentlemen," he says, "Let us talk to each other as we should." He said, "You know, we are all over twenty-one, let us be plain. I would rather deal with five men—I would rather deal with three—and I will tell you why," he says. "I served in the Legislature and I know whereof I speak." That was his only reason for asking that the public utilities be left in the hands of the commission of five, or, as he would have it if he could have his own way, of three.

Gentlemen, I do hope that this House will vote down this amendment.

Mr. McCORMICK (Cook). I move to table the amendment.

THE SPEAKER. The gentleman from Peoria (Gorman) moves to strike out the enacting clause, and the gentleman from Cook (McCormick) moves to lay that motion on the table.

Rising vote taken. Motion to table prevailed.

Mr. FRANKHAUSER (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 7.

Amend House Bill No. 899, by inserting in line ten (10), on page fifteen (15), of the printed bill, after the word "as," the following: "interurban electric railroads and." Also amend said bill, by striking out of line thirty-eight (38), on page fifteen (15), of the printed bill, the following: "interurban electric railroads and."

Mr. FRANKHAUSER (Cook). That amendment just excludes from the bill the interurban roads.

Mr. SHURTLEFF (McHenry). This agreement does not include all interurban roads?

Mr. BROWNE (LaSalle). That leaves interurban railroads under the jurisdiction of the Public Utilities Commission.

Mr. SHURTLEFF (McHenry). But it doesn't read according to the printed bill. The printed bill reads "interurban electric railways."

Mr. BROWNE (LaSalle). I guess they are all electric, aren't they?

Mr. SHURTLEFF (McHenry). No, there are some gasoline roads that it seems to me this bill ought to provide for taking care of.

Mr. BROWNE (LaSalle). I ask to have that stricken out so that it will cover all interurban roads.

Mr. SHURTLEFF (McHenry). I am not objecting to the amendment, but I thought it ought to include all.

Mr. BROWNE (LaSalle). I won't object to that going in.

Mr. GORMAN (Peoria). Now, this means the interurban roads are left under the supervision of the State Public Utilities Commission?

Mr. McCORMICK (Cook). It does.

Mr. GORMAN (Peoria). Then you will allow they are useful for some purposes?

Mr. BROWNE (LaSalle). I don't think that is fair if you exempt steam railroads and leave them where they are under the Public Utilities Commission; you ought to do the same with the interurban roads.

Rising vote taken; amendment adopted.

Mr. LANTZ (Woodford). I offer the following amendment and move its adoption:

AMENDMENT No. 8.

Amend printed House Bill No. 899, by inserting in section 24, between lines 21 and 22, page 15, the following:

"Provided, however, that the markets for livestock commonly known as stock yards shall not be considered as public utilities to be regulated by cities and shall not be subject to regulation under the provisions of this Act."

Further amend, by renumbering the lines as necessitated by such insertion.

Viva voce vote taken; amendment adopted.

Mr. DONAHUE (McLean). I offer the following amendment and move its adoption:

AMENDMENT No. 9.

Amend printed House Bill No. 899, by adding the following after the word "city," in line 36, of section 1: *"Provided, further, that this Act shall not include any elevator or storehouse where grain is stored free or for compensation."*

And the amendment was adopted.

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. FIELDSTACK (Cook). I move that we do now adjourn until 2:30 this afternoon.

Whereupon the House adjourned until 2:30 p. m. the same day.

Two-thirty p. m., reconvened.

The Speaker in the chair.

Mr. DE YOUNG (Cook). I desire to call up House Bill No. 639 on the order of third reading.

Mr. DE YOUNG (Cook). Mr. Speaker and gentlemen of the House: You will observe that this bill does not give the right to any corporation which may be created under it, to own real estate. It simply authorizes such a corporation to act as agent for others. By the express terms of the bill the ownership of real estate is prohibited.

Now, there are several reasons why real estate brokers, acting for others should be permitted to incorporate. First of all, under the present law prohibiting such brokerage and real estate firms that after a long series of years of hard work has created a good will, has no way by which the interest in that co-partnership of the deceased member can be transmitted to his widow and his heirs which survive him, and the co-partnership for all practical purposes is lost. You permit every other kind of broker to organize under the law of this State, and in many other states there is no prohibition at all upon the organization of real estate agencies.

This bill, as I am informed, has the approval of the Attorney General of this State, and for that matter, of the Governor, also. I fail to understand or to discover any reason why this bill should not pass. The tangible assets of a real estate agency corporation, of course, may not be so great as in some other instances, but certainly are as much as in the case of a bond broker, infinitely larger. There is nothing that is permitted to be done by this bill except to act as agent for other people. Purely and simply limited to agency or brokerage purposes, and it seems to me that in order that the work of a partner in a real estate business may be conserved for those who follow him, which is sometimes a very valuable asset, this plan, or this way of incorporating such a business ought to be permitted.

Not only that. A subordinate, an employee in such a business, may have served faithfully and well for many years, and yet, now, with merely a partnership permitted, there is no way possible whereby such a worthy employee may be rewarded. If you permit the incorporation of such a business he may be rewarded in addition to the compensation or salary which he has received.

It seems to me, gentlemen, this is a bill that ought to pass.

Mr. HUSTON (McDonough). May I ask a question? Does this bill permit agents to hold any real estate?

Mr. DE YOUNG (Cook). The corporation can hold no real estate, certainly not.

Mr. HUSTON (McDonough). Doesn't it say they can own real estate?

Mr. DE YOUNG (Cook). No, they cannot. The utmost this bill permits is to own real estate for the purpose of an office. The ownership of no real estate is the purpose of this bill.

Mr. BROWNE (LaSalle). Is it more stringent than the present laws, or less stringent?

Mr. DE YOUNG (Cook). It permits corporations organized under that Act to hold such real estate as may be necessary for the conduct of its business. By the passage of this bill, if it become a law, a real estate agency corporation can own no real estate whatsoever. The utmost it can do will be to lease an office for the conduct of its business. It simply permits the incorporation of a business of this kind, but does not give them the right to own real estate, as other corporations now permitted to organize.

Mr. BROWNE (LaSalle). It restricts people in this line of business, irrespective of corporations, more than the present law?

Mr. DE YOUNG (Cook). Certainly not. A stockholder in a real estate agency corporation can buy real estate on his own account. There is nothing now, nor could there be, to prohibit the ownership of real estate. That is a natural right which cannot be taken away. It simply permits real estate corporations to be incorporated, but it does not give them the right to own real estate.

(Roll called.)

Mr. WILSON (Adams). There seems to be no particular opposition to this bill, but a good many of the members are out of their seats and some of the others are not voting. It seems to me that it is a meritorious bill and it is thoroughly threshed out in the Judiciary Committee, and I vote "aye."

(Roll call continuing.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" 4. The bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. THON (Cook). I desire to call up House Bill No. 582 on the order of third reading.

There is now on the statute books of the State of Illinois a law entitled, "An Act for the prevention of blindness," which was passed in 1895. This bill is to replace the law which was passed in 1895, and makes this law more complete. This law provides for the free distribution of nitrate of silver by the State Board of Health through physicians and midwives throughout the State. It also makes it compulsory on physicians and midwives to "advise, prescribe, and employ, for the prevention of opthemia

neonatorum, such prophylactic as shall be prescribed by the State Board of Health."

The present law which is on the statute books now provides for the reporting of these cases. It is estimated that in the State of Illinois there are something like 5,000 blind people; that of this number twenty-five per cent are blind as a result of these conditions. Statistics have also shown that this disease is wholly preventable and that this disease can be prevented by the simple use of a few drops of the nitrate of silver into the eye of these infants.

The law is a good law and I am sure that the bill is a good bill and I am sure that all of you should support it.

Mr. HENNEBRY (Will). Will you kindly explain those medical terms in the bill, so that the House may understand them, "neonatorum?"

Mr. BURRET (Champaign). I suppose the gentleman asks the question in all seriousness. I am sure that he does. The term "ophthalmia" simply means "sore eyes;" "neonatorium" means "new born." That is all it means. I have been intending to say—since the question is asked, I will say—that the bill is not a very bad bill. It is not a perfect bill. You will never get a perfect health bill and you will never get one that is satisfactory to everybody in the House the first time it is introduced. You fought antitoxin very severely one time here, and yet everybody knows that antitoxin is an absolute preventative of diphtheria.

I want to say to you that if you can prevent a half dozen cases of blindness in the State of Illinois in one year, you have done a splendid humane act. Now, you can't enforce this bill; the State Board of Health can't enforce a law. I know there are men who will say, "I don't want the State Board of Health to prescribe what doctors shall use in my family." That is all right; I will agree with you. Most of the doctors use nitrate of silver as a routine practice. Now some use ardua, which is the same thing. There is one thing this law has done, that has never been done before, that is to allow housewives to use the medicine. They have always said that belonged to the province of the doctors, but you have observed in the last five years that there has been more liberality among the profession than there ever has been before. We are not fighting them, no. We are not fighting Christian Science. They do more good sometimes than a dose of medicine. Osteopathy is all right.

This bill is to allow midwives to have the privilege of putting the medicine into the eyes of the children. Heretofore, as you know, they would be fined ten dollars if they did. This bill permits the midwife to use it at the birth of the child. There is a prevalent opinion that this ophthalmia casts a stigma, that all these diseases are the result of filth. Many cases come from uncleanness, but when the eye of an infant becomes exposed to strong light for a few hours it becomes inflamed. Mother has accustomed to put a little breast milk in the eye; that is the old-fashioned remedy, but it simply adds fuel to the fire, for once the lids come together, and they remain together for twenty-four hours, the cornea of the eye becomes inflamed and you have got permanent blindness.

If you can do something that helps a little bit to prevent blindness, then we will prevent a lot of appropriations in the future. I want to say to you that the State Board of Health is not going to be arbitrary about this enforcement. It is more of a campaign of education along that line, and it is not going to work a hardship on anybody, and I assure you if I didn't believe that there was some good in this bill, and that there was more good in it than harm in it, I would not advocate it here today. I have tried to be consistent. It won't prevent all cases, but I believe that any gentleman who can vote for it can go back home and state that he probably helped to prevent some blindness in the State of Illinois, and in the course of future years it will work out greatly and the benefits will be seen in the future.

Mr. RYAN (Cook). In reference to what Dr. Burret has said, I have no doubt it is all right, but as we have other doctors in the House, I would like to hear from Dr. Buxton and Dr. Lipschulch on this question.

(Roll called.)

Mr. HOLADAY (Vermilion). Mr. Chairman and gentlemen of the House. This is a bill that was carefully considered in the Judiciary Committee. Some objections were there raised to it with reference to the compulsory feature. Those objections were remedied by amendment that were prepared on the floor of this House, and I will say to the members of this House that in my opinion this measure is one of the most important measures that will be presented here for our vote. From a humanitarian standpoint and from the standpoint of dollars and cents, this remedy that will be furnished free by the State Board of Health will cost less than one cent per eye, and if by expending that insignificant amount we can prevent blindness, the State will be saved the expense of several hundred dollars every year for several years in educating those blind children in the State institutions. I vote "aye."

(Roll call continuing.)

THE SPEAKER. On this question the "yeas" are 113, and the "nays" are 2.

The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I desire to call up House Bill No. 35 on the order of third reading.

Mr. Speaker and gentlemen of the House. This is a bill making non-support of wife and children who are in destitute and necessitous circumstances a continuous offense. The Supreme Court handed down a decision a year ago in which they said it was jeopardy to arrest a man for this offense the second time. The purpose of this law is not so much to penalize the defendant as it is to oblige the offender to support the family properly and to diminish the burden which non support lays upon the community. Compelling a man to support his family is not a penalty; it is a natural and legal obligation.

Non support, at first glance, seems to be a private matter, but it becomes a public matter when the public is obliged to furnish support for the family, and it is a question of grave public concern when the lack of support destroys the home, demoralizes the children and thus creates delinquents.

The ordinary thief may be punished with extreme severity without affecting his victim in the least. This is not so in the case of non support. While the defendant has offended against the public and should be subject to a fine, still his gravest offense is against his family. The family's welfare is dependent upon the man. Society's welfare is dependent upon the family. Considering the man alone, it should be possible to inflict heavy penalties on failure to support, but to do so in the ordinary case would be to aggravate and emphasize the injury already inflicted upon the family.

The Act, in its purpose, considering the women and helpless children for whose benefit it is primarily enacted, seeks to restore the normal family relations and benefit the family, while relieving society of the burden of punishing the offender.

I have a letter here, gentlemen, from Mr. James H. Tufts, President of the Illinois Committee on Social Legislation, in which he says:

"The Illinois Committee on Social Legislation brings to your attention this highly important bill for the improvement of present legislation on wife and child abandonment and non support.

"Its great merit is that it aims directly at the end sought, namely, securing the actual support of the wife and children. It does not make the mistake of thinking so much about the penalty or the offense as to leave the actual supporting to be done by the public.

"It puts the responsibility for support where it belongs and saves public money.

"It has been carefully drawn by Judge Goodnow on the basis of his experience with over 1,700 cases of wife and child abandonment and non support.

"It is along lines recommended by the Commission on Uniform State Laws.

"We believe it commends itself alike to the social worker and to the jurist.

"It is humane, efficient, simple and flexible. It does not add to public burdens, but takes from them. Even the present imperfect law has in the Chicago Municipal Court during twenty-one months secured the payment of about \$200,000 for the support of wives and children.

"Read Judge Goodnow's full statements of the reasons for the proposed changes.

"FOR THE ILLINOIS COMMITTEE ON SOCIAL LEGISLATION,
"JAMES H. TUFTS, *President*."

Now, gentlemen, up until the time that the Supreme Court handed down this decision, in the Municipal Court of Chicago for four years we paid \$200,000 to wives and children for their support. Since this decision was handed down, we are enabled to compel a man, and after he has paid for one year for the support of those children, and the children may be only one, two, or three years old, how could the man be prosecuted criminally and made to support those children?

I assure you, gentlemen, if you pass this bill, it is one of the most humane provisions ever enacted and put upon the statute books, and I hope you will pass this bill, gentleman. (Applause.)

(Roll called.)

THE SPEAKER. On this question the "yeas" are 132 and the "nays" are 1.

The bill, having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. FAHY (Marshall). I desire to call up House Bill No. 157 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is an amendment to the Civil Service Law. It is not a civil service bill. It is amendment to the law at the present time. The result of this amendment is that you will have to be a resident of the State one year before you will be eligible to examination for the different places in the State.

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) I would like to inquire whether this is a bill in favor of civil service or against civil service. I don't quite understand it.

Mr. FAHY (Marshall). This bill requires that you shall be a resident of the State one year in order to take the civil service examination. The present law permits residents of any State to take the civil service examination. This bill makes it a requirement that the applicant shall be a resident of this State for one year.

Mr. BUTLER (Sangamon). Isn't the true purpose of civil service to get the highest efficiency wherever it can be had?

Mr. ELLIS (Kane). (On roll call.) I want to call your attention to this bill for just a moment. This limits civil service employees to the State of Illinois. Why should not the people of the State of Illinois secure the best material in the United States to fill the places filled by civil service? Why should they be limited to the residents of this State? The former Governor of this State went outside of this State and got a superintendent for the Elgin asylum, and he made one of the best superintendents we ever had; he had to go outside of the State to get Mr. Adams for the St. Charles School for Boys, and he made one of the best superintendents for that institution we ever had. Chicago waived the local residence in securing as librarian Mr. Legler, the best fitted man in the United States. Los Angeles County waived local residence and got a chief examiner of the civil service commission. E. E. Doty, one of the best fitted men in the country, secured the position. Chicago waived local residence when the chief examiner was sought for the commission. The result was that Swanson, with years of experience in Kansas City and Philadelphia, was brought into this city. Philadelphia is now advertising for a man to take his place. This bill should be beaten. I vote "no."

(Roll call continued.)

Mr. BROWNE (LaSalle). I desire to explain my vote, simply because I am going to vote for this as a civil service bill, and I think I ought to apologize to myself for doing it; but we have got civil service with us; it has been wished on us and about all we can do is to fix it in the best possible

shape we can until we get strength of mind enough to rid ourselves and the State of Illinois, of the condition that exists. Now, this bill provides—and about all it does provide—is that a man before he shall be eligible for a civil service appointment, or civil service examination for appointment, shall be a resident of the State of Illinois. I think that that is right from two standpoints. In the first place we ought to patronize home product; we ought to give the jobs, if we have any, to the people here in Illinois, and that live here. In the second place we ought not to inflict civil service examinations on people from other states that have not got it there and would have to come here to get it. That is another good reason. Now, I listened with some interest to the gentleman from Kane, Mr. Ellis, in regard to the excellence of a certain gentleman who held the position at the School for Boys at St. Charles. I do not think he knows what he is talking about if he is really sincere in his eulogy of that gentleman for the simple reason that the practices, the conduct at that institution, not only under him, but prior thereto, were so abhorrent to everybody, and were so diabolical, that they were suspended and eliminated under the present administration, as rapidly as could be, and furthermore, Mr. Adams was eliminated and has departed beyond the borders of Illinois. Prior to the present administration they used a strap and club and fists ad libitum upon those little kids; they beat them up and one appointee, or rather one gentleman who is in St. Charles today as an official and who has been reprimanded by the Civil Service Board in the State of Illinois, was responsible more than anybody else for bringing these conditions to the attention of the public and the authorities and eliminating them. Here is the circumstance under which he was reprimanded, and not only reprimanded, but set back; he discovered for the second time a big, husky, brutal guard abusing a poor little boy. He had knocked him down once with his fist. The boy got up, crying, and he was about to knock him down again when this gentleman said to him, "Don't do that, don't do that; I can't stand it." This man has got a home of his own with four little fellows of his own and he could understand it. And for reply this man told him—well, he indicated a place where he might go—and started to carry out his second assault, whereupon this gentleman caught him behind the ear and put his aspirations out of business for a little while. Now, all that came before the Civil Service Board on charges, and what do you think they did? What do you think they did? They said that the conduct of the guard in beating up the little boy was not good form; that it was reprehensible, that it was not to be commended, but that discipline must be maintained, and that this gentleman who in his way had stopped this action, had been guilty of a gross violation of discipline and he would have to be reprimanded and set back.

Mr. ELLIS (Kane). Will the gentleman admit a question?

Mr. BROWNE (LaSalle). Yes.

Mr. ELLIS (Kane). That was not while Mr. Adams was there?

Mr. BROWNE (LaSalle). No, it was after Mr. Adams went away.

Mr. ELLIS (Kane). Then it must be the present administration, isn't it?

Mr. BROWNE (LaSalle). I want to say to you that this same gentleman complained to Mr. Adams and not only complained to him, but threatened to expose the whole system unless he abolished corporal punishment in that institution, and it was abolished before Adams left in so far as it could be.

Mr. ELLIS (Kane). And this happened before?

Mr. BROWNE (LaSalle). A little more, gentlemen. I will tell you something that happened while Adams was there. Another big, husky guard took a piece of fence-board and knocked a boy over the head and knocked him off a wagon, and it was reported to Mr. Adams, and Mr. Adams said, "Well, those things will happen occasionally," and he was not going to abolish corporal punishment.

Mr. ELLIS (Kane). I am not defending the Civil Service Board; I think they are very bad in many respects, but I am trying to get the best people to fill the positions now that civil service can get.

Mr. BROWNE (LaSalle). All that happened under civil service, but I believe that this bill is a step in the right direction in so far as you can correct a bad thing, and therefore I vote for it—"aye."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, at first I thought I would vote for this bill, but on looking it over I find that I cannot vote for it. It does not seem that the practice of going outside of the State of Illinois to secure competent officials has been abused. I just want to read to you some statistics, compiled on the greater part of the State service, which show that in the classified service of the State, 128 persons out of a total of 3,782 came from outside of the State. That don't indicate that there has been very much abuse. In the exempt service, in a total of 742 persons, 56 came from outside the State. That doesn't indicate that there was very much abuse in the exempt service. Under the civil service 3.4 per cent of the employees came from outside of the State. In the exempt service 7.5 per cent of the employees came from outside of the State. I don't think that there has been very much abuse. Now, in the city of Chicago, when they wanted a health inspector, when they wanted a man to go around and inspect sanitary conditions, they sent east and got a man whom many of you know, Mr. Ball. There was a fight in the courts as to whether he should be permitted to hold his position. He has been there for a good many years now, and inasmuch as it does not seem to be abused, I think the law should stand just as it is. I am sorry that I have to vote against Mr. Fahy's bill.

Mr. FAHY (Marshall). Don't you think we have just as capable men in the State of Illinois as anywhere?

Mr. LYLE (Cook). Mr. Fahy, I hardly think we have in some cases men just as capable; otherwise they would not have gone outside of the State to get them.

Mr. FAHY (Marshall). Did they have to go outside of the State to get any of those utility commissioners that they pay ten thousand dollars a year? Did they have to go outside to get the Board of Administration? Why didn't they go out to get a man for these positions?

Mr. LYLE (Cook). I will answer by saying that it is the more important positions we have to go outside for, and then it is only in extreme cases, when it is impossible, after they have held often times examinations and it is impossible to get the right kind of man at home, then they go outside and get these men, and as I have read to you, I do not think that the practice has been abused.

Mr. FAHY (Marshall). Mr. Lyle, do you think it is necessary for us to go out in Indiana and get a superintendent or assistant superintendent for the Reformatory at Pontiac?

Mr. LYLE (Cook). Probably not in that instance.

Mr. FAHY (Marshall). That is what we are trying to do away with.

Mr. LYLE (Cook). Mr. Speaker, I wish to be recorded as voting no on the proposition.

(Roll call continued.)

Mr. O'ROURKE (Cook). (On roll call.) Mr. Speaker, I want to call your attention and the attention of the House to the system several of our republican friends, of civil service on the republican side. Only last week Senate Bill No. 80, which gave certain privileges to Spanish war veterans, was amended and I notice that the votes cast were particularly the votes that are now not forthcoming on virtually the same proposition. They amended it confining the preference which was in that bill to residents of the State of Illinois here, to men that enlisted from the State of Illinois. Here in principle is a bill virtually similar, and they are so good at ducking and not going on record on this subject matter that they are lying quiet, and I want to vote "aye."

(Roll call continued.)

Mr. WILSON (Adams). I will say relative to the amendment of the Spanish war bill of last week, I voted against that amendment because I believed it was unconstitutional. Section 2 of article 4 of the Federal Constitution says that citizens of each state shall be entitled to all the privileges and immunities of the citizens of all the states. I believe this bill as subject to that same criticism.

I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 87 and the "nays" 14. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. GREGORY (Moultrie). I desire to call up House Bill No. 285 on the order of third reading.

Mr. Speaker and gentlemen of the House: This bill was drawn and introduced in an effort to correct a dangerous practice and growing evil, that of exacting pre-election pledges from candidates for public office. The danger lies not so much in the more important and well defined issues of a public nature and of public interest, as from some mushroom idea, conceived over night and sprung at the eleventh hour. These pledges may be very carefully worded and appear to be innocent and harmless measures, and easily deceive one who has not had the time to give them careful consideration. My personal opinion is that this bill should be passed, not in the interests of the embarrassed candidate with a flexible vertebrae, but for the protection of the people who are made to suffer because of the men who unthoughtedly get themselves tied up in support what may later prove to be an unworthy cause.

A few days ago, while looking up another matter, I was reading some of the debates made during the Constitutional Convention of 1870, and accidentally ran across a speech made by the member representing the Seventh District, in which he was expressing himself as opposed to the policy of obliging the members of the General Assembly to refrain from fighting duels with any other member, and with your indulgence, I would like to read a short paragraph or two of what he had to say:

"If we can not elect men to office without having them swear that they will not be villians and corruptionists and ruffians, we had better stop.

"If we can not elect members of the General Assembly who will not receive bribes, then the State is indeed ruined. If there is not *virtue* enough in the people to elect honest men, and men who will not do these things, then no oath (or pledge) can remedy the evil.

"The people should be taught that their safety is not in oaths or pledges, but is only in placing men of known integrity in places of public trust."

I might also mention the fact that there were a number of editorials in the Metropolitan Press favoring the passage of this measure; and I am indebted to the Ridgely National Bank of Springfield for a copy of the Economist, a conservative financial paper; and with your permission I will read from an editorial appearing in the issue of this paper, of March 20, which goes on to say:

"The passage of this bill would be an important step in the direction of making normal men out of candidates for office. The bill does not forbid oral pledges, for the prevention of that evil could probably not be achieved by a law, but it does assert a principle which should be given a wide circulation among our citizens. At the present time politicians usually buy themselves into office by promising to do certain things. Would that we had among those willing to accept office men who would be accepted by their fellow citizens for their known character and purposes and who would not need to be bound hand and foot before they became law-makers. As political campaigns are now conducted the candidates are beggars, trucklers, subservient to what they believe to be the prejudices of the people. They do not stand for truth and justice and good policies as such, but for those things which they believe will carry them into office. The men chosen to make our laws should be so superior to the ordinary run of citizens that they can lead constituents to right thinking on subjects of public importance, rather than being led by them. The principle does not waive the theory of popular control of government. It only sets up the superior man as the best thinker. This bill embodies a thought which in time would become the thought of our people, and the legislators would no longer be the slaves of political manipulators who impose their wishes on men seeking office."

If this bill becomes a law, in my opinion, Mr. Speaker, the public will in future, more carefully consider legislative qualifications and will select

their legislative timber, because of sterling worth and fixed integrity, rather than because of some pledge made in support of or against any particular measure. I personally believe that this will tend to raise the standard of all men elected to public office and will go a long way toward making general fitness the chief qualification. For that reason I hope that the bill will have your support and that the measure will become a law.

Mr. KASSERMAN (Jasper). I would like to ask a question. I would like to know how the constituency can find out whether they are getting a better man or worse man if they cannot write and get a reply? Do you think it is fair that a man that lives in the third county from you should go to your home town and find out in regard to you?

Mr. GREGORY (Moultrie). I think he could. It is possible.

Mr. WILSON (Adams). Mr. Speaker and gentlemen of the House. I want to say in regard to this matter and in regard to the character of the members of the Legislature or any other deliberative body which will be elected, if this action be passed you will find a deterioration. Now, I think this bill is introduced by the gentleman from Moultrie, in good faith, but it comes from his inexperience and lack of knowledge of the Legislature and public affairs generally, and I will submit that as far as the members of the Legislature are concerned that in the last few years, the character of the members of the Legislature, far from retrogressing, has improved, if you will agree to that. Now, then, what would be the situation? Suppose I am a republican and want to vote for a supposedly republican member of Congress, or a candidate for an office of that sort, this bill would absolutely prohibit me asking him—writing and asking him in regard to his stand on public questions. I say that this bill would prohibit your writing to the candidate for Congress and asking him how he stood on the tariff or how he would vote, for instance, in regard to the naval program, or the military program, and you could not get any expression from him along those lines.

Now, the time was in the history of the country when men traveled into office on the gum-shoe method and you had to take them on faith, and you could not have very much of that, either. We have got a long way past that. There is one statesman in the State of Missouri by the name of "Gum-shoe Bill," but I want to say that in Illinois and in the nation generally we have got to the point where the gum-shoe man cannot go into office in that way, and as far as I am concerned, on whatsoever side of the proposition you may be, I have not very much respect, I have not very much confidence in the man who is unwilling to declare himself on great public questions, and I want to tell you gentlemen that that is one of the honors of this House, that this House, on matters of public legislation, has got beyond the point when members were unwilling to declare themselves on these various propositions, and have got to the point where a man is willing to say that I stand for this and I stand for that. But I want to say in a general way that the members of this House should have their opinions and express them along these lines and that should be nothing to their discredit or their standing in this assembly.

If this bill should pass, this would be a movement back, not five or ten, but twenty-five or thirty years. The fact is, it is against the theory of representative government. Now, what is the idea of representative government? Let us get at it a little bit. We have heard a good deal about the initiative and the referendum and we have heard a great deal about direct legislation. If this bill should pass, you would drive the people perforce to the initiative and referendum, because they could not know that they would be represented. Now, if I am running on any ticket the man who votes for me is entitled to know how I stand on any public question—who am I; what am I in this Legislature? I am the representative from the Thirty-sixth Senatorial District. Very well. If I am the representative from that district, then, in that event, I must represent something, and if I represent my constituency or a part of my constituency, my constituency is entitled to know in advance how I stand on any proposition in which they are interested.

Now, it is said that you should simply take a man on faith, and you should take him on his general life and conversation. Why, I have seen some men who were deacons in the churches, who made long prayers every day, and you could not trust them outside of the community at all.

I tell you, my friends, you have got to a point where whatever you may stand for, according to the theory of our government and according to the spirit of the day, that it is proper that you should be interrogated. Time and again a great many bodies interrogate me on a great many questions. If I don't consider that I should reply, I throw it in the waste basket, but I want to say that it is not that I should travel into the Legislature under false pretenses, and that being the case, I want to say that on that ground this bill should be defeated. We had a bill introduced the other day on the other side of this chamber against fraudulent advertising; against fraudulent advertising. This bill, friends, would permit fraudulent political advertising. There could be a general statement that he was willing to work for the general good, or for the common weal, or something of that sort, and the man could get by and absolutely the people could be hoodwinked every time.

I have nothing to say in regard to the intention of the young man who introduced this bill. He is a high-class young man, but I want to say, gentlemen, that this is one of the most vicious bills before the Illinois General Assembly, and I say that this bill should be beaten.

Mr. HOLADAY (Vermilion). Will the gentleman yield to a question?

Mr. WILSON (Adams). Yes.

Mr. HOLADAY (Vermilion). Do I understand the gentleman to say that if this bill becomes a law that he cannot state his position on any bill?

Mr. WILSON (Adams). I said this, that you could not, in reply to a request, give a pledge as to how you vote on any question.

Mr. HOLADAY (Vermilion). Didn't you state to this House that if this bill was enacted into a law you could not publicly state your opinion on any question?

THE SPEAKER. The gentleman from Adams has the floor.

Mr. WILSON (Adams). I want to say that this bill particularly says, in so many words that no man, before any primary or any other election can give any election "pledge, promise or agreement with any person or persons for or in consideration of a vote or votes, or for any other consideration moving to him from such person or persons, that he will, if nominated and elected, support or oppose, directly or indirectly, any certain bill or measure, or support or oppose any candidate for any office necessary to perfect the organization of either branch of the General Assembly." Now, that is the language of the bill.

Mr. HOLADAY (Vermilion). Will you answer another question? Will the gentleman answer another question?

Mr. WILSON (Adams). Yes.

Mr. HOLADAY (Vermilion). Do you believe that it is in the interests of good government for a candidate to make an agreement with a man that to repay him for his support, he will vote for or against a measure?

Mr. WILSON (Adams). I want to say that it is in the interests of good government every time if I am a constituent, to be able to inquire of the candidate and ask him how he stands on any public question and to get an expressed declaration from him before I vote for him.

Mr. HOLADAY (Vermilion). This bill does not prohibit that. I have asked a question that you have answered. Do you believe, in the interests of good government, that it is proper for a man to pledge his support or non-support on a measure to recompense a vote?

Mr. WILSON (Adams). I think it is certainly in the interests of good government for a man to state his position as to how he will vote on any public question when he comes before his constituents asking them for their support.

Mr. CURRAN (Cook). Do you think it is proper for a candidate to sign a pledge previous to his election as to whom he will support as the officers of this Assembly?

Mr. WILSON (Adams). Well, I don't know how far I will go on that. I think if you are getting down to the proposition of any of the questions that come before the House, I think that there is no impropriety in regard to it.

Mr. CURRAN (Cook). That is not answering my question.

Mr. GRAHAM (Mercer). Mr. Speaker and gentlemen of the House. Mr. Wilson and I go along a certain way together, but when we come to this proposition we cannot agree. Instead of thinking as he thinks, that this is one of the worst bills of the House, I think it is the best bill that has been introduced in this session.

The idea, gentlemen, that a man should be tied body and soul by some written pledge or promise before he comes down here is absolutely abhorrent to me, and I think it is to all of you. (Applause.)

Now, here is the evil of this sort of thing. This bill is aimed at a written pledge, or an oral promise or statement that you will do so and so. Suppose a man goes out before his constituents, and he is asked to state his position on certain public questions, and he does so, or in private conversation; that is an entirely different thing from signing some agreement that he will do thus and so, irrespective of the conditions that confront him when he gets down here. I want to say to you gentlemen, that when I was out running as a candidate for the office I now hold, I viewed things from a different viewpoint than I do now that I am down here and know the actual conditions that confront me, and so does every other man in this House. The trouble about a written pledge or promise is that that sort of thing can be used to coerce a man into doing things that his better judgment and his mind and his constituents perhaps ask that he do not do. They are vicious. That sort of thing is vicious, gentlemen, and I want to say to you further, that some of these things that the candidate is asked to sign are in absolute violation of the oath that you and I took when we stood here and held up our hands at the opening of this session.

Mr. RICHARDSON (Christian). Will the gentleman yield to a question?

Mr. GRAHAM (Mercer). Yes.

Mr. RICHARDSON (Christian). Does this cover the oral promise, as included in the first bill?

Mr. GRAHAM (Mercer). That was referred to the committee on elections and the committee on elections, took that matter out of the bill, so that the bill as it now stands simply prohibits a written pledge.

Mr. HUSTON (McDonough). What is the difference practically or morally between making an oral pledge and making a written pledge? If it is right for me to make an oral pledge, why what is wrong about making a written pledge? Why should the man who lives twenty miles away from me be placed at the disadvantage of my neighbor that lives across the street?

Mr. GRAHAM (Mercer). Let me tell you the difference, and the evil. The evil is this, that the written pledge can be made use of for a purpose of coercion and intimidation and getting a man to do something that he ought not to do. In advance he has signed a paper that he will do thus and so he has no power to act according to his best judgment.

Mr. HUSTON (McDonough). In other words, it is easier to go back on your word than on a signed pledge?

Mr. GRAHAM (Mercer). Let me answer that question. If the circumstances are such that he ought to change his mind, if conditions have changed so that he should change his mind, no opportunity is afforded him if his name is signed to a hard and fast agreement that he will do thus and so.

Mr. HUSTON (McDonough). You do not have to sign the pledge if you do not want to, do you?

Mr. GRAHAM (Mercer). Just let me call your attention to this bill, and then I will close. The bill read this way, that it is unlawful "to make any written offer, pledge, promise or agreement with any person or persons." Now what for? For or in consideration of a vote or votes, or for any other consideration, recommendation, endorsement or political support. Don't you see by saying that it is aimed at the trading of a pledge for some endorsement, recommendation or votes, which a man ought never to do, and it does not in any way prohibit me or you from writing a letter to our constituents and telling them what our position is on any public question, or from standing before the people and telling them what we believe and what we will do. But if the fault that is aimed at is the

trading of the pledge for some recommendation or endorsement or some votes that a man ought not to trade his pledge for, I think it is a good bill, gentlemen, and ought to pass.

(Roll call continued.)

Mr. RICHARDSON (Christian). I believe that I should explain my vote for I feel that if my constituents want to know what I stand for on matters of public policy they have a right to that information. I have been written to by a number of my constituents asking how I stand on the hard road question and various matters that have come up. I want to say to you, gentlemen, that any man should have the courage to stand up and have his honest pledge recorded upon any question. I think every man ought to be free on that matter. I want to say to you, gentlemen, that it is good Lord and good devil and get through any way you can. I think this is a great mistake. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 88 and the "nays" 42; the bill having received a constitutional majority is declared passed, and the clerk will read the title of the bill.

Mr. SCANLAN (Peoria). I desire to call up House Bill No. 667 on the order of third reading.

This is the mutual fire insurance bill. It was drawn by the Committee on Laws and Legislation of the National Fire Insurance Commissioners' Association, which is composed of the insurance commissioners of all the states of the Union. It revises the present law on the statute books of Illinois and lets the mutual companies that are now limited to certain limited lines of activity write the same kind of insurance that the stock companies now write. It is supported by all of the mutual companies of the State and pretty nearly every member of the House has received letters from persons in their districts asking that he favor this bill.

Mr. BROWNE (LaSalle). Doesn't this bill provide that all policies of insurance shall be the same as stock held. For instance, in case of loss and a man holds a policy of insurance, in case of a loss elsewhere his stock is assessable to help pay that loss?

Mr. SCANLAN (LaSalle). For the loss?

Mr. BROWNE (LaSalle). Yes.

Mr. SCANLAN (LaSalle). Certainly, that is the plan of mutual insurance. This only applies to mutual companies, not to the old stock companies.

Mr. BROWNE (LaSalle). Now, under this does it provide that when a man for instance takes out a policy of insurance does he get shares of stock?

Mr. SCANLAN (LaSalle). He has got to be a stockholder.

Mr. BROWNE (LaSalle). Supposing I want to carry four thousand dollars worth of fire insurance now and I come to you and I have not got any stock, now when I take out that policy do I take out that amount of insurance. Do I have to take out stock at that time?

Mr. SCANLAN (LaSalle). You had to take out a policy or you can't get a policy.

Mr. BROWNE (LaSalle). Do I get those shares of stock? Do you know whether that is so or not?

Mr. SCANLAN (LaSalle). No, I do not.

Mr. BROWNE (LaSalle). Isn't this the same proposition that was declared unconstitutional by our Supreme Court within the last three years?

Mr. SCANLAN (LaSalle). No, this is the first time that a general mutual act was passed or proposed, except that in the last session a bill similar to this was introduced.

Mr. BROWNE (LaSalle). What I would like to know is whether or not there is anything today in the State of Illinois to prevent mutual fire insurance companies from writing these kinds of insurance?

Mr. SCANLAN (LaSalle). The laws today limit them?

Mr. BROWNE (LaSalle). What do you mean?

Mr. SCANLAN (LaSalle). They can only write certain kinds of insurance.

Mr. BROWNE (LaSalle). Well, what kinds?

Mr. SCANLAN (LaSalle). A factory having a hundred employees, under the Compensation Act, they are liable for the injuries or deaths resulting to those employees. This Act allows the company to issue policies for the lives and health of those persons employed there.

Mr. BROWNE (LaSalle). Then it does not apply only to fire insurance?

Mr. SCANLAN (LaSalle). Fire and the liability that the employer assumes under the Compensation Act.

Mr. BROWNE (LaSalle). This applies not only to fire insurance but to live insurance as well?

Mr. SCANLAN (LaSalle). In so far as the principles of the Compensation Law apply.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House: I have not studied this bill sufficiently well so that I feel that I am competent to analyze it in its entirety and administer the proper criticism, but I have gone over it sufficiently and have heard enough already connected with it to make me feel that it is not a bill in the interest of the insured or assured. I feel that it is a bill to give more latitude to the insurance companies and less protection to the assured and more liability to the assured.

I don't feel that this bill is a good bill and I feel that it is a further bolstering up of what is known as the casualty companies, which, ever since I have known anything about them and about the conduct of manufacturing establishments and the attempts to protect the employees in them, have been a detriment to human life and human limb. We think the casualty companies are responsible for four-fifths of the injuries and deaths occurring in the manufacturing establishments for the reason that when a man is covered he does not keep up his machinery, he does not put up the guards, he does not do these things that he would if he knew that he would have to pay himself instead of the insurance company. He is protected. He does not have to pay. But that is beside the question.

Secondly, I have a letter from John Walker, endorsing this measure. That does not change it with me at all. John Walker was one of the gentlemen that helped to put the Compensation Act on the statute books of the State of Illinois, and if there ever was a rotten law on the face of God's earth written on the statute books of the State of Illinois, it is that law, and everybody knows it, and most of the employees have to lose an arm or a leg or an eye and get up against it to realize what they have to contend with.

I don't think this is a good bill and I am going to vote against it.

(Roll call continued.)

Mr. RHINEHART (Effingham). (On roll call.) This bill, gentlemen, covers mutual companies only and not stock companies. It simply permits our mutual companies of this State to write practically all kinds of insurance the same as mutual companies of other states can now do when they come into this State. It is a good bill. The Insurance Department has been over the matter and approved the bill.

I vote "aye."

Mr. TICE (Menard). (On roll call.) I desire to say just a word with reference to this bill in explaining my vote. It so happens that in my district are some of the largest and most extensive grain buyers in central Illinois, at Beardstown, Havana and Mason City, and I happen to have a record of their opinions and their requests in regard to House Bill 667. Mr. D. H. Curren, an elevator man at Mason City, who owns a string of elevators in central Illinois, has written me to urge me to support this bill. Mr. White, at Beardstown, Ill., who is a large grain buyer and elevator man, requests me to support this bill. The Havana Manufacturing Company, at Havana, Ill., requests me to support this bill. In their letters to me they say that they have investigated this bill and think it is in the interests of mutual insurance in a uniform system of mutual insurance, that this bill should be placed on the statute books.

In deference to their judgment, in deference to the requests of these eminent business men as well as upon my own judgment upon this bill, I vote "aye."

(Roll call continued.)

Mr. GORMAN (Peoria). (On roll call.) After hearing the explanation of this bill, and judging from that explanation that it is a co-operative, mutual affair, and it being directed as against corporate interests and corporate influences, it affords me great pleasure to vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 99 and the "nays" 6; the bill having received a constitutional majority, is declared passed, and the clerk will read the title of the bill.

Mr. TICE (Menard). I desire to call up House Bill No. 457 on the order of third reading.

This bill amends the present Road and Bridge Law by providing that if any county desires to improve its highways more rapidly than its allotment of State aid will permit, it may advance any money out of any available funds in its treasury to defray the entire cost of constructing such highways and make such improvement at any time, and gives the counties authority to use the State aid for road construction for any purpose in connection with the improvements of State aid roads; provided, however, that all such improvements are made with the approval of the State Highway Commission. This bill also gives county boards authority to issue bonds for the construction and improvement of State aid roads to mature in not less than 10 nor more than 20 years.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 107, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. KESSINGER (Kane). I desire to call up House Bill No. 63 on the order of third reading.

In this bill it is provided that by a petition of the voters of any city of less than one hundred fifty thousand inhabitants, the question of acquisition and equipment of public play grounds shall be voted on at the next general election. It also provides for the creation of a play ground board of three members to serve for two years without pay. The cities adopting this may levy and collect annually taxes to cover cost of maintaining such play grounds.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 104, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. BURNS (Cook). I desire to call up House Bill No. 127 on the order of third reading.

Mr. Speaker, and Gentlemen of the House: This bill provides that banking companies shall not be organized under same or similar names to those of associations already existing and which would tend to deceive depositors. It is to protect the depositors of banks which have gained a reputation for their soundness from other banks being organized in the outside districts or in another part of the city and on account of the financial condition of the original bank they might obtain deposits and loss might result to the depositors. It is a bill which was sent down here by the city council of the city of Chicago.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 100, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. KANE (Saline). I desire to call up House Bill No. 832 on the order of second reading.

(Bill read.)

Mr. KANE (Saline). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 832, by adding sub-section (5) under sub-section (c) of section 2 of the Act, as follows: "(5) preparing or arranging work for other employees."

Mr. KANE (Saline). Mr. Speaker, just a word in regard to this amendment. This is an amendment that was insisted on in the committee. If the gentlemen will remember, and while personally I think it weakens the bill more than it really should be weakened and may be given a wrong construction, but in the committee this objection was made that certain employers in the steel mills and other mill have to put on their employees to get things ready for other employees to go to work and we promised them there that on second reading we would offer this amendment and we are now complying with that promise.

Amendment adopted.

Mr. KANE (Saline). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 832, by adding a clause at the end of section 2, as follows: "Manufacturing plants, while the employees are engaged in the necessary repair of machinery."

Mr. GORMAN (Peoria). Mr. Speaker, in behalf of this amendment, there is a number of institutions that find it necessary on Sunday to do repair work. For the ones employed on that repair work you have got a three-hour limitation though the ones engaged in that repair work are the regular employees of this particular plant and if they would not be allowed to do this work on Sunday, why, it would mean the shutting down of the plant on Saturday in order that they might resume work on Monday morning. You have a provision there regarding three hours, Mr. Kane.

Mr. KANE (Saline). That will be made five.

Mr. WILSON (Adams). I was going to cover that, making that five.

Mr. GORMAN (Peoria). I am willing to accept that on the five-hour basis.

THE SPEAKER. The amendment is withdrawn?

Mr. GORMAN (Peoria). No, I am willing that it should read five hours.

Mr. WILSON (Adams). I want to say that it was drawn with a view of taking care of the situation particularly in the paper mills. I understand that there are some in Quincy and also in addition to the other industries they have paper mills in Peoria. And every third week it is necessary to replace or repair the felts, and it takes somewhere over four hours to do that and I have been informed that a provision for five hours will be satisfactory.

Mr. BROWNE (LaSalle). Peoria isn't the only place there is on the map. It is a whole lot I know, but not the only one. You take it in LaSalle County or Marseilles there are manufacturing plants along that line that are a good deal larger than those there at Peoria. Now then, unless you make this exception so that these people can go in on Sunday and repair their machinery they can't continue business under this system, it will put them out of business. They have got to have the right to put in certain employees to repair their machinery on Sunday. This includes all establishments where water power is used and where the repairs necessitate the shutting off of the power and everything. I don't think you ought to put any hour of limitation on it at all. It only requires a few men on that seventh day to do it.

Mr. WILSON (Adams). I have it from the Marseilles people that four hours would be enough.

Mr. BROWNE (LaSalle). I am told by the Marseilles people that four hours won't do.

THE SPEAKER. Has the gentleman from Peoria (Gorman), withdrawn his amendment?

Mr. GORMAN (Peoria). No, I will present my amendment, and submit it as it reads.

Mr. KANE (Saline). Mr. Speaker, now the particular objection I would have to that is, that is, that it starts in by singling out a particular part or

class of those included in this bill. Now, I had much rather it would come in some other place that would be general. I am perfectly willing if the House think it should be put in as an amendment that it should come in somewhere that it will be general.

Amendment adopted.

Mr. ELLIS (Kane). I offer the following amendment, and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 832, by adding sub-section (6) under sub-section (c) of section 2 of the Act as follows: "(6) Watch raters."

Mr. ELLIS (Kane). This amendment is offered for the purpose of permitting the watch factories to work a certain number of hours on Sunday which they must do in the testing of their watches. The test would not be of any good otherwise.

(Amendment adopted.)

Mr. ELLIS (Kane). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 832, by adding the following to sub-section (f) of section 2 of the Act: "And shall not apply to any employees who are employed not to exceed fifty-six (56) hours per week."

Mr. ELLIS (Kane). That is an agreed amendment with the father of the bill.

(Amendment adopted.)

Mr. ROE (Fayette). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 832, by striking out the word "seven," in lines 12 and 13 of sub-section F of section 2 of printed bill and inserting in lieu thereof the word "fifteen."

Mr. ROE (Fayette). Now, Mr. Speaker, I offer this amendment for this purpose. Down the State, in the rural districts especially, we will find this condition to exist. You take the restaurant or the hotel keepers, or the confectionery stores, or institutions of that kind that don't employ a large number of people. Now, it is absolutely necessary for them in cases of this kind that they will either have to go out in certain times of the week and employ additional help to meet this condition or they will have to lay out of business one day out of seven. Now, that applies to that condition where people have limited means and limited help also, and this amendment is absolutely in the interest of the poor man. That is why I am offering this amendment, in the interest of the poor man who needs the help also of the representative body.

Mr. KANE (Saline). I move that that matter be laid on the table, and I think this bill deserves more serious consideration.

I trust that you will at least be kind enough to consider this proposition for a few minutes. I can see that the purpose of those that are so insistent upon these amendments is evidently for the purpose of killing this bill, and if that is what it is desirous to do why then don't you move to strike out the enacting clause.

Mr. Speaker and gentlemen of the House, I think that we should take time enough to pause here before we vote upon this proposition because it is an important proposition as I view it. The amendment that has been offered kills this bill, and if that is your intention vote for it honestly. This amendment that was put in another bill and it had that effect. This bill had a fair and long hearing in the committee. It was set repeatedly, and all the parties had a fair hearing, and a hearing a number of times. This bill was endorsed by the American Federation of Labor and was first handed to me as a straight one day rest in seven. It went before the committee and after hearing all the objections of all parties of the Steel Company, of the hotel companies, the Illinois Steel Company and its representatives were there, the hotel people were there, the lead and gas people were there, and

then a sub-committee was appointed of Mr. Boyer, Mr. Tompkins and Mr. Morris. They were the sub-committee. I wasn't on that committee but I was asked to work with that committee. In this bill when it was originally submitted, it was provided that it should not apply to any employer employing not more than three employees. The sub-committee suggested that we should put seven in there, for in a place where they have seven employees they can work six of them each day and give the seventh the day off.

Mr. PACE (McDonough). I will ask you if you know of any hotel that would employ seven cooks if it only employed seven people.

Mr. KANE (Saline). No, sir; some of them haven't got any cooks at all.

Mr. PACE (McDonough). Well, then, how are you going to change each day?

Mr. KANE (Saline). I didn't put the change in there; I put three in there and the sub-committee put the seven in there over my objection.

Mr. PACE (McDonough). How do you expect to exchange work in a hotel unless all of them can do the same kind of work.

Mr. KANE (Saline). Do you expect a cook to work 12 and 14 and 15 hours every week?

Mr. PACE (McDonough). No; mine don't do it. By actual count the girls in my house work seven and a half hours a day. I am kicking because we ought to take care of some of the rest of them.

Mr. KANE (Saline). You are wanting, then, to take care of hotels and restaurants where they work their girls 12 and 14 hours a day.

The conditions now permit them to work 12 and 14 hours a day and seven days in the week and perhaps 365 days a year. That is the condition that it is intended to remedy. I say in killing this bill in putting in this amendment you are sanctioning such conditions where men work as cooks in restaurants for 12 and 14 hours a day and seven days in the week. There wasn't a man that came before that committee but what said your bill, so far as requiring people to have one day's rest in seven, is right. There wasn't a man that came before that committee when he was asked the question that employees should have one day's rest in seven and every one of them answered, Yes, I believe they should. If you make this amendment the bill does not amount to anything.

Mr. DEVINE (Lee). I would like to offer my motion to strike out the enacting clause as a substitute for the motion under consideration.

Amend House Bill No. 832, by striking out the enacting clause.

THE SPEAKER. The clerk will call the roll on the substitute offered by the gentleman from Lee (Devine) to strike out the enacting clause of the bill.

Mr. KANE (Saline). I don't desire to cover anything that I have already said, but I don't believe that the members of this House have studied the measure as they should. This is a measure in favor of those who earn their bread by the sweat of their brow. This is not a mere labor bill; it is offered here for humanity's sake. There is not another bill that passed that if it was submitted to the people of the State of Illinois that would get as many votes as this. I want to say that in my honest opinion if this bill was submitted to the voters, the people of this State, that it would get 75 per cent of the votes of the people of this State. It has a provision which covers those things which are seasonable, all the exceptions which could be made to it.

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) I would like to explain my vote. I was very much for this bill until they got up the subject of cooks, and I want to remind the gentleman that

We may live without music, poetry or art,
We may live without conscience, we may live without heart,
We can live without brains, we can live without books,
But civilized man can not live without cooks.

We may live without books, what is knowledge but grieving,
We may live without friends, what is hope but deceiving,
We may live without love, what is passion but pining,
But show me the man that can live without dining.

We have got to have cooks. I vote "no."

Mr. DENVIR (Lee). If this were an honest bill, to make one day of rest in seven and applied to everyone, there might be some reason for placing it on the statute books, but in the shape it is before this House now the only man that is not protected is someone that hasn't some representative here, someone speaking for some particular industry, and I don't see any reason why this should not apply to the man who has seven employees just the same as if he had seventy. I know that if the members of this House would vote their honest conviction and weren't afraid of going on record on roll call that this motion would prevail overwhelmingly. The bill as it now stands is simply a makeshift, and simply a sop thrown at labor, and labor will not be satisfied with it, and it is going to regard it as an injustice to a lot of people in this State. It will not be employers alone, but there will be a lot of employees that will suffer as a result of this law going on the statute books, and I vote "no."

Mr. ROE (Fayette). (On roll call). I did not offer the amendment to this bill for the purpose of defeating the bill. The original bill was introduced for the purpose of protecting such men as are employed on railroads, telegraph offices, engineers and people who had factories that should be open on Sunday. I have been so informed by one of the prime movers of this bill, a man who is interested in the bill, that it is supported by the Telegraphers' Organization of the United States, and I introduced this amendment for the purpose of what I told you, not for the purpose of defeating the bill, and therefore, I vote "no."

THE SPEAKER. On this question the "ayes" are 7 and the "nays" 93, and the substitute amendment is lost.

The question now is upon the adoption of the amendment offered by the gentleman from Fayette (Roe).

Rising vote on the adoption of the amendment offered by Mr. Roe. Amendment lost.

Mr. BROWNE (LaSalle). I desire to offer the following amendment, and move its adoption:

Amend House Bill No. 832 by adding a new section to be known as section "5-A," and to follow section 5, and to read as follows:

"This Act shall not be so construed as to prevent any employees, either male or female, from working as many hours per week as he or she may voluntarily desire to work for any employer or employers, not to prevent any employer from accepting such services when so tendered voluntarily.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House. This is the scope and purpose of this amendment. I am heartily in favor of a bill which will prevent any employer in any line of business from compelling or requiring any employee in his particular employ from working more than six days a week. I am in favor of that kind of a bill, but I am not in favor of a bill that prevents an employee from working seven days in the week if he or she sees fit so to do. I want the law to leave it optional with the employee. For instance, here is a man who absolutely needs that time for the support of his family. Here is a woman that needs that time for her little children. Here are two or three young children that need that time for the support of their parents and the little ones at home. If they want to work on Sunday, if they want to work seven days in the week, it comes with an almighty poor grace from organized labor to say you shan't work on Sunday because in that way you will prevent more jobs for somebody else. It is not fair. I want to protect the employee. I want to protect them from being compelled or coerced in any way to work beyond the six days, but I don't want to shut the door to those that are needy. It is a rotten law that does that. I don't care who defends it. The door ought to be open to me in case of necessity and let me work seven days in the week if I want to. The object is to prevent my employer from compelling me to work or using undue coercion to get me to work seven days if I don't want to do it. That is what this means.

Mr. MASON (Cook). The gentleman from LaSalle (Browne) has on several occasions in my hearing called on God Almighty, and according to the Good Book—

Mr. BROWNE (LaSalle). Did I do it today?

Mr. MASON (Cook). There have been several occasions that you did?

Mr. BROWNE (LaSalle). Did I today?

Mr. MASON (Cook). I didn't say that you did

As I said, the gentleman from LaSalle (Browne) has several times in this House called upon God Almighty, and yet if the Good Book is true it says, "Six days shalt thou labor and do all thy work." And yet the gentleman from LaSalle, the friend of labor, now says that regardless of the Good Book that seven days shall be worked.

Mr. BROWNE (LaSalle). I didn't say anything of the kind. And that is just as fair as you have been. You don't know whether you are representing labor or what you are representing. You haven't got the gray matter on top of your shoulders to know whether you are right or wrong.

Mr. MADSEN (Cook). I would like to say a few words in reply to what has just been said. I don't believe that labor feels that it is so well represented by the gentleman from LaSalle, it is fast getting on to him. The kind of talk that used to go with people does not go now. When the gentleman says that an employee should have the right to work seven days a week if he or she wants to he knows well enough that that is bunk. We all know that. We don't have to have much gray matter in order to know that. We all know that if an employee would refuse to work on Sunday that it would not be long until he would have to look for another job. We know it, and the gentleman from LaSalle knows it, everybody knows it.

If that provision is put into this bill it will be one of those pieces of legislation offered by those who pose as friends of labor. It will kill this bill. That is the purpose of this amendment and we all know it. We are not fooled by it, nobody is fooled by it, and the labor organizations of this State are not fooled by it.

Now, it is a fact that some of us don't have as much gray matter as we ought to have. We have not all of us as much as the gentleman from LaSalle. If I had his ability I would be able to accomplish something in this House and I would use it for a good cause. I don't think, gentlemen of the House, that we should be fooled by the sleek arguments on this proposition. We all know what this is about, and I hope that you gentlemen of the House will not make it necessary for us to demand a roll call on every little bit of amendment that comes up on the floor of the House because you won't vote the same way on the standing vote that you will on roll call. I hope that you will all vote according to your convictions and that you will vote according to what you believe. Let us represent labor to the best of our ability, if we know how.

There is one other thing. There was a great deal of merriment when this bill first came up on the floor of the House, and you all know that by many it is considered a good deal of a joke that labor should come to this General Assembly and ask for relief in any way. I don't see how we could expect to get anything through this House. But we are supposed to represent the interests of labor. I feel that it is up to me and to you to make any law for the benefit of labor. Two years ago when this assembly was composed of minorities of republicans, democrats, progressives and socialists at least some labor measures were enacted into law; this time the republicans have absolute control in the House and in the Senate. If you want to let this session go by without enacting any law for the benefit of labor and increase the socialist vote to 150,000 at the next election, I suppose I ought not to worry. It might, however, be worth your while to consider.

Mr. BROWNE (LaSalle). I rise on a question of personal privilege.

THE SPEAKER. The gentleman from LaSalle rises on a question of personal privilege.

Mr. BROWNE (LaSalle). The record of all labor bills introduced at the last session as published and sent out by the Secretary and President of the State Federation of Labor, and which, if you can read, shows that I voted right, as you call it, or for the labor side of the proposition, on every measure that came up with the exception of six. Those were agreed bills, where there were no changes, and where they would have gone through if there were only seventy-seven members present, and I was not present when they were voted on. Every session of this Legislature since I have been here, and this is the eighth, has seen me upon this floor as a

friend of organized labor. I have at LaSalle, at my home, a letter addressed to me by the State Federation of Labor, commending my actions and going so far as to say over John Walker's signature, that I was the best friend of organized labor on this floor.

I take notice that the gentleman who has just spoken has never been trusted with the introduction of any of the labor bills. I take notice that when John Walker or any of the labor people want labor legislation they don't go to you or to your friend. I don't know why, you can draw your own conclusions. They do come to such men as the gentleman from Saline, they go to such men as Browne. They haven't come to you. But you are a living, breathing example of what a man gets for years of adherence and fidelity to the cause of organized labor. You can do everything in God's world for them. You can do ninety-nine things, you can crucify yourself in the crucible of public hate for ninety-nine times, and then, if you fail once you are damned forever, and you are an enemy, and they are getting onto you. You are a fair sample of the intelligence of a certain class of organized labor that has damned the cause all the years and will damn it for all the years to come. I don't represent organized labor today in this House, I represent humanity, thank God. I represent everybody, I represent not the employees, I represent the poor man that has to work by the day and that needs that seventh day. I represent the poor little girl that has to work and needs it. I represent the man that has got the family at home that needs it. I represent the hungry mouths that need help. You may think you are representing them, you may think you do. I don't think you represent anybody, even yourself.

Mr. KANE (Saline). Gentlemen, this is not merely a labor measure, recommended by labor organizations, it is merely recommended by labor. I wish that I had taken the pains and been careful enough to have kept all the letters of recommendation that I have received in regard to this bill. Perhaps you members will remember some of them and where they came from. They came from the church organizations of the city of Chicago, they came from church organizations all over the State. They come not only from organized labor, they come from everybody, all sorts and every class all over the State. It is not merely a question of labor organizations. It is a question, as the gentleman from LaSalle (Browne) so eloquently stated, a question of humanity. He has said that he was for the woman that needed to work seven days in the week. If there is a woman that works more than eight hours a day and that has to work seven days in the week how can we be for her. What kind of a measure would be for that kind of a woman? If that is true, and there is that kind of a woman, that kind of a mother, there is something radically wrong with our State.

As a general proposition, we are in favor of a person having the right to do these things, but you know, gentlemen of the House, that if this law went through with this amendment, you know that it means that the same old regime, the same old proposition, that is goes right on, because no employee would dare to say that I don't want to work twelve or fourteen hours a day and seven days a week. If the boy or the girl said that, the employer will say, very well, I will get someone that does want to work seven days in the week and fourteen hours a day.

Now, what the gentleman has said, on the face of it, is absolutely true. That this right of personal liberty should be exercised, but it is necessary that the will of the public be carried out. The trouble with the changes proposed by the gentleman from LaSalle is that the employers would still require those that have to live by the sweat of their brow to work any number of hours and seven days in the week. This bill would amount to nothing notwithstanding the beautiful face that has been placed on it. If you add that it means nothing, absolutely nothing.

Rising vote taken on motion to table the amendment of the gentleman from LaSalle (Browne).

(Motion lost.)

Mr. MADSEN. Just a word in reply to what the gentleman said a little while ago. Yesterday the Child Labor Bill was amended to death on a standing vote. It is because of the fact that we don't desire to take up the

time for a roll call that certain gentlemen are enabled to do their smooth work behind closed doors and yet appear as friends of labor. Some people haven't got the intelligence to engineer that kind of a game; others have, and for that reason we will be forced to demand a roll call on every amendment on this bill because otherwise they will be slipped through and all of these good people like the gentleman from LaSalle will get by with a reputation as friends of labor.

Mr. BROWNE (LaSalle). You don't know whether you are for this bill or not; you don't know where you are.

THE SPEAKER. The clerk will call the roll upon the adoption of the amendment offered by the gentleman from LaSalle (Browne).

Mr. SHURTLEFF (McHenry). I merely want to inquire if this amendment is adopted, how the bill will change the present law. I am not skilled in organized labor. I voted a few minutes ago against striking out the enacting clause of this bill. It is my opinion on the face of this amendment that if it is adopted it practically amounts to striking out the enacting clause of the bill.

Mr. BROWNE (LaSalle). I don't think so; that is not my view of it. This is the way it seems to me. There is a penalty attached to this bill now where an employer employs or uses an employee over and above the limit. Now, when this provision is put in it gives the employee the right to volunteer at any time his services over and above that limit and have them accepted, but it must be voluntary. Now, if I understand this bill right with that in, this penalty would apply to any coercion on the part of the employer of any effort on his or her part to secure these services by fear or intimidation. That would be the change over the present law.

Mr. SHURTLEFF (McHenry). But the bill amended as this amendment would amend it leaves it open to the employee to contract freely as to the number of hours he may serve on the seventh day.

Mr. BROWNE (LaSalle). No, I don't think it leaves them open to contract. I don't think that under this Act any contract for service made by the employee would be such that the employee could not break it at any time, any minute he or she saw fit.

Mr. SHURTLEFF (McHenry). Yes, but if the amendment is adopted it is wide open for any person to make a contract for any number of hours upon the seventh day.

Mr. BROWNE (LaSalle). But the service on the seventh day must be voluntarily tendered.

Mr. SHURTLEFF (McHenry). Isn't that true now as to labor on the seventh day of the week?

Mr. BROWNE (LaSalle). Well, it is true as to that, but my idea was that this would penalize what now is possible.

Mr. SHURTLEFF (McHenry). Well, it does not state that?

Mr. BROWNE (LaSalle). For instance, I am working for you and I come to you and say to you, I don't want to work on Sunday. You say, all right, if you don't come to work for me on Sunday get another job, Browne. I think under this bill that you are penalized for doing that. As it is not, you would not be. You would fire me, and there would be no come-back at all. But if you did that with this bill in force, you would be penalized.

Mr. SHURTLEFF (McHenry). But, under the amendment, it is then wide open for the employer and the employee to contract for any number of hours upon the seventh day?

Mr. BROWNE (LaSalle). That depends upon what you mean by contract.

Mr. SHURTLEFF (McHenry). Well, I have reference to the generally understood meaning of a contract.

Mr. BROWNE (LaSalle). You could not make any contract to which you could hold any employee.

Mr. SHURTLEFF (McHenry). But they could contract voluntarily to that effect, couldn't they?

Mr. BROWNE (LaSalle). Oh, certainly.

Mr. SHURTLEFF (McHenry). Yes; and they can do that now?

Mr. BROWNE (LaSalle). The only change over the present law would be to penalize the employer for any coercion.

Mr. SHURTLEFF (McHenry). Duress?

Mr. BROWNE (LaSalle). Sure.

Mr. SHURTLEFF (McHenry). And that would be unlawful now?

Mr. BROWNE (LaSalle). No.

Mr. SHURTLEFF (McHenry). I cannot see any difference between this bill as it would be if amended and striking out the enacting clause.

Mr. BROWNE (LaSalle). I tried to tell you that if you did the work voluntarily there is no penalty, you could do that under the present law, but I insist that under this law or this bill you cannot do it.

Mr. SHURTLEFF (McHenry). I can't get the idea, I don't want to stultify myself in voting after having voted against striking out the enacting clause.

Mr. BROWNE (LaSalle). I am working for you, and I say to you I don't want to work next Sunday, and you say, Browne, you will have to work. I say I don't want to work, I can't work and I won't. All right, you are fired and you fire me and hire Mr. Foster in my stead. Under this present regime you could not be penalized. Now, if this bill is passed you could be penalized under it. Now, I may be wrong, but that is my construction of it, with that amendment.

Mr. SHURTLEFF (McHenry). Mr. Speaker, it seems to me this way. I don't want to stultify myself in voting differently here than a half hour ago. This amendment will make legal the contract for any number of hours service on the Sabbath day, and as amended will be practically the same as if no bill were passed. I voted against striking out the enacting clause, therefore, it seems inconsistent not to vote against that amendment.

Mr. WILSON (Adams). I would like to ask if this would repeal the Women's Ten Hour Law, now on the statute books, your amendment?

Mr. BROWNE (LaSalle). Well, now, in what respect? Does the Women's Ten Hour Law today prevent a woman from working more than ten hours if she wants to?

Mr. WILSON (Adams). It prevents her from working more than seventy hours a week. I would like to ask you if this would not repeal that law?

Mr. BROWNE (LaSalle). No; I don't think so. It necessarily would be construed in connection with this law, and under the rules of construction, statutory construction, you must do so.

Mr. WILSON (Adams). It seems to me that it is absolutely plain that it would repeal that law.

Mr. BROWNE (LaSalle). Then you ought not to vote for this amendment.

Mr. KANE (Saline). The gentleman from McHenry (Shurtleff), is absolutely correct, and I desire to analyze, if I can, the position that the gentleman from LaSalle (Browne) has taken. I am not accusing the gentleman of any bad faith, but evidently if this amendment is passed it means that you have passed a bill which means simply calling attention to the present law.

Now, take the example that he gave. The gentleman says if he shall voluntarily step up and say, All right, if you don't want to work seven days in the week you are fired. The employer would let him work on that Sunday, and Monday, or Tuesday or some other day, and then he would find some other excuse to discharge that employee and he would get someone that would not say that. We know that is so. The law still would mean nothing because the employer that would want to do that would simply find an excuse the next day and let that party go. I say that this amendment means nothing more than to strike out the enacting clause.

Mr. BROWNE (LaSalle). Do you want to—you have an interest in this bill?

Mr. KANE (Saline). I have no particular personal interest in it.

Mr. BROWNE (LaSalle). Are you willing to go to third reading with this bill as it now stands?

Mr. KANE (Saline). Well, so far as I know.

Mr. BROWNE (LaSalle). Are you willing to take your chances with it?

In view of the criticisms that have been made to this amendment by gentlemen on the floor, I will withdraw the amendment.

Amendment withdrawn.

Mr. SCANLAN (LaSalle). I offer the following amendment, and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 832, by inserting after the first word "plants," in line 10 on page 2 of the printed bill, the following: "zinc factory furnaces, glass factory furnaces."

Mr. SCANLAN (LaSalle). This bill in sub-section "E" of section 2 exempts employees in dairies, creameries, milk condensaries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants, milk bottling plants and canning factories. Now, it seems to me that some have made an effort to take care of industries in their particular localities. Now, down in my district we have zinc factories and glass factories with furnaces that are in operation every hour in the week. The result of this bill, if it goes into effect, would be that those employees will lose four days a month. Now, this only applies to persons working in certain places, and the amendment applies to zinc furnaces and glass furnaces.

Mr. BROWNE (LaSalle). Isn't it true that if the fires are permitted to go out that it means that the product for a day or more is ruined.

Mr. SCANLAN (LaSalle). The whole furnace is destroyed because it is molten metal, melted zinc and glass.

Mr. BROWNE (LaSalle). That applies to steel works and brick factories as well.

Mr. KANE (Saline). Now, I move to lay that amendment on the table, and I desire to be heard.

THE SPEAKER. I will ask the gentleman who has this bill in charge if he would not prefer to let this bill go over until tomorrow. I don't want to entertain a motion to adjourn in the middle of the discussion unless it is agreeable.

Mr. KANE (Saline). Would the bill be made a special order then?

THE SPEAKER. It will be made special order.

Whereupon, further consideration of House Bill 832 was postponed until Thursday, May 27, 1915.

By unanimous consent the House proceeded upon the order of Senate bills on first reading without debate.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 420 on the order of second reading, which is a bill providing for the return of a flag of the Eighteenth Confederate Regiment of Tennessee now in the Hall of Relics at Springfield to the city of Murfreesboro, Tennessee, and appropriating two hundred dollars to defray the expenses thereof.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. GREGORY (Moultrie). I offer the following resolution, and move its adoption:

HOUSE RESOLUTION No. 91.

WHEREAS, The Hon. Thomas L. McDaniel, of Moultrie County, Illinois, a member of the Forty-first General Assembly, departed this life on the 16th day of August, 1910; and,

WHEREAS, The said Thomas L. McDaniel was a worthy and honorable representative of the people of the State of Illinois, a man whose energies as a member of the House, and as a private citizen were devoted toward improving the conditions under which his fellow-workers toiled; a man whose vote as a legislator was always cast in favor of measures for the benefit of the whole people of the State of Illinois; a man whose jovial and cheerful disposition brought sunshine to the lives of his friends; a man whose integrity and honesty were never questioned, and a man whose con-

duct as a member of the House earned for him the respect of every member thereof, and every person of his acquaintance; therefore, be it

Resolved, That in the death of Hon. Thomas L. McDaniel the State of Illinois has lost one who, as a member of this House was an honest and patriotic legislator, for the people of his district an able and energetic representative, and his immediate constituency a lifelong friend; his family a kind, loving husband and father; and the community in which he resided a distinguished and honorable citizen; and, be it further

Resolved, That this preamble and resolution be spread upon the Journal; that a suitably engrossed copy thereof be forwarded by the clerk to the family of the deceased, and as a further mark of respect to his memory, that the House do now adjourn.

Resolution adopted, and the House adjourned.

THURSDAY, MAY 27, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment,

The Speaker in the chair.

Prayer by the Reverend Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Seif (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, and messages on the speaker's table, all without debate.

Mr. GORMAN (Peoria). With the courtesy of Mr. Kane (Saline) I would like to call up Senate Bill No. 420 on the order of third reading, and owing to absence of Mr. Campbell (Rock Island), who is ill, it becomes necessary that I call this bill. This bill has for its purpose the return of a Confederate flag to Murfreesboro, Tennessee. It has the endorsement of Archbishop Fallows, who is Commander of the Grand Army of the State, and also has the endorsement of our local Grand Army at Peoria. There is an emergency clause and it becomes necessary to pass this bill at this time, for the reason that they celebrate Memorial Day in the South on the third day of June.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 111, and the "nays" are 3. The bill having received the necessary two-thirds' vote, it is declared passed with the emergency clause and the clerk will report the title of the bill.

House Bill 832, under consideration when we adjourned last night, with Amendment No. 6 pending, and Mr. Kane's (Saline) motion to table.

Mr. SCANLAN (LaSalle). I wish to withdraw that amendment and offer this amendment as a substitute:

Amend House Bill No. 832, as printed, by adding paragraph "I" to section 2 as follows:

"I. This Act shall not apply to employees whose duties necessarily require them to maintain fires at such times as such fires are necessarily continuous."

(Amendment adopted.)

Mr. WILSON (Adams). I offer the following amendment and move its adoption:

AMENDMENT No. 7.

Amend House Bill No. 832, by striking out in line four, of section 2, of the printed bill, the word "three," and inserting in lieu thereof the word "five."

(Amendment adopted.)

Mr. BURNS (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 8.

Amend House Bill No. 832, as printed, by striking out in line 5, section 2, the words "caring for live animals," and add sub-section J, which shall read as follows:

"J. And this Act shall not apply to employees caring for and feeding live animals."

Also renumber parts of section 2 consecutively.

(Amendment adopted.)

Mr. CURREN (Pulaski). I offer the following amendment and move its adoption:

AMENDMENT No. 9.

Amend House Bill No. 832, as printed, in lines 12 and 13, of sub-section F of section two, by striking out the word "seven" in said lines, and insert in lieu thereof the word "ten."

(Amendment adopted.)

Mr. WILLIAM M. BROWN (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 10.

Amend House Bill No. 832, section 2 (e), in line ten (10), after the word "factories," insert the words "teaming companies and teamsters."

Mr. KANE (Saline). I move that that amendment lie on the table.

(Amendment tabled.)

Mr. O'ROURKE (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 11.

Amend House Bill No. 832, as printed, section 2 (a), by adding the words "and undertakers," after the word "watchman."

Mr. KANE (Saline). I move to lay that amendment on the table.

(Rising vote taken.)

(Amendment tabled.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 12.

Amend House Bill No. 832, by striking out the period after the word "emergencies," in line 16, section 27, of the printed bill, and add a comma and the following words: "and in cases of absolute necessity."

Mr. BROWNE (LaSalle). This is an amendment I have talked over with the gentleman from Saline (Kane) and he finds reasonable grounds for its adoption. It will make sub-section G in section 2 read as follows: "This Act shall not apply to employees whose services may be required in cases of emergency and in cases of absolute necessity. I move its adoption:

Mr. KANE (Saline). I have examined this amendment and I have also called to mind a number of cases where similar language has been construed by the Supreme Court and the construction put upon it means that it would only be necessary to have employees in the regular line do this work under some extraordinary conditions. There is no objection to the amendment.

(Amendment adopted.)

Mr. WEBER (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 13.

Amend House Bill No. 832, by adding in line 9 of section 1, of said bill, after the word "week," the following: "*Provided*, that the day provided for in this Act shall whenever possible, be the first day of the week, commonly called Sunday: *And, provided, further*, that in all employments, coming under the provisions of this Act, wherein entire cessation of work on any one day of the week is impractical, the employer shall so arrange the work of his employees that every third rest day provided for in this Act shall be the first day of the week, commonly called Sunday."

Mr. WEBER (Cook). This amendment is offered in line with the purport of the bill.

The bill as I understand it is one to give the people the benefit of one day's rest in seven. It does not provide what day they shall have for that rest day. I believe, however, that it is the purport of the bill that this one day of rest shall be Sunday, the first day of the week, and therefore, I offer this amendment in good faith and ask that it be adopted.

Mr. KANE (Saline). It is not compulsory on the employer?

Mr. WEBER (Cook). No.

Mr. KANE (Saline). It is only in case they can do so that they can let the rest day be on Sunday.

Mr. WEBER (Cook). That is all.

Mr. BRUCE (Cook). I move that the amendment lie on the table.

(Rising vote taken.)

(Amendment tabled.)

Mr. PACE (McDonough). I offer the following amendment and move its adoption.

AMENDMENT No. 14.

Amend House Bill No. 832, by striking out the words "hotel or restaurant," wherever they may appear in the printed bill.

Mr. KANE (Saline). I move to table the amendment. We might as well strike out the enacting clause as to adopt this amendment.

Mr. PACE (McDonough). This bill affects every county in the State of Illinois. It affects 10,000 little hotel and restaurant men in this State. I am especially speaking now for the down State small country towns. Under this bill there is not a hotel man in any town in the State of Illinois of 5,000 people who can conduct his business should this bill pass without the amendment. The conditions down in the country are different from what they are in the cities. Down in the country it is impossible to have employed in these hotels persons who are able to so divide the work that they can perform any part of it during the week. That is impossible in any town of two or three thousand people, where the hotel man may be deprived of his dining room girls to go out in the town to find one to take her place. As a rule they are experienced help and must be imported. It is impossible to secure a cook who can come in there and take the place of the one already there so that he can take twenty-four hours out of every seven days. There is not a hotel man or a hotel in a small town of this State but what, if given the chance, will be glad to close his place on Saturday noon, and not open it again until Monday morning.

My girls get a half-day off on Saturday, and another half-day off on Sunday, but it is impossible to conduct that business and give them a whole day off in any of the seven days of the week. I have in my employ now five girls working in the dining room, and three of them have been in my employ nine years, and none of the girls have ever been docked a cent's pay for a single day of sickness. I have all my life been in sympathy with the men or women who earn their own bread and butter by the sweat of their brow as I have earned mine, and all we are asking in these small towns in Illinois is that you give us a chance to employ from a dozen to fifteen people and pay them on Saturday nights, and I believe they are satisfied down in the country towns with the consideration and the comforts that they are receiving at the present time.

I know something of the hotel men in such towns as Galesburg, Canton, Beardstown, Jacksonville, Springfield and East St. Louis, and I know that the girls are getting good care. At my hotel there are not more than two girls occupying a room, and it is steam heated and electric lighted, and they all have their own private baths and private toilet, so I say to you men when you place upon the statute books of Illinois a blanket Act that forces the small hotel man to close his shop at least one day in the week, you are not only doing an injustice to us, but doing an injustice to the traveling public.

I believe that the majority of these girls in hotel work in the small towns do not work to exceed five hours in any one of those days, but we cannot give them twenty-four consecutive hours off, one day in the week. So I ask you, not only for the hotel men, but for the traveling public that you adopt this amendment and enact it into this bill.

Mr. KANE (Saline). The gentleman does not give this bill the advantages to meet the objections that are in this bill. I am glad that this particular hotel man is so humane, but there are other hotel men, and restaurant keepers, that are not of the same class as my Brother Pace. The gentleman has laid down the proposition that there is a difference between the small hotels and the large ones, where they employ much help. That is true and that is the basis of the provision in this bill that it exempts employers who do not employ regularly more than ten. I think all of these things have been taken care of carefully, and I trust that this amendment, which so vitally affects this bill will not meet with the sanction of this House.

Mr. PACE (McDonough). Is not every employee under your bill entitled to one day of twenty-four hours rest in a week?

Mr. KANE (Saline). This bill permits ten regular employees to work every day in the week and all the time to start with, and it would permit other employees to work 56 hours a week. Don't you think that that would be enough to do all the work in your hotel?

Mr. PACE (McDonough). If they all worked 56 hours in a week, then they are not entitled to the twenty-four hours?

Mr. KANE (Saline). If they work less than 56 hours they are not entitled to twenty-four consecutive hours. There is more abuse in the large cities and in the restaurants in large cities—

Mr. PACE (McDonough). Where?

Mr. KANE (Saline). In the city of Chicago.

Mr. PACE (McDonough). Just a few days ago, in the Senate Chamber, there was the assertion made that that was so, and they asked for a specific case, and they said it was the Sherman House in Chicago. The manager of the Sherman House was brought down and he showed that there was not a word of truth in it, and the employees were brought down by the manager to prove what he said.

Mr. KANE (Saline). This bill meets every objection that he made to it, if you will read the bill carefully, and I move to table the amendment.

(Amendment tabled.)

Mr. FAHY (Marshall). I offer the following amendment, and move its adoption:

AMENDMENT No. 15.

Amend House Bill No. 832, by adding after the word "business," in line 4, section 1, of the printed bill, the following: "or any state penitentiary and reformatory, and all state institutions."

Mr. KANE (Saline). That does not properly come in this bill, and I move to lay it on the table.

Mr. FAHY (Marshall). If there is anybody in this State who ought to take care of its employees, it is the State itself. They work seven days in a week sometimes, and partly seven nights, and this amendment should be adopted.

(Rising vote taken.)

(Amendment tabled.)

Mr. PURDUNN (Clark). I am offering a perfectly legal amendment that I would like to have the House listen to at this time.

AMENDMENT No. 16.

Amend House Bill No. 832, by adding thereto the following:

"The provisions of this Act shall not be operative or effective until adopted by a vote of the electors of the State, and it shall be the duty of the Secretary of State to submit said provisions at the election to be held on Tuesday, after the first Monday in November, 1916, and if a majority of the votes cast upon the proposition be in favor of the adoption of said provisions, then the Governor shall issue a proclamation declaring the same in full force and effect."

Mr. KANE (Saline). I move to table that amendment.

Mr. PURDUNN (Clark). If this is a good bill the people of the State should have an opportunity of passing on it. It does not take the rights of anybody away who are in favor of this bill, and if the people are in favor of this bill they ought to have an opportunity to vote on it.

Mr. KANE (Saline). Did you vote for the referendum on the Waterway Bill?

Mr. PURDUNN (Clark). This is not a Waterway Bill. I wish a roll call on this, Mr. Speaker.

THE SPEAKER. Do five members desire a roll call? There being five members who ask for a roll call, the clerk will call the roll.

Mr. KANE (Saline). This is not a proper amendment to attach to this bill and it simply means to kill the bill, and this is not a proper proposition to submit to the people.

Mr. DEVINE (Lee). You say this is not a proper amendment to submit to the people?

Mr. KANE (Saline). The Constitution doesn't provide for submitting ordinary questions like this.

Mr. DEVINE (Lee). I have an opinion from the Attorney General of the State saying it is proper.

Mr. KANE (Saline). You don't understand that that is the law, do you?

Mr. DEVINE (Lee). I think I understand the law as well as you do.

Mr. KANE (Saline). Perhaps you do.

THE SPEAKER. The clerk will call the roll on the adoption of the amendment.

Mr. BRUCE (Cook). I would like to have a few words added to the amendment and I believe every man in the House will vote for it, and I offer this amendment.

THE SPEAKER. The amendment is not germane, and the clerk will call the roll.

(Roll called.)

Mr. BRUCE (Cook). (On roll call.) I am in favor of a referendum on all important questions. I think this would be important if section 2 of this bill were stricken out entirely. I vote "no" on this amendment without section 2 being stricken from the bill.

(Roll call continued.)

Mr. GORMAN (Peoria). (On roll call.) Some years ago there was a law passed by this body known as the Commission Form of Government. I claim the responsibility for the passage of that law in this House. Nobody else since that time has wanted to claim it, especially my friend from LaSalle (Browne). In order to be consistent, having voted for the initiative and referendum, I must vote "aye" on this question.

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) This amendment is unconstitutional and would invalidate the bill and, therefore, I vote "aye."

(Roll call concluded.)

(Amendment lost.)

THE SPEAKER. If there are no further amendments to this bill the bill is ordered engrossed and to a third reading.

Mr. McCORMICK (Cook). I desire to call up House Bill 207.

Mr. BRINKMAN (Cook). I object.

Mr. McCORMICK (Cook). I move that we proceed to the order of third reading for the purpose of considering House Bill 207, and there are four other gentlemen with me asking that. If the gentleman wishes a roll call on that we will go to it.

THE SPEAKER. On this question the clerk will call the roll.

Mr. McCORMICK (Cook). I wish to speak on that motion, Mr. Speaker. This House has not dealt kindly with those measures which affect women and children. This is the only bill in this House which is of direct interest to the women of the State. Taking a leaf out of the book of a gentleman who advised the members to look into the future, I will point out that the women will vote for presidential candidates in 1916, and that their votes will be influenced by the action on this bill; that the attitude of the Republican and Democratic parties toward this Legislature will be judged

by the roll calls on this bill, records of which will be found in every woman's club and in every working woman's home in this State.

Mr. TURNBAUGH (Carroll). This vote is just in line with the way we have proceeded with this legislation all through this session. There has been a constant challenge to the members of this House as to their courage and manhood to vote, according to their sentiments on bills of this kind. I think it is about time that we assert that courage and manhood and vote as we believe, and not be clubbed to vote against our wishes.

Mr. BRINKHAM (Cook). This bill was given the privilege ahead of a lot of other bills on second reading by the Committee on Rules and they ought not to have done it. There are about 150 bills ahead of this and there is no reason why this bill should come up ahead of its time; there is absolutely no reason why this bill should come up ahead of the rest of them on the calendar. When there is any necessity for a bill to come up out of its turn, that is another thing. This bill only came up on second reading the other day, two days ago,—why should it come up ahead of bills that have been on third reading for two or three weeks? Let it take its turn and then when it comes up if it is a good bill, vote for it, but don't set it ahead of everything else.

Mr. MERRITT (Sangamon). Mr. Speaker, I hope this motion will not prevail. There are a great many bills here with smaller numbers which are just as important as this bill. Consideration has been given to this measure, in fact, more than to other bills, and I don't see why we should consider this proposition when there are other bills here that require consideration or they won't get through. I have one that I hope this House will consider and discuss and thresh out. It is a small number, 301, and other bills way beyond it have been called up and passed. I hope this motion will not prevail.

Mr. BURNS (Cook). Mr. Speaker, if these bills were taken up as they are on the calendar there would be some reason for this motion. There has been no following of the numbers as they are placed on the calendar, and this bill has now, it seems to me, just as much right to be taken up now as any any other bill on the calendar and it should be taken up and voted for or against; but this is the time now to vote upon it and give the movers of this bill a chance to see whether they want the bill or not.

Mr. MERRITT (Sangamon). You have fared very well with bills that you have called up and I suppose that you are ready to go on with the other measures, and I am not surprised that you have taken the position that you have.

Mr. BURNS (Cook). I will say to you that if every member of the House was as well treated as you were they would have no complaints whatever.

THE SPEAKER. The clerk will call the roll on the question of considering House Bill No. 207. It takes seventy-seven affirmative votes.

(Roll called.)

Mr. BIPPUS (Cook). (On roll call.) Mr. Speaker, I wish to explain my vote. It had been my intention to vote for this bill; it was my inclination to advance it, so that it could be voted upon either one way or the other; but with the challenge plainly laid down that any one voting upon the other side does it at the peril of not returning to this House—under those conditions, gentlemen, and Mr. Speaker, I don't vote. (Applause.)

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) I think that the member is nothing if he is not inconsistent. He can't play hot and cold at one and the same time, and that one and the same time means one legislative session and on one particular legislative day.

I have repeatedly resisted the calling up of bills here out of order on the theory that every bill should have its proper place on the calendar where it is and should be reached in due order; that is the rule adopted in the Senate and followed there now. There is no bill in this House that is more important than another bill on the calendar; they are all of equal importance, all entitled to equal place and to equal consideration. I have felt that; I have urged it, I have talked it, and I have voted it, and I have asked you to vote it, and you have done so on several occasions. I would

be stultifying myself now if I were to forget it at this time. I shall vote for this bill just as it is when it comes up. I will vote for it now if it comes up, but I will not vote against what I have urged against all along in this session, and that is the misplacement of bills. There is no reason for it. I regret very much that the gentleman from Cook (McCormick), who has in the past, during this session, exercised not only much of good judgment and policy, has so far forgotten himself as to wield the scorpion lash here on this side of the House.

Mr. McCORMICK (Cook). Will the gentleman allow me to repeat what I said?

Mr. BROWNE (LaSalle). I remember what you said.

Mr. McCORMICK (Cook). Mr. Speaker. Let me repeat what I said. It is perfectly evident that women are not going to vote on candidates for this or the other House. I said that they would judge of the two parties and not of the individual members when they vote for President.

Mr. BROWNE (LaSalle). I understood perfectly what the gentleman said, and I regret it very much when he saw fit to wield that whip toward this House, and especially toward this side of the House. I never saw any situation yet that terrified me; not that I have got any more courage than the rest, but it is a simple matter of philosophy in this world, we come and go, and it is better to be a man all along the route than it is to be a cringing cur. (Applause.) I have tried to see my duty as it is and to do my duty when the time came. Now I am not afraid of the votes of women for or against, and I am not afraid of the votes of men for or against. I believe this is a good bill, and I will vote for it when it comes up, but I will not vote for it at this time, either without the gentleman's statement or with it, and I think it was very unwise. I vote "no."

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) I want to challenge and challenge directly, the statement of the gentleman from Cook (McCormick) that the women of the State of Illinois are demanding this bill. I want to say that the only ladies that have approached me concerning this bill are two ladies who are lobbying for the bill, from Chicago, but so far as the district in which I live, and I dare say many of the districts down-state, the ladies are not only not lobbying for this bill, but so far as they have applied to me they have advised me to vote against it; and I challenge the gentleman from Chicago to deny that I misrepresent the district from which I come in voting "no" on this proposition. I want to say that I voted for the bill represented, or largely appealed for by the gentleman from Cook, the Child Labor Bill, and the very ladies who have been importuning me to vote for that bill, which I did, are in many instances the same ladies who have asked me to vote against this bill, and I therefore oppose its coming up at this time. I vote "no."

(Roll call continued.)

Mr. DEVINE (Lee). (On roll call.) Mr. Speaker. As a proper American citizen, I resent the coercion methods resorted to by the gentleman from Cook (McCormick) in order to try to force a vote on this bill at this time, and I also resent his veiled threats of political destruction for anyone who has the courage to stand up here and vote against it, and I vote "no."

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) As far as I know, Mr. Speaker, and as it is my purpose to vote for this bill, and had the gentleman from Cook (McCormick) not made the intemperate speech that he made, I would have been in favor of bringing it up at this time, but I cannot permit any man to make threats or intimidation that might affect my course in this matter. I therefore vote "no."

(Roll call continued.)

Mr. KANE (Saline). Mr. Speaker, this is not a question as to whether this is a good bill or a bad bill; it is not a question of whether we are going to vote for it or against it when it finally comes up and it is not a question of whether some man has made an improper or unwarranted remark. That is not the question, and I believe that the members of this House should be above voting either one way or the other for the reason that any particular individual may have made any particular remark. I

think we should be above that. Now I am ordinarily interested and in favor of the proposition that the gentleman from LaSalle (Browne) advances, that these bills should be taken up in their regular order; but I want to say to those men that say they are for this bill but would vote against it because it is not in its regular order, if other bills on this calendar are to be taken up out of their regular order, as they have been, and as this bill is now, that you should not say that it shall not be taken up out of its regular order,—if it is taken up in its regular order you know it never will be taken up. If this bill is left with the stigma upon it that it can not come up out of its regular order it simply means that it will never come up. I am not for a proposition now that will keep it from ever coming up.

Mr. BROWNE (LaSalle). Would you be willing with me to stay here until every bill worth consideration is taken up in this House?

Mr. KANE (Saline). I will be with you to take these bills up as they are on the calendar of this House, but I say it is not the policy of this House and so long as that is not the policy of this House I do not believe that this bill should be put in the position that it should not be taken up out of its regular order, which would mean that it would never be taken up. I vote "aye."

(Roll call continued.)

Mr. LIPSHULCH (Cook). (On roll call.) (Applause). Mr. Speaker and gentlemen, I wish to make a point of personal privilege. When I came to the House here on January 6, I came down here Mr. Speaker and gentlemen, with the full knowledge that I was coming down here to the House of Representatives representing the State of Illinois and in conformity with that thought I was proud of the moment when I came here. I felt that freedom in this House abounded and that its password was equality, and all that time and through no fault of my own, but through the fault of the membership of this House, I am forced to believe that no equality exists but that prejudice is swaying the minds of its membership, and I say to you that are doing it that you are not doing it to me but to my constituents which I represent here, and I dare to say right here that I defy that action on your part and I say furthermore that I shall remember it and my constituents shall remember it, and somebody perhaps will say that they never did such a thing in this House during this session.

Now I am going to talk on the question.

Mr. Speaker, we have been intimidated in this House so often by outside sources, that to be intimidated by a member of this House is surely appalling. I say furthermore that the members of this House who stand up on the floor and disregard his wishes show their courage and manhood, and I wish that to be understood. I vote "aye." (Applause.)

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker, I think it is perfectly evident that my weakness or my error is bringing down upon the working women interested in this bill a rebuke which should fall upon me, if you please, but not upon them, and I should be a poor advocate of their cause and an unworthy member of this House if I were to allow any false pride to stand in the way of my making such reparation as may serve them. Mr. Speaker, I desire therefore, to express regret for my remark and that my regret shall stand in the record; and I vote "aye." (Applause.)

(Roll call continued.)

Mr. O'ROURKE (Cook). (On roll call.) Mr. Speaker, notwithstanding the apology made by the gentleman from Cook (McCormick) and based on the fact that I have always supported measures, particularly at this time I am going to vote "no" now, and possibly, I would not be surprised, if I would vote "no" on the original bill on third reading.

(Roll call continued.)

Mr. TAYLOR (Hardin). (On roll call.) Mr. Speaker, I desire to explain my vote in a few words. I have changed my position. I have been for this bill from the very beginning, all the while, and last evening I practically promised that I would assist to get it out. I got so furiously mad a while ago that I thought I should vote against it; however, I shall not allow my temper to overcome my judgment and I vote "aye."

(Roll call concluded.)

Mr. BURRET (Champaign). Mr. Speaker, I have not voted on this before, and I may say that this criticism was not entirely at the gentleman from Cook (McCormick) but at the way of taking up the bill. I have a bill or two on the calendar; they are probably of no importance, one or two of them were introduced by request and they are not of importance enough to take up the time of the House. There is no reason why I should insist that the bills come up in place of bills in which a large number of people of the State of Illinois are interested, and I want to defend the men on the committee on rules who are putting these bills on the calendar. You know that it is a physical impossibility to take up all of these bills; there are a lot of bills that are not of any importance. It is simply an avenue for criticism. Now, for that reason, while I shall not vote for the bill when it comes up, in the matter of the good judgment of the men who are doing it in the very best possible way that they can, I vote "aye."

Mr. McCORMICK (Cook). I desire to call up House Bill No. 207 on third reading.

THE SPEAKER. On this question the "yeas" are 81, and the "nays" are 32. The House goes to the order of third reading for the purpose of considering House Bill No. 207.

Mr. McCORMICK (Cook). I desire to call up House Bill No. 207.

Just a word. The bill as amended provides for establishments employing less than fifteen females; it provides for fifty-four hours a week for mercantile establishments and provides that the nine hours fixed by the bill may be any nine hours, not necessarily consecutive, out of the twelve.

I wish to express my appreciation to the gentlemen who voted to go to the order of third reading.

Mr. DEVINE (Lee). You stated in the amendment of the bill that preceded this that it was unconstitutional. Do you now contend that the bill in its present form is constitutional?

Mr. McCORMICK (Cook). I have not any such well founded opinion as to the unconstitutionality of this bill as I would have to a bill with the referendum provision. But be that as it may, this House has amended the bill in its present form.

Mr. DEVINE (Lee). As a matter of fact, isn't it your opinion and the opinion of the people who are the proponents of this bill that in its present form it is unconstitutional, and they moved to strike out the amendment with the fifteen people, in the Senate?

Mr. McCORMICK (Cook). I would say if I had my way, it would have that amendment, and if there were exemptions it would be around ten rather than fifteen.

Mr. ROE (Fayette). I was very much interested in the amendment in regard to what is known as the 15 amendment. Now, if it is the policy of the proponents of this bill to not agree with that amendment, I want it understood that I am against it. It has been accepted and now if it goes across to the Senate and they go across to the Senate and that amendment is taken out of there, I will vote against the bill.

Mr. McCORMICK (Cook). I can't speak for the women who are interested in this bill. For myself I am not going near the Senate on account of this bill. I have enough to do here.

Mr. BURNS (Cook). The gentleman well knows that if it is stricken out that the bill will be back here.

Mr. ROE (Fayette). I understand that. Now, if that is the policy of this Legislature, I want to know it.

THE SPEAKER. The clerk will call the roll.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker, I crave the indulgence of the House for just a moment or two, in explanation of my vote here, to show you the care with which certain legislation is prepared in this House. This bill as it stands provides that no woman in the State of Illinois working as an employee, etc., employed for a longer time than 54 hours in any one week. Nevertheless, you sent up for third reading a bill known as the Day of Rest Bill, which provides that women may be employed in this State 56 hours in the week, and there you have them. Take your choice.

Each contemplates a different thing at one and the same time—and such is legislation in the State of Illinois in the House of Representatives, under the guidance of the wise. Nevertheless, under the present circumstances and notwithstanding these idiosyncracies, I believe the bill is a good bill—intended so, at least—and I vote “aye.”

(Roll call continued.)

Mr. DEVINE (Lee). (On roll call.) I believe that this bill was drawn wholly without regard for the rights and interests of the down State people. I therefore cast my vote “no.”

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) Mr. Speaker, I am not in favor of this bill as it is drawn. I am in favor of the spirit of the bill, I am in favor of any fair bill that will benefit the women of Illinois, but this bill is very unfair. It does not provide for a business that has seasons, that must be taken care of. For instance, in my district, there is the D. C. Cook Publishing Company that has for years been working on an eight hour schedule for both men and women. There are certain seasons in the year that this company can't take care of its business in eight or nine hours per day, but it possibly could in ten hours. It will absolutely put that company out of business so far as taking care of its trade during those seasons of the year. I have here a letter from the superintendent of that company, a part of which I desire to read:

“While we believe in an eight hour day, and as you know only work our plant that many hours now, we have three or four weeks out of the year that it will work an extreme hardship and prove an unnecessary burden from our standpoint. We do not think that it is just that your legislative committee only investigate the worst side of the question. Why don't they come to a good plant and see what is done and give some consideration to those who are trying to make conditions satisfactory for labor.”

“If it is possible for your honorable body to make exceptions and allow mercantile establishments to work fifty-four hours a week and insist that factories which may have offices connected with them, where most of the female labor is employed, work only fifty hours, we cannot see but what this is class legislation of the worst kind. I am sure anybody with a reasonable mind would say that the ladies employed in our plant, in our offices, had an easier time than clerks in the Boston Store, or any store for that matter.

“Would be glad to have your legislative committee come to our plant and interview our people as to whether they thought their health was being injured to the point that it would make it impossible for them to assume the duties to which they may be called in future years.

(Signed)

“DAVID C. COOK, *Publishing Corr.*

“P. TOPPING, *Supt.*”

We have milk factories in our district where they have to work more than nine hours some days, or they would have their goods spoiled on their hands. The milk has to be brought in on Saturdays, as they are not open on Sundays. If they are not allowed to work nine hours on Saturday the milk would be spoiled.

Nearly every state, I think, with possibly one or two exceptions, has exceptions in their women hours of labor laws. I call your attention to the laws of the following states: Oklahoma, Massachusetts, New Jersey, Pennsylvania, New York, Maryland, Virginia, Wisconsin, Connecticut, Maine, Washington, Michigan, Louisiana, Minnesota, Missouri, California, Ohio, Delaware, Idaho and Texas; each have exceptions. This bill does not provide for emergencies. What can the canning industry do in this State if this bill becomes a law? The canners may have their crop dropped in their laps over night, and this bill absolutely lets it spoil on their hands. If we had adopted Mr. Bippus' amendment, to the Wisconsin law, I would have been in favor of a shorter day for women. I want to make that clear, but this bill is so far unfair it does not seem to me any fair minded man can be for it. Further, we have a watch factory in our district employing fourteen hundred women. Not one of them has come to me to ask me to vote for this bill. There is also in Massachusetts the Waltham factory, which has women employed. How can we compete in Illinois with shorter hours per week than they have in that state? I believe if we want to put the women

out of work in Illinois, we should vote for this bill. I do not. Many of the women of my district have asked me to vote against this bill, not one has asked me to vote for it. Just because in some districts in Chicago there may be an abuse, is it fair to destroy the industries in my district that are making conditions satisfactory to labor, and put those women in my district out of work? As this bill is drawn, that is certain to happen if it becomes a law. I therefore vote "no."

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Gentlemen, I do not desire to make a speech. I think that we all understand the proposition, but I do desire to answer from the legal standpoint the statement made by the gentleman from LaSalle (Browne) that this bill could not be acted upon intelligently. This bill that you are now voting upon covers many things which the other one, the bill for one day's rest in seven, does not cover, and there are employments which are covered by both of them. The one day's rest in seven bill applies to both men and women, and it would amount to a proviso and would be construed that women employees should not be employed more than fifty or fifty-four hours, whatever it is. I can't see any danger so far as that contention is concerned, between the two bills, and I vote "aye."

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker, the vote on this bill will decide—and I say this for the information of the members—whether or no, Illinois is to lag behind every other State north of the Ohio and east of the Mississippi, excepting only Indiana and Rhode Island, in the legal limitation of the hours of labor. I know that it has been said before the committees of this House, and elsewhere, that if the hours of labor appeared long, the labor itself was light, that it requires the lifting of no heavy tools, and that it requires no mental effort. Against that statement, Mr. Speaker, I would have the members weigh the testimony of Henry Fayville, who, with one or two others, stands at the head of his profession, and who takes the position that the most destroying labor is the monotonous toil of those who all day sit motionless with their hurrying fingers, and feed the raw material into the clicking machines.

Now, I know, Mr. Speaker, there are plenty of employees, women employees, which this bill reaches where you believe that protection is not needed, but I beg the gentlemen to bear in mind that here we help not merely our own district, nor do we simply speak for those whose suffrage sends us here, but for all the people of the whole State. There are 200,000 women that will be affected by this bill if it is passed. I hope, Mr. Speaker, that at a time when all the rest of the world is destroying life and cutting off the hope of posterity, this Assembly may do something to conserve the strength and the health of the women employed in the industries of Illinois, not simply on their own accounts, but on account of the unborn generation to follow them, that they may come into the world from the womb of unwasted mothers to grow into life as strong men and strong women. I vote "aye," Mr. Speaker.

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) Just a word, Mr. Speaker, in explanation of my vote. The people that I represent, the women, have petitioned me repeatedly not to vote for this bill. They are satisfied with their present conditions. I have received the names of a great many asking me to vote against this, with probably only three or four who have asked me to vote for it. Therefore, Mr. Speaker, we are situated differently than they are in the larger cities and our working men and women are satisfied with their wages; they don't want them interrupted and they have asked me to vote against the bill, therefore, I vote "no."

(Roll call continued.)

Mr. PIERSON (Cook). (On roll call.) Mr. Speaker, I desire to explain my vote. I have always stood ready to help the women workers of Illinois and that includes the school ma'ams, but when I get to the point that I can help them it will be time for me to vote the way they want me to. This bill does not help them at all. All the time put on this bill is wasted time. The provisions of this bill make it so utterly unconstitutional that

it is not worth a moment's attention. The purpose of this bill is the health of the women workers, and a distinction is drawn between fifteen women workers and sixteen women workers. There cannot be any such arbitrary distinction as that in constitutional law. Furthermore it has the distinction of fifty and fifty-four hours. Here is a given room divided in the middle. In front we have a candy store and in the rear a candy factory. There is a partition between the two rooms. One clause says that in the front room where they sell candy it is lawful to work fifty-four hours a week. The other clause says that in the rear room where they manufacture candy it is lawful to work only fifty hours a week. I will not stultify myself by voting for any such bill as this and I vote "no."

(Roll call continued.)

Mr. RAY (Vermilion). (On roll call.) Mr. Speaker, it seems to me that there has been a great deal of talk here trying to draw a bill or formulate a bill that would appeal to the laboring people. I believe that every man that is on the square in this House believes and wants a bill or a measure, that will protect the laboring people. I believe there are bills which can be drawn that will protect those who deserve it. In my particular locality the canning factories are practically put out of business with a bill of this kind. Nobody can control the output that comes from these factories unless it be God Almighty. When it comes it must be taken care of. That labor is performed by local help almost exclusively, and most of it by women and children and most of them don't want this measure, and I heartily believe that it is not the desire of the women in the State of Illinois that this measure be passed in the form we have it. I therefore, vote "no."

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) I believe that the great majority of the voters of this State, if they fully understood this danger, would be against it. I had hoped that it would be possible to frame a satisfactory bill. I believe that I would be not only doing an injustice to my constituents, but to the women who are supporting this bill, if I voted for it, and I therefore, vote "no."

(Roll call continued.)

Mr. WEBER (Cook). (On roll call.) I believe that the sponsors of this bill had good motives. I further believe that the hours of women workers should be regulated and should be under supervision. I further believe that the conditions under which they are employed should be regulated, but I believe further that it is an impossibility to draft a bill that fixes any cast iron rule which applies throughout the State, taking into consideration the diversified industries and the diversified method of keeping department stores and the people working in offices, and the people working in factories. I believe it is impossible to fix a rule by a law to regulate and give them the proper supervision. I believe that is true about the child labor law; I believe it is an impossibility to fix a law and pass it in this House that will be just and fair to everybody. If you pass this law, and if you pass the child labor law, and you pass the law which was just before this House a few moments ago, one day's rest in seven, you will without any question do a great injury to a great many people in this state, because it is an impossibility for you to fix a law which will be so far-reaching as to cover the various conditions in the various offices and in the various factories, because the conditions are so different, and I believe that the only method of regulating that is for this House to pass a law creating a department of labor, which will have the authority to go into every factory and investigate the conditions in each factory to find out how many hours they work, the conditions of labor, and the method and kind of labor they are doing, and the different conditions under which they work. That, I believe, is the only fair, the only honest and the only decent way of regulating and giving to labor what it is entitled to, and to give them the conditions under which they work, the conditions they ought to be entitled to, and at the compensation they should receive. I believe for that reason we ought to create a board which would govern all this.

Now, how is it possible for me to come from Chicago to pass a law governing people down at the south end of the State, knowing nothing about

their conditions, and knowing nothing about their mode of work, or the kind of work, or their method of living, and how is a member from down State going to pass a law here to be fair and just to the people in Chicago, or any other large city with factories? I say it is an utter impossibility for the members of this House to pass a law that is fair and just to everybody, because we don't know the conditions, and assuming we do send committees out to investigate factories, that committee makes a report by sending a report back to the House. It is an impossibility for us to know all of it, and for that reason, Mr. Speaker, I believe that we ought not to pass this kind of legislation. That is the reason I am against this bill because instead of benefiting the great majority of women workers, it is going to do injury to a great many of them where the effects of this bill will cut down some certain factories and the women there will have to do without employment. That is an injury to them, where, on the other hand, it benefits certain other ones, that is true, and it may be beneficial to some and unjust to others, and I think it is not fair to pass this law, and for that reason I vote "no."

(Roll call continued.)

Mr. R. E. WILSON (Cook). (On roll call.) Mr. Speaker, it is very seldom that I take up time to explain my vote, but I cannot sit here and hear my colleagues tell you that this is a bad bill and vote against it. Gentlemen of the House, you were kind enough to accept an amendment that he made to this bill of "Fifteen," that is that any store or any employer having fifteen or less would not come under this bill. Now, that takes in my district and his, and is satisfactory to the men and the employers of labor in my district, and in his district also, and we were kind enough to assist him in putting this amendment into this bill. If it was good enough for him then, I think it is not fair for him to vote against this bill now. I vote "aye."

(Roll call concluded.)

Mr. YOUNG (Cook). I believe that the motive of the introducers of House Bill 207 were well intended and perhaps we need some reform, but the matters, in way of amendments, that have crept into this bill have made it useless.

I do not believe we should put that statute upon the books of this State until we have canvassed the working conditions of this State directly. To do this a commission should be appointed to investigate and classify the working conditions of women and prepare a bill that will meet at once the needs. It certainly is not necessary to copy the law either partially or otherwise of any other state on this subject. The same would or could not meet our needs. I therefore vote "no."

THE SPEAKER. On this question the "yeas" are 69, and the "nays" are 59. The bill having failed to receive a constitutional majority, it is declared lost.

Mr. TICE (Menard). Mr. Speaker, I move you that the House do now take a recess until 2:30 this afternoon.

Motion prevailed, and the House recessed until 2:30 p. m. the same day.

Two-thirty o'clock p. m.

Reconvened.

The Speaker in the chair.

Whereupon the House proceeded upon the order of House bills on second reading, and the following bills were read a second time, ordered engrossed and to a third reading, all without debate, to wit:

House bills 428, 429, 406 and 939.

Mr. RODERICK (Cook). I desire to call up Senate Bill 126 on the order of second reading.

Mr. EPSTEIN (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 126, as follows: In section 17, line 30, after the word "channel," add the words, "also on the line of Ridgeland Ave., sometimes called 64th Ave., which lies partly in the city of Chicago, and partly in the township of Stickney, as extended across said main drainage channel."

Mr. EPSTEIN (Cook). This is an amendment to permit the citizens of the town of Austin and the township of Stickney to build certain bridges and approaches thereto across the channel of the Sanitary Canal. If this amendment is adopted it will place one of the bridges at a point where they will have to build a viaduct. It would be practically impossible to put the bridge at the point agreed upon.

Mr. RODERICK (Cook). I move that the amendment lie upon the table.

Mr. EPSTEIN (Cook). This bill is only an enabling act to enable the Sanitary District Trustee to construct bridges over certain parts of the Sanitary District, the main channel of the Sanitary District. This bill provides that there shall be three bridges; one at Forty-eighth Avenue, one at Ashland Avenue, and my amendment is to also allow a bridge to be built at Sixty-fourth Avenue, and the Sanitary District.

Mr. PRENDERGAST (Cook). This bill was introduced in the Senate by Senator Denvir, from the District that I in part represent. It was drawn up by the Business Men's Association of Austin, and I believe that the men would have asked for the bridge in this bill if they had wanted it. They know better what they want up there than we do here. I don't think a bridge is needed.

Mr. PIERSON (Cook). This bill is for the purpose of enabling the Sanitary District Trustees to build certain bridges, and if passed will enable the construction of a bridge so that for a distance of seven miles down the channel children will be able to go to school that cannot do so now. This bill is strictly in the interest of public education as well as for the benefit of the people.

(Rising vote taken, amendment tabled.)

Mr. EPSTEIN (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend Senate Bill No. 126, as follows: In section 17, lines 27 and 28, strike out the words, "also on the line of Cicero Ave., sometimes called 48th Ave.," and insert in lieu thereof, "also on the line of Austin Ave., sometimes called 60th Ave."

Mr. EPSTEIN (Cook). The purpose of this amendment is to enable the Sanitary District to put up a bridge where the people of this section want it. At Forty-eighth Avenue there is not a house within a mile of the channel on either side. Not one house, the only thing that is over there is a brick yard run by a gentleman by the name of Joe Burke. At Sixty-fourth Avenue there is over one hundred houses. This enables them to go from one side to the other. This amendment is a very important one, and I hope you will look at this amendment in the proper light and put the bridge where it will do the most good. I don't see why there are so many objections to enabling them to put a bridge at a place where they might use it, and not at a place where they will not use it. I have heard this argument about the Business Men's Association. Who is down here representing them? I don't hear any citizens clamoring for these bridges. As long as we are going to have bridges, why not put them at places where they will benefit the people?

I move that this amendment be adopted.

Mr. RODERICK (Cook). The gentleman from Cook (Epstein) seems to know more about the district I come from and the people that live in that district than the people themselves. The people have asked for this enabling Act—and by the way, let me say, gentlemen, that this does not place any tax upon the people of any other part of the State. I move that the motion of the gentleman from Cook (Epstein) lay on the table.

Mr. EPSTEIN (Cook). Will the gentleman yield to a question?

Mr. RODERICK (Cook). Certainly.

Mr. EPSTEIN (Cook). Isn't Sixty-fourth Avenue a section line?

Mr. RODERICK (Cook). Of course, and so is Forty-eighth.

Mr. EPSTEIN (Cook). There is not a house on it in that vicinity.

Mr. RODERICK (Cook). It is not true.

Mr. EPSTEIN (Cook). There is one saloon at the corner of Forty-eighth Avenue, and that is the only house a mile south of the drainage channel there, outside of a brick yard that is the only thing that is there. Are you interested in the brick yard there?

Mr. McGLOON (Cook). For your information and for the information of the other gentlemen of the House, I wish to say that this is an agreed amendment, between the Sanitary District Trustees and the people of the village of Austin. Now, they have concurred and agreed on bridges as provided for in this bill, and if we submit the new amendment it will practically kill the whole thing because they have agreed on what they want, and I believe that they should be given what they want.

Mr. EPSTEIN (Cook). Have the people of the vicinity of Sixty-fourth Avenue had anything to do with this?

Mr. McGLOON (Cook). Why, they evidently must.

Mr. EPSTEIN (Cook). You have nothing at all to base your statement on?

Mr. McGLOON (Cook). I move that the amendment lay on the table.

Mr. SMITH (Cook). I would like to explain to the gentleman that I am very well acquainted in that neighborhood, and there are at least two thousand people living within the blocks bounded by Forty-eighth Avenue and Fifty-second and Ogden Avenue and the Drainage Canal.

Mr. EPSTEIN (Cook). Not south of Ogden Avenue?

Mr. SMITH (Cook). South of Ogden Avenue, yes.

Mr. EPSTEIN (Cook). Now, I beg to differ with you.

Mr. SMITH (Cook). I was there as late as last Sunday, and spoke to some of the people in that district.

(Amendment tabled.)

Mr. EPSTEIN (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 3.

Amend Senate Bill No. 126, as follows: In section 17, lines 30 and 31, strike out the words, "and on the line of Harlem Avenue, sometimes called 72nd Ave.," and insert in lieu thereof the following, "and on the line of Austin Ave., sometimes called 60th Ave., which lies partly in the city of Chicago, and partly in the township of Stickney."

Mr. EPSTEIN (Cook). Mr. Speaker, this amendment is to put a bridge at 60th Avenue instead of 72d. The same condition exists at 72d Avenue as is existing at 48th Avenue. There is not anybody for a mile of either side of the channel at 72d Avenue. There is not anybody insisting on having that bridge put up there.

Mr. McGLOON (Cook). I move that that amendment lie upon the table.

Mr. BRUCE (Cook). I desire to say a word. The amendment No. 1, voted down, provided that the Sanitary District Trustees would be empowered to erect an additional bridge if they desired. This bill provides that they may erect two bridges. That amendment simply gives them power to erect an additional bridge, a fourth bridge to be erected at 64th Avenue, if they desire. That is all that is provided. It didn't change the location of any one of the three bridges.

I move, therefore,—I believe that it is a good amendment, a proper amendment, and I move that the vote by which amendment No. 1 was defeated be reconsidered.

Mr. McGLOON (Cook). I move that that motion lie upon the table.

(Amendment tabled.)

THE SPEAKER. Are there any further amendments, if not the bill is ordered engrossed and to a third reading.

Mr. MERRITT (Sangamon). I desire to call up House Bill No. 301 on second reading.

Mr. McCABE (Will). I object.

Mr. MERRITT (Sangamon). I move to suspend the rules and take up House Bill 301.

This bill, gentlemen, relates to the Civil Service of this State. It removes all State employees from under the civil service action except the trained help at the charitable institutions, all kinds of trained help. It is in the interest of the working men and the working people of this State. It is a bill that puts people in charge of their Government. It is a bill that eliminates a great hardship on people who work with their heads and their hands, one of the greatest hardships ever put on the statute books of this State.

You all understand the purpose of the bill, Mr. Speaker, and I don't know that I would desire to say anything further now than to mention the scope of the bill. It has reference to section 3, which is the operation section of the Civil Service Law, and also to section 11, which is the section which states that employees shall be under that law and what shall not. It refers simply to those two sections. It amends those two sections and I hope that the House will take it up at this time and put it upon third reading.

THE SPEAKER. The question is shall the House suspend the rules for the purpose of taking up House Bill No. 301 on third reading.

(Rising vote taken to suspend the rules, and the House refuses.)

Mr. BROWNE (LaSalle). Was this brought up under rule 12?

THE SPEAKER. No, he asked to suspend the rules. It is necessary to have 77 affirmative votes.

Mr. PERKINS (Logan). I desire to call up House Bill 663 on the order of second reading.

Mr. KASSERMAN (Jasper). I object.

Mr. PERKINS (Logan). This is a bill to amend the food law of Illinois and put it into the same kind of shape as that of other states, and I think that if any member of this House will study the object of it he will not be opposed to this bill. We think that it is a bill that everybody should be interested in. Now, I understand that there is but a single objection to this bill, as I understand it, and that is the use of the word saccharine and it will be asked that it be stricken out of this bill. That is the only objection I have heard against this bill. If you think that is the kind of stuff to feed the people of this State after you have heard it explained, then I am perfectly willing that it should be stricken out of the bill. I don't think anybody has got any objection to this bill except along that line, at least I have heard of none and why can't we take up this bill? Let's discuss this bill.

Mr. KASSERMAN (Jasper). I withdraw the objection.

Mr. PERKINS (Logan). This is a health measure for the people of this State.

Mr. SANTRY (Cook). The gentlemen on the other side of the house have been flourishing all through this session. I object to this bill, let it come along in its regular course.

Mr. PERKINS (Logan). That may be all right; I suppose that is personal with Mr. Santry.

I move that we take up this bill under Rule 12. Now, gentlemen, as regards this bill, I say there is no sentiment against this bill. There is no man in this House who would be against this bill unless it be on the ground of the use of the word "saccharine" or he has something personal against me. Here is a bill, Mr. Speaker, and gentlemen of this House, that is trying to benefit the people of this State, and to revise the food law so that you will know at your home that you are getting the food which you ought to have there, getting it in good shape, and getting it in the shape that it should be in. Illinois is trying to get in line with the other States. It has been the dumping ground for all the bad food made all over this country. Men who are interested in this matter are trying to get the food of Illinois in line with the other leading States, so I say that this is a bill that interests you, it is not my bill, and it should be considered by this House.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 93, and the "nays" 21, and the House goes to second reading for the purpose of considering House Bill No. 663.

Mr. PERKINS (Logan). I move that we take up House Bill No. 663 on the order of second reading, this being a bill which provides that it shall be unlawful for any person to use any filthy, putrid or deleterious substances in the manufacture of any food. It also defines "adulteration," "misbranding," and other technical terms used therein. It provides for the proper handling of all food and food products; which the standards of purity and strength of articles of food stuffs offered or accepted for sale in the State, and provides penalties for neglect to conform to the State standards.

(Motion prevailed.)

Mr. PERKINS (Logan). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 663, by striking out on page 7, section 9, beginning on line 13, after the word "act," the following: "or if it does not conform to the standards adopted from time to time by." And on line 14, the following: "The Food Standard Commission."

Mr. PERKINS (Logan). Where it does not conform with the standard food it makes it comply with the general food law as provided by the standard. That is the object of this amendment.

Mr. BROWNE (LaSalle). All right, we understand it perfectly. That is very lucid.

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 663, by striking out lines 23, 24, and 25, of section 9, on page 7, and in lieu thereof insert the following:

"If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* that reasonable variation shall be permitted and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 38 of this Act."

Mr. CURRAN (Cook). Is this amendment offered for the benefit of the National Biscuit Company?

Mr. PERKINS (Logan). I move the adoption of the amendment.

Mr. BROWNE (LaSalle). We want to know what this means.

Mr. PERKINS (Logan). It is to provide for the placing in the package just what is indicated on the package. That is, the exact weight. It is to insure the purchaser that when he buys goods he shall know just exactly how much is in the package.

Mr. CURRAN (Cook). It will allow for a reasonable shortage?

(Rising vote taken. Amendment adopted.)

Mr. PERKINS (Logan). I offered the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 663, by striking out on line 30, page 7, after the word "act," the following: "or if its label." And on line 31, page 8, the following: "does not conform to the rules and regulations adopted from time to time by the State Food Commissioner."

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 663, on page 13, by striking out all of lines 1, 2, 3, 4, 5, 6, 7, and 8, of section 39, and inserting in lieu thereof the following:

"Ice cream is a frozen substance, made from cream, or milk and cream.

and sugar, with or without the additions of such other wholesome substances as have customarily been used in making ice cream, and contains not less than eight per cent (8%) milk fat, and manufactured, stored, distributed and dispensed in a customary manner. The following other substances have customarily been used in making ice cream: Eggs, flours, starches, butter, gelatin, flavoring, harmless colors, nuts, fruits, pastries and condensed milks."

Mr. TICE (Menard). I want to ask the gentleman a question.

Mr. O'ROURKE (Cook). I want the gentleman to explain it.

Mr. PERKINS (Logan). It don't need any explanation, it explains itself. (Laughter.)

Mr. HOLADAY (Vermillion). I would like to ask the gentleman a question. What change does this make in the present law in reference to ice cream?

Mr. PERKINS (Logan). The original bill was objectionable to the ice cream makers, and they agreed on this amendment we have here now. It is an agreed amendment between the food commission and the manufacturers of ice cream and leaves the amount of butter fat the same as in the present law.

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend House Bill No. 663, by striking out section 39 on *page 13*, lines 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, and in lieu thereof insert the following:

"In the enforcement of this Act and in the construction thereof all articles of food not defined in this Act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standard adopted and promulgated from time to time by the Food Standards Commission: *Provided*, that standards of quality, purity or strength, for food products, adopted from time to time by the Food Standards Commission and the regulations concerning the labeling of food products, adopted from time to time by the State Food Commissioner, shall constitute *prima facie* evidence in the trial of all cases in court of the proper standard or of the proper labeling: *Provided*, that nothing in this section shall be construed to prevent the sale of any wholesome food product which is below such standards, if such article of food be labeled so as to clearly indicate such variation: *Provided, further*, that in all places where foods below such standards are sold in bulk or have been removed from its original package, there shall be placed in a prominent position a placard in large letters of not less than one inch in length which shall clearly indicate such variation so as to be easily read by customers."

Mr. BROWNE (LaSalle). What change does it make in the present law?

Mr. PERKINS (Logan). It does not change the present law.

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 663, by adding after line 5, section 39a, on page 14, the following:

"Section 39b. It shall be unlawful to ship or otherwise dispose of in any kind of a container, or in any other manner, any collection of eggs or any eggs known as 'yolks stuck to shell,' 'heavy blood rings,' 'partially hatched,' 'moldy eggs,' 'black spots,' 'black rots,' or any other eggs of an unwholesome nature, unless the same is broken in the shell, and then denatured, so as to render the same unfit for human food.

"Eggs exclusive of the above named varieties which are not intended for sale to the trade in shell form are hereby declared 'Breaking Stock.'

"'Breaking Stock,' when packed in cases sealed with proper identifying strips, that have been approved by the State Food Commissioner, may be shipped, from within or without the State of Illinois, either directly or otherwise, to licensed egg-breaking establishments in Illinois.

"All persons, firms or corporations that engage in the State of Illinois in the business of removing eggs from their shells in the manufacture of frozen, liquid, dessicated, or any other form of whole egg, yolks, whites, or any mixture of yolks and whites with or without the addition of any other ingredients, shall, before engaging in such business, apply to the State Food Commissioner for a license. Thereupon, the State Food Commissioner, or his agents, shall inspect the establishment and equipment of said egg-breaking establishment, and he shall also ascertain if the said establishment complies in method and equipment with the Sanitary Law and rules and regulations that shall from time to time be established by the State Food Commissioner for the governing of these establishments.

"Every person, firm, or corporation engaged in the breaking of eggs as above described shall pay annually during the month of December of each year a license fee of three hundred dollars (\$300) for each establishment to the Treasurer of the State of Illinois. Said Treasurer shall in each case at once certify to the State Food Commissioner the payment of such fee, and thereupon the State Food Commissioner shall issue a license to such establishment.

"It shall be unlawful for any one to have in his possession eggs known as 'yolks stuck to the shell,' 'heavy blood rings,' 'partially hatched,' 'moldy eggs,' 'black spots,' 'black rots,' or any other unwholesome eggs, unless the same are broken in the shell, and then denatured, so as to render the same unfit for human food.

"Every egg-breaking establishment, when it has received its license, shall be furnished with an identifying establishment number. Said number shall be included as part of the proper labeling of all cans or other receptacles in which frozen or dessicated egg products are offered for sale. The form and manner of placing said number on containers shall be under rules and regulations promulgated by the State Food Commissioner.

"Brokers, commission men, or ordinary receivers of eggs who have eggs shipped to them in these 'breaking stock' identified cases, may break the seal and examine the stock, but they must reseal the identified strip where it is cut, with another identifying strip which carries their name and address and the date on which they inspected the eggs. They will be held responsible for any tampering of the contents of the identified cases.

"Whoever shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided in this Act, and, in addition thereto, the State Food Commissioner shall at once revoke such offender's license."

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment and move its adoption:

AMENDMENT No. 7.

Amend House Bill No. 663, in section 40a, on page 15, on line 3, by striking out the word "effect."

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment, and move its adoption:

AMENDMENT No. 8.

Amend House Bill No. 663, by striking out on page 2, line 34, the word "fifty" and the figures "50" and insert in lieu thereof the word "thirty" and the figures "30."

(Amendment adopted.)

Mr. PERKINS (Logan). I offer the following amendment, and move its adoption:

AMENDMENT No. 9.

Amend House Bill No. 663, by striking out in line 58, section one of the printed bill, the letters and figures "\$2,500.00," and inserting in lieu of same "\$1,800.00."

(Amendment adopted.)

Mr. FRANKHAUSER (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 10.

Amend House Bill No. 663, as printed, by striking out all of "lines 11, 12, and 13 of section 6, page 5."

Mr. FRANKHAUSER (Cook). I am not a criminal lawyer, and I never defended but a few persons that were charged with violating the law in a criminal way in my life, and I think, perhaps they could have been defended much cheaper and served less time if I had not defended them. I have been a close student of this bill, but on page 5, the last paragraph of section 6, it provides that whoever shall have possession or control of any food which violates any of the provisions of this Act shall be held to have known the true character, quality, etc.

Now, if this food is sold in packages, it would be impossible for a purchaser to determine whether or not it is putrid or in an advanced stage of decomposition; he may not be able to determine it until he has opened the package, but if it was found in his possession, under the rule of that bill he is already adjudged guilty of having in his possession impure goods. If I went to a grocery store and bought a package—I mean a real kind of a package—whatever it may be, why, under the ruling of this bill, I may not be able to determine upon an examination that the food wasn't pure, and yet they might prosecute me and haul me into court; they say the law already says you knew when you purchased that that you were purchasing food that was not pure.

I move you the adoption of this amendment.

Mr. PERKINS (Logan). Now, Mr. Speaker and gentlemen of the House, that clause was put in this bill for this reason. The men who sell food and the men who make it and offer upon the market this cheap food, and those who have what is called cheap foods they sell in these stores, there is no way by which they may be reached. There is no way unless you provide some way that these gentlemen must be responsible for the stuff that they are handling, and that is the purpose of that provision.

Mr. BROWNE (LaSalle). It doesn't make any difference what the intent is here. It doesn't make any difference what the conditions are. The question raised is a legal proposition as to whether that constitutes a legal proposition in that bill. I say it don't, and any lawyer will say it is unconstitutional. There are several instances known to the law where the possession of certain things constitutes prima facie only, and prima facie only, guilty knowledge. Why, this would not stand in the courts a minute, nobody that pretends to be a lawyer would insist upon it.

Mr. PERKINS (Logan). If it can be shown that there was no intent?

Mr. BROWNE (LaSalle). I don't care anything about any prosecution. That is not what I am talking about.

Mr. PERKINS (Logan). Legal prosecution.

Mr. BROWNE (LaSalle). Well, I understand that.

(Amendment adopted.)

Mr. BOYER (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 11.

Amend printed House Bill No. 663, by striking out of line 26, page 6, section 8, the word "saccharine."

Mr. BOYER (Cook). The purpose of this amendment is to strike out the word "saccharine" from this bill, and I wish to be heard briefly on the subject.

The sugar people, or I might say the sugar trust, for the past few

years has been conducting a vigorous insidious campaign against saccharine in every state in the Union, also at Washington, for reasons I will explain. Saccharine is a chemical compound, and is 550 times sweeter than sugar. In other words, one pound of saccharine will sweeten as much product as 550 pounds of sugar. In Illinois last year there was sold 8,000 pounds of saccharine at \$2.50 per pound, which makes \$20,000. This displaces 4,400,000 pounds of sugar worth six cents a pound, or \$220,000. The difference between these amounts, \$220,000, represents the direct tax upon the poor people of this State on the proposition that saccharine is the poor man's sugar.

Saccharine is not a food, it is a condiment, the same as salt, pepper, vinegar, cinnamon, allspice, nutmeg, tobasco sauce and other articles of that class. It has no more food value than any of these, but it has just as much, and to prove beyond a doubt I wish to read for your information the Remsen report of the Referee Board of Consulting Scientific Experts. This board is the Supreme Court of this country on all food matters, and this decision was rendered to the Secretary of Agriculture upon his request when the sugar people were trying to discredit saccharine which had commenced to displace sugar. I will be as brief as possible and read only such portions as relate directly to saccharine.

"The findings of the Referee Board, based upon what would seem to be convincing, experimental evidence, are that small quantities of saccharine, up to 0.3 gram per day, are without deleterious or poisonous action and are not injurious to health. This being so, it would seemingly follow that foods to which small quantities of saccharine have been added in amounts insufficient to result in a daily intake of more than 0.3 gram cannot be considered as adulterated, since foods so treated do not contain any added deleterious ingredient which may render the said food injurious to health.

Admitting that large quantities of saccharine.—over 0.3 gram per day, taken for long periods of time may impair digestion, such evidence cannot consistently be accepted as an argument in favor of the view that smaller quantities must constitute a menace to health. It is often claimed that any substance having a deleterious effect on health when taken in large amount, must necessarily be injurious even when consumed in very small quantities, and that it is dangerous to differentiate on the basis of quality. There is, however, no justification for such a view from a physiological standpoint. Common custom, for example, sanctions the free use of vinegar or dilute acetic acid as a preservative; yet it is well known that in larger quantity acetic acid is a dangerous substance. Common salt, while harmless when taken in small quantities, may become a serious menace to health if taken in larger quantities. It is evident, therefore, that the decision as to whether a certain substance is or is not injurious to health must take into account the quantity of the substance that is involved. The Referee Board is compelled on the basis of the experimental evidence, to hold to the view that the addition of small quantities of saccharine to food does not constitute an adulteration, since there is no evidence that small quantities of the substance are deleterious to the health of normal adults.

In the opinion of the Referee Board the use of saccharine in food in quantities that might constitute a menace to health is improbable, since its extreme sweetness would naturally limit the consumption by the individual to amounts below what might be injurious (in harmony with the conclusions expressed in the original report of the board).

The opponents of saccharine will probably take advantage of the fact that saccharine has been prohibited in Germany. In Germany sugar is one of the chief sources of governmental revenue, the same as liquor and tobacco in this country and when the people started using the cheap sweetening extensively it interfered seriously with the revenue of the government, hence the action of prohibition.

Now, I wish to read the opinion of the leading scientists in the large German Universities. Doctor Lehman of the Wuerzburg University at the request of the Imperial Health Department of Berlin, says: "As is well known almost all condiments are harmful in excessive quantities, such as pepper, cloves, cinnamon, salt, sugar, and especially the nerve stimulants, tea, coffee, tobacco, alcohol. I venture to say that considering the minimum quantities necessary to use the artificial sweetner is really exceptionally

harmless. Multiply the daily dose of one and one-half grains of artificial sweetner, equal to two ounces of sugar by twenty-five or even fifty times and you will notice no perceptible effect. Who could take a twenty-five or fifty times large daily dose of any of the usual condiments without serious consequence? As, for instance, twenty-five ounces of salt or sugar instead of one, or smoke fifty cigars instead of two. Hardly any condiment can, even approximately, be compared with the artificial sweetner in regard to absolute harmlessness."

Dr. Neumann of the Hygienic Institute of the Kiel University reports as follows: "The artificial sweetner is an intensely sweet substance, affecting in large doses the nerves of taste in such a manner that the taste could hardly be called sweet any more; consequently, it is used only in exceedingly small doses, as only in these the effect of sweetness is produced.

These small doses have not the power to influence either the general health or the albuminous changes in the human system. This holds good even to doses of fifty grains of the pure sweetner equal to somewhat more than three pounds of sugar. The benefits of food remain the same with or without the artificial sweetner. I consider it a perfectly harmless condiment, absolutely incapable of injuring health in the small doses in which it is used."

Those are the opinions of these eminent German scientists and refutes their every claim that saccharine is poisonous and deleterious to public health. Nine-tenths of the saccharine is used in pop, and about one-tenth in drug stores.

In Chicago hotels you can today, secure meals sweetened entirely by saccharine, it being a well known fact that most people at the present time use too much sugar which produces bad teeth and diabetes.

Now, gentlemen of the House, I realize that the opposition has a speech on this subject which will sound plausible because it is easy to speak of giving the people the pure food which they pay for and should have, but remember this, this bill calls saccharine a poison, which is untrue and unjust. Take saccharine out of this bill, and I will cheerfully vote for and support it.

Mr. ELLIS (Kane). Will the gentleman from Cook (Boyer) permit a question?

Mr. BOYER (Cook). Yes.

Mr. ELLIS (Kane). What is the date of the report which you read from?

Mr. BOYER (Cook). Well, I stated that this report is dated January 13, 1912.

Mr. ELLIS (Kane). Isn't it a fact that since that report the Federal Government has ruled against the use of saccharine?

Mr. BOYER (Cook). No, sir.

Mr. ELLIS (Kane). Are you sure of that?

Mr. BOYER (Cook). Yes, sir. I refer the gentleman to Dr. Burres,

Mr. BURRET (Champaign). This bill has created a good deal of laughter, but it appears to me to possess a certain amount of importance and should be given serious consideration at this particular time. It has probably not been said before that saccharine is a coal tar product. It is used as a food for diabetes because of the fact that it has not the carbohydrate properties that sugar has.

Perhaps some men can remember here when sugar was a rare thing, and they used honey, and the old cooks said, why, sugar will never do in the place of honey, but you do not find women cooking with honey today. It is a known fact that the people of today are using more sugar than they ought to use. I am not for the sugar trust, but from a medical standpoint saccharine does not hurt food in the amounts it is used. If you were to place sugar enough in a can of corn to give it a palatable taste you would get fermentation. Saccharine is devoid of the property of fermentation, and the bottling matter has been mentioned. The bottlers make this argument, but if you get fermentation in the bottled goods you naturally get a deleterious effect.

I believe that this bill ought not to brand saccharine as a poison. I am in favor of striking out the word saccharine because I believe it is

merely a condiment. There are many things that might have been added to the bill that would have made it very much better. I think that we should vote to strike out the word "saccharine" from this bill.

Mr. PERKINS (Logan). There is no food value in saccharine?

Mr. BURREN (Champaign). There is no food value in saccharine, neither is there any in salt, pepper, vinegar, nutmeg, and so with all the condiments that you use.

Mr. ELLIS (Kane). Do you say that this is a condiment?

Mr. BURREN (Champaign). A sweetener; it is a sweetener.

Mr. ELLIS (Kane). It is a condiment, isn't it?

Mr. BURREN (Champaign). It is a sweetener.

Mr. ELLIS (Kane). It is a condiment, isn't it?

Mr. BURREN (Champaign). No, sir, it is according to the taste.

Mr. BUXTON (Macon). This question of saccharine, since the bill has been introduced in the House, has been gone into in United States report 94, and I find nowhere in this report any indication that saccharine is deleterious to man. It is not only not deleterious, but it is beneficial in a great number of cases, and perhaps the majority of cases. I have copies from about 75 pages of this Journal. I have taken the trouble to compile them, and have it before me, but I do not wish to read it all. However, I would like to read a little of it to you. It is one of the best things ever added to the food.

On page 15 of the report you will find these words: "In this case the question naturally arose, was the disturbance of health noted during the saccharine experiment in any way related to the taking of this substance?" It is impossible to reach an absolutely positive conclusion on this matter. The most careful consideration of the conditions in this case from every available point of view failed to develop any evidence that the disturbances of health above mentioned were considered with the taking of the saccharine."

On page 16: "The conclusion which I reached was that the disturbances noted were probably in no way connected with the intake of saccharine, and this conclusion, based on the clinical data, was supported by the failure to find any chemical evidence of derangement of function, that is, increased intestinal putrefaction or disturbances or renal function, such as is not infrequently associated with headache of toxic origin.

"The average amounts of food taken during the first and second period were nearly the same. In the third period, the appetite seems to have been markedly increased, so that the average weight of food ingested was definitely more than before.

"In the period of highest saccharine dosage the amount of food taken again became definitely greater, and in the after period it again decreased. The figures taken together, however, fail to show any specific effects due to the saccharine upon the total amount of food ingested day by day.

"As this increase of daily volume is found in all the subjects and during all the periods, it may probably be due to the taking of the saccharine and may probably be attributed to a slight diuretic action, or to an increase in thirst, or to a tendency to drink some additional liquid with the saccharine when it is taken.

From a study of the tables, and especially the table of averages for the different periods, it will be seen that in the cases of two subjects the aromatic oxyacids increased under the administration of saccharine.

With the beginning of small doses of saccharine, the indican in the case of each subject became less and was absent or was present in only small amounts throughout the periods of increased saccharine dosage until the last period, when 1.5 grams of saccharine was taken daily. Under this largest dosage of saccharine the indican increased in the case of each subject.

On page 86: "In each case the daily average intake of nitrogen was somewhat greater during the saccharine periods than during the non-saccharine periods, corresponding to a slight increase of body weight.

The effects upon the stomach. A study of the results of the analysis of the gastric contents in the three subjects justifies the conclusion that in

these experiments saccharine produced no constant change on the secretions or motor foundations of the stomach.

This peculiarity, however, persisted throughout the experiment and was not influenced by the saccharine. The conclusion to be drawn from the study of the blood of these subjects is, therefore, that saccharine in this series of experiments had no influence on the blood in respect to its hemoglobin content, the number of red cells, the number of leucocytes, or the differential count of the white cells.

Upon the urine. Apparently the taking of sacchrine exerted no influence upon the composition of the urine either in any of the cases reported.

Upon the blood. The examination of the blood included the estimation of the hemoglobin, and the number of red blood cells and white cells per cubic millimeter. None of these revealed any abnormalities.

Upon the gastric contents. The rise in the free hydrochloric acid is distinct, yet does not apparently exceed the extreme physiological limits of health. There seems to be no reasonable ground for doubting that the rise in free hydrochloric acid was due to the administration of saccharine.

In conclusion it may be said that both from the testimony of the subject in regard to his condition and the result of the physical examination, no deleterious effects could be attributed to the ingestion of saccharine.

Saccharine is so intensely sweet that one part in ten thousand parts of water is very perceptible; the sweetness is like that of sugar, but with a peculiar flavor. The substance is used in commerce, and the analyst will look for it in all sweet manufactured liquids, such as lemonades, temperance drinks and liquors; it is said also to be added to sugar itself, to increase its sweetening power. It is not poisonous, but, on the other hand, it has no nutritive powers, it is said to pass through the kidneys unchanged.

It is about 500 times as sweet as sugar, and gives a distinct flavor to 70,000 times its weight of water. It does not taste exactly like sugar, however, there being a distinct flavor besides that of sweetness, and patients generally object to it after a short time. It has been used as a substitute for sugar in diabetes, a disease in which sugar is to be avoided as far as possible. Some writers state that in the presence of saccharine the digestive ferments act more slowly than usual, but the retardation is only trifling and does not preclude the use of saccharine in the small quantities necessary to sweeten the food. Even very large doses of saccharine may be injected intravenously in animals without other effect than some depression and stupor."

Now, I have got ten or twelve pages, but I don't wish to read all of the contents. Saccharine is prescribed in all cases of diabetes without any question and it is a fact that the American people are now buying too much sweets and too much sugar, and it would be better for the people if they would use more saccharine and less sugar. (Applause.)

Mr. LIPSHULCH (Cook). "Mr. Speaker and gentlemen of the House. (Applause.) Can I have order in the House? I thought after I explained this morning the condition that I felt that this would never re-occur and I hope that you will not force me to complete my story that I started this morning. If I do I assure you gentlemen that you will be on the carpet and not I.

I am going to say just a few words now on the question before the House. It is one that seriously affects you and me. It is one that affects all the people of this great State of Illinois. This is not a matter that you can go on jocularly about and try to pull off a five cent show.

Saccharine is—and now before I go on with the subject proper I want to preface my remarks with a confession. I want to acquaint you with the fact that I spoke to the gentlemen representing the opposing forces and that they assured me that all the small manufacturers were satisfied that they can produce their wares just as cheaply as they can with saccharine, and that it was simply because of the fact that they wished the change made. I found out since that the big fellows could store up enough sugar during the time the market is low to last them a long time and that in consequence thereof the little fellow would be shut off because of the inability to sell his goods at the same price—there being little competition the price would be enhanced, and an otherwise harmless, non-injurious, cheap article which

is bought by the case by so many poor families in Chicago or any other place during the hot summer days would become prohibitive. As to it being or not a food is not a question. Who ever heard of any one taking the baby or the family to the soda fountain for nourishment or food. Soda or pop is drunk for the same purpose as water and not because it is a food.

Now, in substance, what saccharine is and what it is not, Dr. Buxton has read to you abstracts from some of the highest authorities—discussing the conclusive evidence obtained from the experiments carried on by the United States Government. He read to you some of the chemistry of saccharine—he also read to you clear statements on the physiological action of the same, etc.; it only remains for me to dwell on a few points not touched upon in order to bring home more clearly the whys and wherefores. Saccharine, gentlemen, when taken into the body, is excreted, if you please, absolutely unchanged. It is a substance that is used widely and the argument given to you that saccharine will hurt, I say even if it were a slightly hurtful substance (it is not a drug), that the quantity needed to be used is so small that you would have to drink barrels and float in it before you will even feel the slightest of an injurious effect upon the system or your economy.

Furthermore, I will say that in the few states that have tried to prohibit it they use carbonic acid for giving soda its brilliancy and I say to you, gentlemen, who are not in favor of this question, that that carbonic acid is far more injurious because it retards digestion, because it hurts the walls of the stomach or mucosa and it further goes on to do harm in various ways. Carbonic acid when taken into the body in large quantities will create a gas and cause acute dilation, especially when taken cold. Take another instance, the sweetening of pickles and the like. They say to you that saccharine is harmful, but I say to you, gentlemen of the House, that the vinegar now used is by far more hurtful than a thousand million pounds of saccharine, because vinegar even of the best kind will harden the fibrous portion of the vegetable, making it almost indigestible, and yet it is allowed by the United States Government, by the State Government, and I say it is by far more harmful than is saccharine.

But there is another question to be decided, gentlemen, the question of the laborer, of the people who haven't got the means to buy ten cent drinks. I am not talking for that man who goes in and pays ten cents a glass for a cent's worth of brandy. I am speaking for the thousands of families in Chicago who buy as much as a case of the goods. It is these people that you are effecting, gentlemen, they will no longer be able to purchase that cheap product. You will stop the manufacturer who can not afford to lay in a stock of thousands of dollars' worth of sugar in order to keep up with the fluctuations of the market. And that is the real purpose to be accomplished if you strike out saccharine from the bill.

Why haven't they sent down here the consumer. Why haven't they sent them down here to protest? Where are the people, manufacturers and other food references who use saccharine? Why are they not down here? is it possible that saccharine is harmful in pop (???) or does it exert the same influence on the human system when embodied in other food stuffs? What about them? Why not make them comply with the law? No, they have sent you down a lawyer, who tells you that this bill is a good one, and not a word of what he tells you about saccharine is true.

I say, to you gentlemen, you will interfere with a product that is badly needed in the homes of the poor. Strike out the saccharine from the bill. Gentlemen, I hope that you will not be mislead, I hope that you will be with the amendment that strikes out saccharine at least.

Mr. PERKINS (Logan). Mr. Speaker and gentlemen of the House, I have no more interest in this bill than any man in this House, none whatever, except my desire is to help the food laws of Illinois and to help the people get the foods that are proper for them and get them at the best possible prices without being poisoned, without having their health injured and so on. Now, my friend over there from Cook, in regard to me representing the sugar trust, I suppose that is one of his honest little drolleries, but I want to say, the gentleman talks about me representing the sugar trust, I want to say to you there has been no objection to this bill, there

would have been no objection to this word being left in the bill, as it should be, except that there are a few gentlemen who travel through Illinois and sell this article that is manufactured down here in Saint Louis, and they sell a few thousand pounds of it in this State and these men have some jobs and my friend from Cook has a good friend who thinks to do this would put him out of business. That is the opposition that has been brought against this bill and that is all the opposition to it. There is nothing else to it in all these doctors. Two doctors do not agree and the third will trip one treatment and the other doctor says something else and they disagree on how to prosecute or defend a man, they go in and one will say let's make this defense, and the other fellow that defense, but the man is guilty and the jury finds him so and he has to serve his time in the penitentiary.

Now there is one thing that they all agree on, all these doctors, that there is no food value in saccharine. Dr. Wiley says so, the greatest chemists say so, these ordinary doctors say so. Everybody says so. Now, what is it you are asked to put in your food bill, saccharine, and what will it do? I say to you that in Cook County today they are selling milk and using saccharine in it and that sweet substance is fed to the babies and these doctors tell you there is no food substance in it and the baby dies. You are asking this House to keep this thing in this food bill, keep this in when they say to you, when they admit to you that it is wrong and should not be there so far as a food substance is concerned. And these fellows that go over the country putting up the cheap pop, the cheap milk and the other cheap products and charge the people high prices for it, and I say that we should not allow anything of the kind.

I don't want to discuss this question any further. The people of Illinois are entitled to justice. We are open on that question. We have means to reach the fellows that are selling this diluted stuff to the people, and I say that this bill will help them. I say that this will help the babies of Cook County. In the name of honesty and fairness it will help you, it will help the public, it will help everybody.

Now, Mr. Speaker, I move to lay this amendment on the table.

(Motion lost.)

(Amendment adopted.)

Mr. DE YOUNG (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 12.

Amend House Bill No. 663, by striking out all of line 7, of section 6, thereof, after the word "provided," and also all of lines 8, 9, and 10 of said section.

Mr. DE YOUNG (Cook). The language contained in section 6, it seems to me, reverses every principal of the criminal law, and for that reason I believe that it should be stricken out.

(Amendment adopted.)

Mr. BUXTON (Macon). I offer the following amendment and move its adoption:

AMENDMENT No. 13.

Amend House Bill No. 663, by inserting on page 6, following line 32, and to known as line 33, etc., the following:

"*Seventh*—That all foods such as gelatine, jellos or jellies shall contain no less than 25 per cent of pure cane sugar by test as set forth in this Act.

"*Eighth*—That no jellies shall be made from Irish moss or agar or any other substance other than obtained from pure fruits."

Mr. IGOE (Cook). What does that amendment mean?

Mr. PERKINS (Logan). That amendment seems to be against the Irish.

Mr. IGOE (Cook). Well, if it is, I suppose you are for it.

Mr. BUXTON (Macon). In the manufacture of gelatines, jellies, and jellos, a large per cent of Irish moss and agar, agar is used and these are articles that have no food value, and it takes them out.

Mr. IGOE (Cook). That is the thing we have been talking about all afternoon, that it has no food properties in it.

Mr. BUXTON (Macon). Sir?

Mr. IGOE (Cook). That is the thing we have been talking about all afternoon, that it has no food properties in it.

Mr. BUXTON (Macon). That is right.

Mr. IGOE (Cook). Then, why should the word saccharine be stricken from the bill, you admit that it has no food value?

Mr. PERKINS (Logan). I move to lay that amendment on the table. (Motion to table lost.)

(Motion to adopt amendment lost.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 14.

Amend House Bill No. 663, by eliminating the period at the end of bill and by adding thereto the following:

"Nor unless begun by and with the advice and consent of the State's attorney of the proper county, first had and obtained therefor; and such prosecution shall at all times be under and within the control of said State's attorney."

Mr. BROWNE (LaSalle). Now, Mr. Speaker, and gentlemen, this last clause provides that no prosecution shall be instituted against any person for a violation of this Act unless same shall have been properly investigated. Now, this is an addition to that which provides that no prosecution shall be begun without the advice and consent of the State's attorney, and at all times the State's attorney shall have control of the prosecution. That is a salutary control that ought to go with all laws of this kind so as to keep unprincipled people from beginning with these prosecutions. In other words, all prosecutions under laws of this kind should be begun and controlled through the proper agents so that they may be legitimate and not simply for purposes of prosecution or annoyance. That is all that this amendment is for.

Mr. PERKINS (Logan). I move to lay that amendment on the table.

Now, Mr. Speaker and gentlemen of the House, that is simply taking away the power of the Food Commission to investigate this thing.

Mr. BROWNE (LaSalle). No, it don't do anything of the kind. Let me explain to you that it don't.

Mr. PERKINS (Logan). I understand your explanation.

Mr. BROWNE (LaSalle). You don't.

Mr. PERKINS (Logan). I think I do.

This is a direct attempt to deprive the commission of their ability to protect the people from bad food. They are endowed with certain powers to enter stores and take certain food stuffs that are bad for the people's health, and that are injurious, and not being sold according to law, and they can start these prosecutions then, but what the gentleman's amendment seeks to do is to take away that power. You have got to hunt up the State's attorney, send your card in and he will see you next day, or something of that kind, before you can start a prosecution. It does seem to me that it is simply trying hobble, as it were, this food commission from going ahead with its duties. I think the amendment is bad and I think it should not be adopted.

Mr. BROWNE (LaSalle). Mr. Speaker, now either the gentleman from Logan (Perkins) honestly misunderstands the law in reference to these propositions, and the force of this amendment, and also his own bill, or else he is deliberately trying to mislead those of this House who are not versed in the law, one of the two. I prefer to take the charitable side of it and believe that he don't understand himself. For that reason, I offer the following explanation. Now, if this bill or the present law, or any other bill gives the authority to prosecute or arrest a man, not arrest but prosecute a man, in any other county than the place where the offense took place, then the law is bad, unconstitutional, and won't stand, and isn't worth the paper it is written on, that is a constitutional proposition, that is one of the A B C's of law. If this bill or any other bill of the present law gives the commission in Chicago or some other place the right to come down into

Logan County and arrest some man there and take him up into Cook County and try him, it is a violation of his constitutional rights, and that bill won't stand for a minute any place, or anywhere, and if the gentleman from Logan (Perkins) I will refer him to one of the earliest books he ever studied, Blackstone.

Mr. PERKINS (Logan). Just a minute now, Mr. Browne.

Mr. BROWNE (LaSalle). No, not until I have finished, and then I will answer all I can, if I can, and if I can't, I will tell you so.

Every offense takes place somewhere. It takes place in some particular county. There under the laws of the State of Illinois, under the Constitution of Illinois and the United States the offense must be tried. In that county. Now, then, this amendment does not prevent your commissioner or any deputy that he has got from coming down into LaSalle County and going into Smith's Drug Store, or into Jone's Grocery Store, or into Brown's Butter Factory and investigating and looking over the place and finding what he pleases. That isn't a prosecution. That is a right of investigation that is given any officer and it is not sought to be changed in this amendment. It does not touch it at all. But after that investigation is all over, if the investigation has been completed by the State, by the Food Commission, then this amendment says that before any prosecution shall be begun, what? You must consult the State's Attorney and lay your facts before him, and you have got to do that now, because under the law of the State of Illinois, if you begin a prosecution without authority he can dismiss it if he thinks it is not good. You make this the law and it simply requires that you come to the State's Attorney and lay your facts before him, and by and with his advice and consent you start the prosecution, and if he says you haven't got a case, you don't start it. He is the legally elected officer of that county, under the laws of the State of Illinois by the vote of the people and he is entitled to that and you have got no right to attempt to over-ride it, you cannot do it under the Constitution of the State of Illinois.

Mr. PERKINS (Logan). Now, Mr. Browne?

Mr. BROWNE (LaSalle). Yes, sir.

Mr. PERKINS (Logan). Do you know what the present law is?

Mr. BROWNE (LaSalle). Yes, sir.

Mr. PERKINS (Logan). We are not changing the present law at all, we are not trying to take away from anybody his rights. The law as it now stands even before this amendment, you have got to do this except you don't consult the State's Attorney, but they must give the defendant notice, and so many days notice and give notice of what he is charged with.

Mr. BROWNE (LaSalle). Now, then, what can they do? What do you want to do then, where do you want to start your prosecution?

Mr. PERKINS (Logan). Start it wherever the offense is committed.

Mr. BROWNE (LaSalle). Why do you object to the amendment? It is an honest amendment, it is to prevent some Hawkshaw, or some skin lawyer from coming in and starting a thing of that kind and causing the county and the State's Attorney afterwards trouble.

Mr. PERKINS (Logan). Now, I think it is just to handicap the Food Commission.

Mr. BROWNE (LaSalle). No, not at all, it is not taking anything away from them, and it is simply compelling them to go along the channels of law.

(Amendment adopted.)

THE SPEAKER. Are there any further amendments; if not, the bill is ordered engrossed and to a third reading.

Mr. GORMAN (Peoria). I want to call up House Bill 38, and I move to suspend the rules for the consideration of House Bill No. 38, and that we proceed under Rule 12.

Mr. COOPER (Wayne). I object.

(Motion prevailed.)

Mr. GORMAN (Peoria). I would like to offer the following amendment, and move its adoption. The purpose of the amendment is to correct the title of the bill:

AMENDMENT No. 1.

Amend House Bill No. 38, in the title of the same, by changing the title as it now appears, which is as follows: "A bill for an Act for the relief of the blind." To change the title so it will read as follows: "A bill for an Act to amend an Act entitled, 'An Act for the relief of the blind,' approved May 11, 1903, in force July 1, 1903, and all Acts amendatory thereto by amending sections 1, 2, 4, 6, 7, and 8 thereof."

Mr. GORMAN (Peoria). Mr. Speaker, now just a word in regard to this bill—

Mr. THOMASON (Clay). Mr. Speaker, I offer the following amendment, and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 38, by striking out the enacting clause.

Mr. GORMAN (Peoria). I move to lay that amendment on the table.

Mr. THOMASON (Clay). Mr. Speaker, the bill at present provides that counties may at their option, enact provisions or laws with reference to pensioning the blind. This bill makes it compulsory upon every county to pension the blind, regardless of whether or not they have relatives who are able and willing to care for them.

Now this bill was considered in the Committee on Judiciary and upon a motion to report it out with the recommendation that it do pass, it was voted down. It was kept in the committee until in deference to the gentleman from Peoria (Gorman), who is a most excellent gentleman,—it was agreed that it be recommended out without recommendation in order to give it a chance upon the floor of this House. Now, gentlemen, today the counties in southern Illinois are levying the full amount allowed, 75 cents. We are unable to raise enough money to run the affairs of the county as it is. In a number of counties,—in my own county, which is a small county, there are probably 35 men,—Judge Cooper tells me in his county there were 35 made application for this pension. That will require \$5,200.00 in addition to what we are already expending for county purposes; they raise probably no more than \$40,000 or \$50,000 altogether, and this would give them at least one-tenth more taxes to raise.

In Marion County in my district, the Chairman of the Board of Supervisors informed me that it will cost their county \$10,000 in addition to what it costs at present.

Now gentlemen, the supervisors of the respective towns care for the blind when it is necessary. This bill, while it provides that they must be receiving an income of less than \$250 a year, yet there are a great many of the blind who have relatives that are willing and able to provide for them, and do provide for them and are not asking a pension; yet this would require everyone of them to be pensioned. A parent may be in excellent circumstances and have a blind child. If it is above ten years of age, then the county must pension that blind person.

Now, in one county in this State, in Hardin County, I am informed that the county taxes amount to between \$4,000 and \$5,000. The representative from that county tells me that there would probably be 20 to 30 blind there to be pensioned. That would require that county to raise \$4,000 or \$5,000 to pension the blind alone, and their entire county taxes amount to only that much. In my county and in most of the counties in southern Illinois, we are absolutely unable to raise any more money than we are raising today, and this puts an additional burden upon them. While it provides that the blind shall have lived in the State for a period of ten years, yet it will cause Illinois to be an asylum for the blind from all over the United States. Why shouldn't every itinerant blind man in the United States come to Illinois and make this his residence, with the hope and expectation, and knowing that in ten years he would get a pension from the State?

Now, gentlemen, I think every man upon the floor of this House wants to be fair with all of the people of the State of Illinois. Because you may come from a section of the State that is able to do this, I don't think it would be fair and I don't believe that you want to force upon the counties

that are unable to bear this burden, this additional burden, and it is putting a burden upon us that we are unable to meet; we are unable to raise the funds to meet that situation. The law limits the method of the levy and we are levying the full amount at present, and unable to pay all of our pauper bills and to maintain the running expenses of the county. With this additional burden I don't know how you expect us to meet the situation. I believe you are fair; I believe you want to represent the whole State as well as your own community, and I believe that you will treat us right about the matter. The law as it is today, without this amendment, gives every county an opportunity to adopt that law if they see fit. The county from where the gentleman hails, if the county board of that county thinks it is a proper proposition, they may adopt it. The present law provides they may at their option adopt that provision and care for the blind in that respect, but this makes it compulsory upon the county, whether they are able to meet it or not; it compels them to pension every blind person regardless of whether they have friends and relatives able to protect them and care for them.

Mr. GORMAN (Peoria). I would like to say just a word: this bill amends a law that was passed in the year 1903, by the State of Illinois.

Mr. COOPER (Wayne). Mr. Speaker and Gentlemen, in addition to what has been said by the gentleman from Clay (Thomason), I wish to make just a few remarks. There is no bill pending or been passed by this session of the General Assembly that works so great a hardship to the little counties of this State as this one. The bill is not fair; it is unjust; it provides that every blind person that has not \$250 worth of property shall be pensioned at the rate of \$150 per year. If he has \$245 and has plenty of friends who are able and willing to take care of him, still he is entitled to this pension, but if some poor fellow happens to have an income of \$260, without a friend in the world, then he is not entitled to the pension. I say, gentlemen, the matter ought to be left where it is, to the discretion and the judgment of the board of supervisors of the various counties, who best know the requirements of the parties who are entitled to relief. This is not a matter with which I have no sympathy. There is no man who can so deeply sympathize with one who has lost his sight, as myself. I know what it means to lose one's sight and go through the perpetual darkness. I have been stricken with blindness; I know what it is to suffer that affliction. I know what these things are, gentlemen, and this is not a matter in which I do not have sympathy for those who are seeking relief; but I say, gentlemen, you are asking to place upon us a burden that we are unable to bear, and I ask you gentlemen as fair-minded men, to leave it where it is, to the discretion and the judgment of the Board of Supervisors, which are doing all they can; and I move to strike out the enacting clause of this bill.

Mr. GORMAN (Peoria). I appreciate the positions of my two friends who are opposing the bill, and our differences are good-natured differences.

In 1903 the Legislature of this State passed a law leaving it discretionary with the county boards as to whether or not this relief should be granted. They safeguarded that bill by making one of the provisions that a person must be a resident of the State ten years and a resident of the county three years, another provision in order to prevent that which was referred to in regard to Illinois being a dumping place for all the other blind people of all the other states. This bill is safeguarded in that respect. Now there are a number of counties in the State of Illinois that are acting under the provisions of this bill offering this relief. I am sorry to say that Peoria County, well able to grant and give this relief, but the board of supervisors have continuously refused to grant the relief sought for under the provisions of this bill.

Now, another condition is that an individual having an income of \$250 don't come under the provisions of this bill, and coming back again to Peoria County, we have some twenty-two unfortunate, dependent blind, and I am here asking help at your hands for them, and that help has been sought time and time again at the hands of the board of supervisors, and refused. I want to say to you that I have been a member of this body a great many

years, and there has never been a proposition for relief but what I have voted "aye" on it, and I want to say to you that in the past month or six weeks we have passed pension bill after pension bill, and I have voted for them all and will vote for more of the same kind. I think it is right. Now, the beneficiaries of many of the measures that we have passed here are people that can help themselves. In this case it is an unfortunate lot that cannot help themselves, and the intention of the framers of this bill, gentlemen, was to give the relief provided for in the bill. The language did not make it obligatory, the language used being "they may." Now, I say there are some counties, and I am somewhat embarrassed that my county is one of those, that have asked for this aid. Now, gentlemen, I ask you, in aid of the unfortunate and dependent blind of the State of Illinois, to give this bill your support, and I move at this time, Mr. Speaker, that the amendment offered by my friend, Thomason (Clay), be laid upon the table.

Mr. VURSELL (Marion). Mr. Speaker and gentlemen. As sheriff of our county for the last four years, I have had an opportunity to observe the workings of the county board with regard to this law, and I say to you, that the members of the county board in my county have taken a great deal of care in looking after the comfort and the lives of the blind in my county, which burden would come under this law. Now, the county boards of the counties throughout Southern Illinois, I understand, have not refused to take care of these poor unfortunate people, and that we have not refused to take care of these people and are taking care of them to the best of our ability, and I undertake now to say that it is not fair to try to impose a law on the poor counties of Southern Illinois which they are not able to comply with. In my county today, after having done all that has been asked, and with the necessary expenses of running our county we are now about \$40,000 in debt, and we have had two crop failures throughout Southern Illinois, and our people are experiencing the hardest times under the present times under the present administration that they have ever known, and now you are seeking to impose a law upon us with which it is impossible to comply. I want to say to you, gentlemen, in my county alone we have levied the tax limit, and we are now \$40,000 to \$50,000 behind in the running expenses of our county, and this will make an addition of \$10,000 to take care of the number of blind in our county. Now, it seems to me that this is unfair, and if a suitable amendment cannot be made to this bill I think that the enacting clause should be stricken out. We cannot further burden the people of this State, and it would be a hardship on the majority of the counties of this State to impose upon them a law with which it is almost impossible for them to comply.

Mr. O'ROURKE (Cook). May I ask you a question? Was the present administration responsible for the two crop failures?

Mr. VURSELL (Marion). Yes, they were.

Mr. O'ROURKE (Cook). What about the new Court House you built in your county?

Mr. VURSELL (Marion). We have paid for the new court house—I don't know whether we have or not—but I undertake to say that the administration is not responsible for the crop failures, but I dare say that they are responsible, in my judgment, for the chinch bugs in southern Illinois. (Laughter.)

(Motion prevailed; amendment tabled.)

Mr. GORMAN (Peoria). Mr. Speaker, I have another amendment correcting a couple of lines in the bill, and I move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 38, as printed, by striking out in section 1, lines 2 and 3, the words: "That the county may contribute from charity fund for support of blind person."

(Motion prevailed; amendment adopted.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend House Bill No. 38, by striking out section No. 4 of the bill.

Mr. BROWNE (LaSalle). Now, Mr. Speaker and gentlemen, it seems to me that section 4 is an unnecessary provision and imposes a burden of expense upon the county that is unnecessary. That provides that it is the duty of the board of county commissioners, or the board of supervisors in each county of this State to appoint a regular practicing physician whose official title shall be Examiner of the Blind, who shall keep an office all the year around for the purpose. Now, that will be an expense that is unnecessary. We have all got county physicians in each county, and it is the duty of that county physician to do that upon request.

Motion prevailed; amendment adopted.

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption. Now, I am not insisting that that amendment be adopted, but it occurred to me that where any of these people in this condition had relatives who were financially able to take care of them, and were legally bound to do it—you know what the law is on that proposition—that is where these people have relatives who are legally bound to look after them and are financially able to do it; they ought to come within the exception. It seems to me that that would be a fair amendment.

Mr. GORMAN (Peoria). Mr. Speaker, how is this question going to be determined?

Mr. BROWNE (LaSalle). In the same way that the other exceptions are to be determined. That provides that no person or persons having an income of more than \$250 per annum—how are you going to determine that? Now, then, you can determine this other in the same way. If they happen to be people that have relatives legally obligated to take care of them and who are financially able to do it, it is probably true that the county ought not to be burdened with the expense. Now, this is a separate law and you are making certain exceptions from this burden. If you don't make this exception, the only time that they are bound to take care of them is when they are poor. Now, if you make these exceptions in here, the fact of their being blind is not going to make them eligible to the pensions, but if you don't make that exception in here you are legislating against the legislation that now exists. You are nullifying a part of what you have already got on the statute books.

Mr. GORMAN (Peoria). Mr. Speaker, I move that the amendment lie on the table.

Mr. HOLADAY (Vermilion). Mr. Speaker, it occurs to me that with this amendment the objections that have been urged by certain members from the southern part of the State will be met and at the same time the objections that the gentleman from Peoria (Gorman) is making in Peoria, will be met, and I believe the amendment should prevail.

Mr. GORMAN (Peoria). Now, Mr. Speaker, my opinion is that the effect of that will be virtually the breaking down of the good effect or intent of the amendment to this bill as it is. I want to say that this was one of the original provisions of the bill when it was enacted into law years ago.

Mr. BROWNE (LaSalle). Well, if the gentleman feels that way about it, I am not going to murder his bill. I withdraw my amendment.

Now, I offer this amendment, and I offer this, Mr. Speaker, because it is a companion amendment to the one that was passed, striking out section 4. If you strike out section 4, you must strike out section 5.

AMENDMENT No. 5.

Amend House Bill No. 38, by striking out section No. 5 of the bill.

(Motion prevailed; amendment adopted.)

Mr. VURSELL (Marion). Mr. Speaker, I offer the following amendment and move its adoption:

AMENDMENT No. 6.

Amend House Bill No. 38, by striking out the words "the county," in line two of section one of said bill, and inserting in lieu thereof the words, "in counties of more than 75,000 and less than 200,000."

Amend House Bill No. 38, as printed, by adding at the end of section 1, the following: *Provided*, this Act shall not apply to counties having a population of less than 50,000."

Mr. WILSON (Cook). I move to lay that amendment on the table.

Mr. VURSELL (Marion). Now, Mr. Speaker, this amendment is for the protection of all the counties in this State, counties under a population of 75,000. Now, I think all counties which have a population of 75,000 they have enough property to assess so that they can adequately take care of these unfortunate people. I offer this amendment in good faith and believe it should be adopted.

Mr. GORMAN (Peoria). Mr. Speaker, as I have always said, I do not want to inflict anything unfair or unjust on any community if they did not feel that they could support it or stand it. Now, the suggestion of the gentleman from Wayne (Cooper) was to amend the bill so that it would not apply to counties of less than 50,000. I want to say to my friends that I am very agreeable to that amendment; but now there are men over here that will be affected by the provision. Now, 50,000 is very suitable to me.

Mr. COOPER (Wayne). Mr. Speaker, I offer the following amendment and move its adoption:

Amend House Bill No. 38, as printed, by adding at the end of section 1, the following: "*Provided*, this Act shall not apply to counties having a population of less than 50,000."

Mr. GORMAN (Peoria). Mr. Speaker, I am willing to accept anything that is agreeable, but I don't want to invalidate the bill and render it null and void by putting in conditions here or putting things in here that I am informed by some members of the legal profession that provisions of this kind will make it unconstitutional, or invalidate it. Now, I don't think any of the gentlemen who are offering these are offering them for that purpose, but I would like to have the opinion of some of my friends of the legal profession in regard to that.

Mr. BRINKMAN (Cook). As a result of that amendment, every blind man and woman in the State of Illinois can come to Chicago and we will have to take care of them.

Mr. GORMAN (Peoria). Nobody that ever lived in Peoria will come to Chicago, so don't be in any way apprehensive that they will come to Chicago.

Mr. SMEJKAL (Cook). How does the blind man know? (Laughter.)

Mr. IGOE (Cook). I would like to ask the gentleman who introduced that, how many counties are there in this State of less than 50,000 people?

Mr. GORMAN (Peoria). I don't want to kill this bill by having amendments added that are going to kill it. Now, I would like to hear from some of the gentlemen who know about this.

Mr. SHURTLEFF (McHenry). My opinion is that if this amendment is adopted in the county like my own under the present law, that it would wipe out the present law, and I know of no reason for making classifications of this kind. My judgment is that it should apply to the whole State. I see no objections to having one rule in one county and another rule in another county, but I certainly don't want a bill to go through that is going to wipe out the present law under which my county is now operating.

Mr. WILSON (Cook). I move to lay the amendment on the table.

(Motion prevailed. Amendment tabled.)

THE SPEAKER. The question now is on the original amendment offered by Mr. Vursell.

Mr. WILSON (Cook). I move to lay that amendment on the table.

(Motion prevailed. Amendment tabled.)

Mr. WATSON (Hardin). I offer the following amendment, and move its adoption:

AMENDMENT No. 7.

Amend House Bill No. 38, by adding at the end of line six of section 3, of the printed bill, the following: "Or to any person who has a relative or relatives, who are required by law, to support such person."

Mr. GORMAN (Peoria). How can a blind person who is asking your help, how can he enter into litigation on the question you raise? It will simply kill the bill.

Mr. WATSON (Hardin). Because it is the duty of the State and the county to require the people to support their relatives who are blind. During my administration as State's Attorney in my county a man let his father go to the poorhouse, and he brought suit for the costs and collected them. If they are able to support the blind persons, there is no reason why they shouldn't support them and not make them a burden to the taxpayers of the county. There is no reason why the county should be compelled to pay that blind person a pension. I come from one of the small counties of the State and if that bill is enacted into law it will practically put our county out of business.

Mr. SHURTLEFF (McHenry). Mr. Speaker, this amendment is against the entire spirit of this Act, not only the original Act that is on the books, but this is an attempt to amend the Act. It is a fact that now, in nine cases out of ten, and I don't know but the per cent is larger, the very persons drawing a blind pension could get support from some relative that had means, but the spirit of a pension law is to make this support mandatory; to give them something and relieve them from being a pauper. This bill is no more and no less than in the nature of the teachers' pension that we passed, or the policemen's pension which we passed, and it would be just as germane to refuse the teachers' pension or a police pension to that portion of the teachers or police that had relatives that could support them if they were paupers. It is not in spirit with the law; it is not in spirit with a pension, and this bill should go through straight as a pension law or not at all.

(Motion prevailed. Amendment tabled.)

Mr. SCANLAN (LaSalle). I offer the following amendment, and move its adoption:

AMENDMENT No. 8.

Amend House Bill No. 38, by renumbering the sections thereof, so that the same will read in numerical order.

(Motion prevailed. Amendment adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. F. J. RYAN (Cook). Mr. Speaker, I desire to call up House Bill 195 on the order of second reading.

Mr. SMEJKAL (Cook). Mr. Speaker, if there is going to be any contest about this, I want to get in some appropriation bills.

Mr. F. J. RYAN (Cook). Now, there was opposition to this bill by certain elements in the State of Illinois, but they have all come together in this bill and agreed to a substitute that will be presented by Mr. Graham of Aledo.

Mr. BRINKMAN (Cook). I object.

Mr. F. J. RYAN (Cook). I move that the rules be suspended for the purpose of putting this bill on second reading, under Rule 12.

Mr. TURNBAUGH (Carroll). Now, we get started about 6.30 on something of this kind every night and stay here until eight o'clock or later—

Mr. F. J. RYAN (Cook). We know this bill doesn't suit this gentleman. He is one of the men in this Legislature who is trying to crucify the rights of labor through an injunction judge.

Mr. TURNBAUGH (Carroll). Oh, don't get excited.

Mr. F. J. RYAN (Cook). I am not excited; I am telling the truth.

Mr. ROTHSCCHILD (Cook). I think if we consider this bill it will take too long a time to finish it and I suggest that it not be taken up at this time.

Mr. BROWNE (LaSalle). Now, as everybody in this House knows, I have been crying at the gate for the adoption of a rule that does away with all preferential calls and starts down the line of first reading and finishes it, and then on second reading and finishes it, and on third reading and finishes it. That proposition has not apparently received majority favor of this House. I am still for that proposition, irrespective of where it strikes or where the chip falls, but if there is going to be any helter-skelter calling up of the bills; if there is going to be any backing around here and there on the bills, there is not a bill in this House that is entitled to consideration over and above the one that the gentleman is calling up at this time, and I

would ask the gentleman who has just stated that if it was persisted in that he would move to adjourn—I hope he didn't mean that, because I don't want to get mean myself, and if they start along that line I know how to move to adjourn and to do several other things about as well as any other member on the floor of this House, and if they start that thing, gentlemen, there is going to be something doing all along the line.

Mr. ROTHSCCHILD (Cook). I certainly don't object to the bills coming up. I have let bills have a hearing that I voted against. The reason I suggested that it should not come up at this time is that it is twenty-five minutes past six; there will be a determined fight on this bill and we will never get through inside of an hour or an hour and a half and I don't think we should be made to stay here night after night until eight o'clock, and I take it that when the gentleman made the suggestion to adjourn, that that is why he did it.

Mr. BROWNE (LaSalle). Will you favor a proposition to adjourn every night at six o'clock and hold no sessions on Friday?

Mr. ROTHSCCHILD (Cook). No, I won't agree to anything of the kind, but I say I think we should adjourn at 6:30 when we have been in session all day. I don't think it is fair to go into matters like this bill at this time. At this time I don't think a matter of this kind should come up and I am going to ask the gentleman to withdraw the motion.

Mr. F. J. RYAN (Cook). Will the gentleman wait until the bill is read and the amendment is read afterwards, and then I believe that after the amendment is read that no man on this floor will object to this amendment.

Mr. ROTHSCCHILD (Cook). It is either one of two things—

Mr. BROWNE (LaSalle). Will you object to a bill which is a re-enactment of the present United States law?

Mr. ROTHSCCHILD (Cook). Now I am opposed to this bill. I voted against it in committee and I shall vote against it when it comes up on the floor of this House.

Mr. BROWNE (LaSalle). This is not a committee bill at all; this is an agreed bill.

Mr. ROTHSCCHILD (Cook). Pardon me; it is not an agreed bill.

Mr. BROWNE (LaSalle). Well, it is.

Mr. ROTHSCCHILD (Cook). There were some objections made and as I understand it, Mr. Ryan and some member of this House agreed upon some amendment.

Mr. F. J. RYAN (Cook). No, you are wrong.

Mr. ROTHSCCHILD (Cook). I don't want to take up any more time. I am saying in good faith we are objecting to considering this bill at this time of night.

Mr. F. J. RYAN (Cook). The gentleman now has taken up fifteen minutes talking about something of which he doesn't know because he has not heard the substitute bill read; consequently he doesn't know what he is talking about.

I move we go to the order of House Bill on third reading under Rule 12.

Mr. BROWNE (LaSalle). Mr. Speaker, I think it should be understood that this is an agreed matter here and that this bill as amended will be a re-enactment of the United States law under the Clayton bill.

THE SPEAKER. The members of the House understand exactly. The question is shall the bill be taken up. The clerk will call the roll.

(Roll called.)

Mr. F. J. RYAN (Cook). (On roll call). Mr. Speaker and gentlemen of the House, this is not the only bill which will come up for second reading in this House. Now this bill is asked for and is required by every labor organization in the State of Illinois, whether that organization be composed of men or women. Now give this bill a chance. The gentlemen who are against this bill or who are not voting at all are not fair. All we ask is the courtesy of this House,—give us the courtesy of this House and put this bill where it belongs,—on third reading, and give us a chance to return the compliment at some other time. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the yeas are 78 and the nays are 2. The House agrees to take up the bill.

Mr. F. J. RYAN (Cook). I ask that House Bill 195 be taken up on second reading; I make that motion.

(Motion prevailed.)

Whereupon House Bill 195 was taken up on the order of second reading.

Mr. GRAHAM (Mercer). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend the title of House Bill No. 195, by substituting the words "organizations of" for the words "agreements between" appearing therein.

AMENDMENT No. 2.

Amend House Bill No. 195, by striking out all after the enacting clause, and inserting in lieu thereof the following:

"That no restraining order or injunction shall be granted by any court of this State, or a judge or the judges thereof, in any case between an employer and employees, or between employers or employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize, or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of this State.

"SEC. 2. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the anti-trust laws of this State shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the anti-trust laws of this State."

Mr. GRAHAM (Mercer). Mr. Speaker and gentlemen of the House, just a word; this amendment is really a substituted bill for the original bill. The first part of it is a change in the title and the second part of it is a change in the whole bill after the enacting clause. If you will bear with me a few moments I will explain rapidly what it is.

On the 15th of October, 1914, the Federal Congress passed An Act that was familiarly called the "Clayton Bill"; it consisted of a great many sentences and was entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," and was called the "Clayton Bill." Now there are only two sections that apply to this

particular matter that is involved here, and those are section 20 and section 6. In the substituted bill, or the amendment, I have taken section 20 and section 6 out of the Clayton Act word for word and have substituted them for the entire subject matter of this bill. Section 20 and section 6 of the Clayton Bill. I have the original bill here which I have obtained from the law library, and, gentlemen, I assure you I have gone over this with exceeding great care to see that every word, every comma and every period is the same as it is in the original act.

Now, gentlemen, this is an important matter and I want to call your attention to what this Clayton Bill is, so that you will understand it. I think this is probably one of the most important bills in the House, and it is well worth understanding what we are doing here. I have spent a great deal of time on this thing. I have not taken up the cudgels for labor; we are all farmers up there where I live,—but I believe I found one thing, gentlemen, that in order to get at what is the right thing to do, we people who are on middle ground have got to take the middle ground, and I think this does.

Now section 20 of the Clayton Act provides:

“That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.”

Now, I want to ask you lawyers in this House if it is not true that that is the law now, and it is simply expressed, in succinct terms in this Act?

Now, it goes on with the following, in the same section:

“And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.”

Now, what does that mean? That laborers have the right to strike and right to peaceably assemble and to peacefully persuade others to strike if they care to; but any unlawful act—any act that is not peaceable, is absolutely prohibited

Now, what else does it include? Section 6 of the Clayton Act reads as follows?

“That the labor of a human being is not a commodity or article of commerce. Nothing contained in the anti-trust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the anti-trust laws.”

Now, gentlemen, those are all the provisions of this substitute bill; they are all fair, just and equitable, and no employer of labor, in my judg-

ment, can rightfully complain about them, and no employee can rightfully complain but what they are just and right to him, and I therefore have and do now favor this amendment.

THE SPEAKER. The clerk will read the amendment.

Mr. SHURTLEFF (McHenry). Mr. Speaker. I think it would be better if all the amendments can be read before the House acts upon either of them.

THE SPEAKER. All the amendments will be read for the information of the House.

(Amendments read.)

Mr. BRINKMAN (Cook). I would like to ask the gentleman—I am no lawyer—how you would get at a situation like the one that was up here in Chicago about six months ago in the so-called restaurant strike. There is a lot of girls call themselves the Waitress' Union. They had absolutely no grievance against several of the restaurants, but they took it into their heads that those places should be unionized. The girls that worked in those places had no grievance and didn't want to go out and they didn't go out, but these girls walked up and down in front of these places with a placard on them saying "We are on strike." Now, I am not a lawyer; but what would you do in a situation of that kind?

Mr. GRAHAM (Mercer). I will answer that by saying this: That, in my judgment, this Clayton Bill does not alter, add to or detract from one of the rights of the citizens at this time; I think it is only a concrete expression of what we have a right to do under the law as it exists. But take the case that you mention. That matter is within the power of the police force of the city to restrain that sort of thing, and I contend that under the laws of this State it becomes disorderly conduct. It is a question of the police power as to how far a person may go in a harmful manner. This bill does not seek to make anything lawful that is not now lawful. It simply permits members of these organizations to peaceably go about their business and peaceably advise them to quit work if they want to. Now, that is all there is to that.

Mr. BRINKMAN (Cook). If your bill don't alter anything, what do you want to pass it for?

Mr. GRAHAM (Mercer). I want to say to you, Mr. Brinkman, that I am not urging this bill. I didn't propose the bill, but when the bill was proposed, it occurred to me that it was one that was too broad, and in which I could not concur, and so I prepared this amendment. I think it is always better, gentlemen of the House, to embrace on the statute books what the law is rather than leave it to judicial interpretation.

Mr. BRINKMAN (Cook). That amendment as you have got it there says anything that can be done peaceably. Now, these girls were walking along the street. The police have no power if the girls don't speak to anybody. That was decided in that case.

Mr. GRAHAM (Mercer). I don't view it that way at all. Any person has a right to walk along the street. The question of whether they may wear a placard or not is a question for the police.

Mr. BRINKMAN (Cook). In Chicago the sidewalks are from 15 to 25 feet wide and the girls just walked up and down, up and down; when they got to the end of the building line on one side they swung around and walked back to the other end; they did it in pairs and they did it eight hours a day. I don't suppose they worked over eight hours because it was against union rules. But I would like to know how you get around that. In my judgment that is not fair, and under that bill I can't see how you are going to stop it.

Mr. GRAHAM (Mercer). Let me state to you that many members of this House have been telling the people who are here that this would legalize boycotting and unlawful means. I contend that no such interpretation can be got from the bill.

Mr. SHURTLEFF (McHenry). I would like to ask the gentleman from Mercer (Graham) a question as to what is the effect of this bill, making it a State law, on the right of labor to make a contract for a term of service.

Mr. GRAHAM (Mercer). Well, I don't know as that makes any difference; I can't see how that would affect the rights there.

Mr. SHURTLEFF (McHenry). In listening to the reading hurriedly, I thought I got the impression that any laborer had the right to cease his employment at any time. It changes the rule in Illinois as to labor being a commodity, and makes it a personal right. Then I thought I heard the broad provision that there was nothing to interfere with an employee quitting his service at any time, in any kind of employment.

Mr. GRAHAM (Mercer). No, the substitute provides that no injunction shall issue to prevent any person or persons from ceasing employment. In other words, if he violates his contract rights that he cannot be compelled to work by an injunction. Now, let me say in answer—you will notice that this provides that no injunction shall issue to prevent people from quitting work, and no injunction shall issue to prevent those people from persuading others to quit work in a peaceful and lawful manner, which in itself means that a boycott would be unlawful under this bill, because our courts have held that boycotts are unlawful.

Mr. ROTHSCCHILD (Cook). Now, I have before me what Mr. Graham has given me—this Clayton Bill—and I don't find the word "unlawful" in there. I find the word "peacefully." Now, why won't the gentleman permit the amendment to be printed and then to be made a special order for Tuesday morning, and then we will get to it in the proper manner. We are guessing at it now. I think the gentleman doesn't want anything that is unfair. We are not trying to delay you, but we want to go ahead in an intelligent manner. We are perfectly willing that this shall be made a special order at any time, but we want to be able to see what we are talking about. I have a copy of the Clayton Bill here but I can't find those words.

Mr. GRAHAM (Mercer). Here it is: "or from recommending, advising, or persuading others by peaceful means so to do." Now a boycott is unlawful under the laws of this State; therefore no man could advise another to quit work to the extent of a boycott.

Mr. ROTHSCCHILD (Cook). I would like to say that the word "unlawful" does not appear in the previous part of this paragraph. I am reading the Clayton Act and the amendment: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where such person or persons may lawfully be, for the purpose of communicating information, or from peacefully persuading any person to work or to abstain from working." Now the word "lawfully" is not there. The only place that the word "lawfully" appears is in conjunction with the word "peacefully" and where it pertains to persuading others; but according to this bill, if it is in a peaceful way they may do an unlawful thing, and I say to the gentleman now, from what I have seen and read here, that this bill does legalize boycotting. I have prepared an amendment here taking out those words.

This bill says: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or employ any party to such dispute." Now when any number of persons cease to patronize, that is a boycott. I say that the word "unlawfully" is not in there and that boycotting is allowed by this bill; and all I ask now is to let this amendment be printed and let this be a special order for Tuesday morning. I don't represent labor or capital. I am one of that middle class of citizens that is affected every time a labor dispute occurs. I have not been unfair in voting for or against labor; but this ought to be done fairly and I am asking the gentleman now that he permit this amendment to be printed and that it be taken up at any time.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen, no one can hear these amendments read or can read the Clayton Law itself,—I have

only read it twice, and I can say that I read as carefully as the gentleman from Cook (Rothschild),—nobody can hear these amendments read and read that law and not feel that the gentleman from Cook (Rothschild) is wrong, and that he is simply straining at a gnat at some place along the line and is liable to swallow a camel in doing it. There isn't anything of the kind in here. A boycott is unlawful today, and it is not wrong in the law to prescribe what this law does prescribe. You could not prepare an amendment along this line without preparing it just exactly in this language, unless you wanted to stultify some other portions of the law itself in the amendment. You couldn't do it.

Now the gentleman says he doesn't represent organized labor and he doesn't represent capital. He hasn't got anything on me. I don't represent either one of those myself that I know of. I only represent Lee O'Neil Browne and perhaps only poorly at that, but I do know that what I have stated with reference to this is accurate and I do know that there is no excuse or reason on earth for postponing the consideration of this bill until next Tuesday, and especially at this stage of the session of the Legislature, and I do know that if it was a bill in which the gentleman was interested, or with which he even had a speaking acquaintance or with which he was on speaking terms of friendliness, that he would be on the floor, fighting his head off against it if he wanted to; he would be the first one to bob up there and go to it like a jumping-jack to stop its postponement; there is no purpose of getting an understanding of it; it is for the purpose of the record.

Mr. FRANKHAUSER (Cook). I want to endorse what the gentleman from Cook, Mr. Rothschild, has said, and to be given an opportunity to study this Act. Now, I believe that the gentleman from LaSalle (Browne) has stated the truth when he says that he has read the Act twice and was able to comprehend it. I have been reading the statutes for twenty years, in a feeble way, but I want to admit right here, openly before you all that I have never read the Clayton Act. I don't know whether there is any such law; but I confess that amount of ignorance; I never heard it read until a few moments ago. Now I want to say that I was not able to grasp that statute as it was read from the desk, and it probably would be beneficial,—to me at any rate,—if I had an opportunity to make some study of it. Now, I don't represent any labor or any labor organization or any interests; I only represent myself, and I know that I have always had to labor since I was fourteen years old, and I would like to labor a little on that act if I had an opportunity, before being called upon to vote.

Mr. BROWNE (LaSalle). May I ask a question, Mr. Frankhauser? Supposing that I and a few other people more diligent than myself, like Brother Rothschild and Brother Kane from Saline County, had suggested to you on your home rule bill that we didn't quite grasp all of it and would like to have it go over a week, how would you feel about it?

Mr. FRANKHAUSER (Cook). I will answer that—

Mr. BROWNE (LaSalle). I know. "Now, Browne, just help us to get this out here; it is all right; get it out; help us along," and I said, "All right, I will do it." Did I do it?

Mr. FRANKHAUSER (Cook). You did. But I would like to have this amendment printed.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I have no desire to delay this bill, and so far as I am personally concerned, I have no objection to its going forward tonight; although I am frank to say that I do not understand the Clayton bill as it is re-drafted into this bill. I know very little about the Federal Law and less about the Federal Practice, and I assume that there may be some chance taken in re-drafting a Federal Act of this kind and enacting it into a State Law. A Federal Law of this kind merely applies to a rule of court in interstate commerce. I don't see how it could go much further or have any other application. When, however, we make it into a State law that has jurisdiction of all property and contract rights, then it may mean something considerably more than it means as a Federal Act, and the flat rule is laid down in this amendment that labor shall not be considered in Illinois a commodity or a subject of commerce of any kind. Now, I may be wrong, but the impression that comes to my mind from that

flat statement is that it abrogates absolutely the right to contract in regard to labor of every kind whatever.

Mr. BROWNE (LaSalle). It doesn't do so. It says that no injunction shall be permitted to enjoin a man from working or from quitting.

Mr. SHURTLEFF (McHenry). Now, Mr. Speaker, if I may take that amendment just a minute maybe I can satisfy myself that it is correct.

Mr. BROWNE (LaSalle). Mr. Speaker. I have a suggestion to make. I suggest that we let these amendments be adopted at this time, and the bill be advanced, and if on Tuesday morning next, there is a disposition on the part of any of these gentlemen, from their study between now and then, if they want to criticise this, there will be no objection to taking it back to second reading.

Mr. SHURTLEFF (McHenry). I think I have the floor, and I want to pursue my suggestion. I don't believe, unless I am radically wrong, that even labor wants this bill the way it is prepared. Now, here is section 2, and the first clause in section 2 is a separate sentence by itself, stopping with a period, that the labor of a human being is not a commodity or an article of commerce—and then a comma; it ends there; there is nothing more to it. Now, I don't know as I construe it right. I think no man, and I think probably no lawyer in one minute or two minutes could say what that meant, or what it did not mean, but from my meager knowledge of law the impression comes to my mind that that absolutely abrogates and wipes out even the right of a man to hire out for a period of service upon the farm, or a clerk to make a bargain as to service in a store. Now, I may be wrong in that construction, but at least it looks to me like language that ought to have consideration.

Mr. BROWNE (LaSalle). Mr. Speaker. There never was a bill came up in this House where, if a man was looking for it, he could not find hobgoblins or a bug-a-boo to startle him.

Mr. F. J. RYAN (Cook). You asked me a question a while ago, and I haven't answered it yet.

Mr. ROTHSCCHILD (Cook). I don't remember. What was the question?

THE SPEAKER. You asked the question, if the gentleman would allow the bill to go over until next week. Is that what you want to answer?

Mr. F. J. RYAN (Cook). I want to say, "no."

THE SPEAKER. All right; that answers it.

Mr. BROWNE (LaSalle). Mr. Speaker. I renew my suggestion that we pass these amendments as they have been offered at this time, and if they are adopted, and the bill is advanced, there will be no objection to bringing it back next Tuesday.

Mr. ROTHSCCHILD (Cook). Mr. Speaker, I have an amendment to Amendment No. 1, which I desire to offer:

Amend Amendment No. 2 of House Bill No. 195, as follows: Strike out the words "or from ceasing to patronize."

Mr. BROWNE (LaSalle). A point of order, Mr. Speaker, I don't think an amendment to an amendment is in order. A substitute amendment is.

THE SPEAKER. Certainly, the question is on the adoption of Amendment No. 1.

(Amendment adopted.)

THE SPEAKER. Now, then, Amendment No. 2, the clerk will read it.

Mr. ROTHSCCHILD (Cook). Mr. Speaker, the amendment is offered to strike out the words in the amendment that is now pending, "or from ceasing to patronize." Now, the gentleman from Mercer (Graham), said that the amendment contained everything, word for word, and that the word "peacefully" occurred in the Clayton Act. The word "lawfully" occurred together with that. Now, a short time ago I read this portion of the Clayton Act, and I saw that in a number of places the word "peacefully" and the word "lawfully" did not go together, and if you will permit me I will now read the words which I object to with the whole sentence complete, "No such restraining order or injunction shall prohibit any person or persons, whether singly or in concert from ceasing to patronize, or from recommending, advising or persuading any person to work or to abstain from working."

Now, Mr. Speaker, I maintain that any combination of persons, acting peacefully if you will, for the purpose of ceasing to patronize another person, that that law constitutes a boycott; that is all that a boycott is. I, myself, may make up my mind that I want to patronize a certain store or manufacturer, and there is nothing illegal in that, but under the law, the moment another person combines with me and we agree that we will not patronize them, that is a boycott. Now, the effect of this bill, if enacted into law, will be that when you are through you will legalize boycotting, and I say to you that the word "lawful" does not appear in connection with the words.

Now, in connection with this debate, as long as the amendments are pending, let me point out to you the purpose of the bill in the shape that it is now. It has three different sections to it. The first section was in the bill as Mr. Ryan presented it, and it is in the bill now, and that section of the bill provides in words that define when an injunction may issue in a labor dispute, and I personally haven't the slightest objection to that part of the bill, and when this bill was before the Judiciary Committee for action, I then stated that those lines were such that an injunction might not issue in a labor dispute except to prevent irreparable injury. I still would be willing to vote for a bill of that kind, except for one reason; I have been listening and watching the votes on roll call, and I won't go as far as the gentleman from Cook in his denunciation of yesterday, but there are a great many men who are seeking to curry favor with labor by voting on something that does not help them, and I would be unwilling to vote for a bill which simply defines what is now a matter of law. That is the law now, and you are not favoring labor by simply putting into words what is now the law. That is the first part of this bill.

Now, when you pass the first part of this bill there are two sections, and I think I would be perfectly safe in saying that there are not five lawyers in this House that have read the Clayton Act. I have heard a great deal from the gentleman from LaSalle (Browne), about the haphazard way in which we are passing legislation. Now, labor has its rights, and so has capital its rights, and anytime they get in a dispute between themselves and come to me as a legislator and ask me to help one side or the other, I won't do it, except insofar as the public is concerned. Now, why should the gentlemen here tonight ask us to pass on a law that we have not read? This last Congress was organized on a caucus system and the democrats were in control, and what democrats were in control? The southern democracy were in control and the Clayton Act has all come out of the Congress there. It is an Act passed by the southern democrats, and emanates from the southern part of this country and they have not the same industrial problems as the northern part of this country, and while these men may have thought this bill was fair, their experience in industrial affairs was not the same as the experience of the men in the north who are living in industrial communities. Now, this industrial community that we are living in—and I don't think that the gentlemen on the floor of this House want to take any advantage or do anything that is unfair, but the mere fact that this bill was carried by a democratic caucus and Congress. In fact that is a non-industrial part of the community and that should be a good argument for not acting on this bill until we know what it is. I don't think it is fair to some men on the floor of this House that may possibly want to vote on this bill, to make them vote in favor of legalizing boycotting, and that is what you are doing if you adopt this bill in the form in which it is now.

Mr. BROWNE (LaSalle). I move to lay the amendment on the table, for the reason that after listening to the gentleman I am satisfied that the amendment does not do what he contends that it will do. He says that it does not change the present law. Well, the present law does make and does hold a boycott to be illegal and unlawful and if this does not change the present law, it does not legalize boycotting.

Mr. ROTHSCCHILD (Cook). Mr. Browne, you misunderstood me.

Mr. BROWNE (LaSalle). All right, let it go at that. Now, it would be a very unsafe thing, Mr. Speaker and gentlemen of this House, in the passage of intelligent legislation to take the haphazard judgment of a gentleman who confesses he never read the Clayton Act and doesn't know anything

about it, it would be unsafe to take his haphazard judgment. You ought not to perform a surgical act upon something that some of the lawyers in this House have spent weeks on already. I think it is a good deal of assumption and impertinence on his part from a legal standpoint, to suggest that even, and I think it would be very unwise for this House to adopt a suggestion of this kind now, and I move to table this amendment, and if, Mr. Speaker, the gentleman on next Tuesday, if these amendments pass, if they then have found that these amendments do what either the gentleman from McHenry (Shurtleff) or the gentleman from Cook (Rothschild) fear, I will be willing to help them get it back to second reading to make a change.

Mr. SHURTLEFF (McHenry). Is not the gentleman advised now as to what the effect of the bill is?

Mr. BROWNE (LaSalle). I am.

Mr. SHURTLEFF (McHenry). Then there will be no occasion to come back.

Mr. BROWNE (LaSalle). Not from my standpoint, but if you can show me Tuesday that I am wrong, I will be with you any time.

Mr. SHURTLEFF (McHenry). I thought you were speaking from absolute knowledge.

Mr. BROWNE (LaSalle). I think I am, but I can always be convinced, and I am not like some people; I don't assume to know all that is to be known; I am willing to be shown.

Mr. ROTHSCCHILD (Cook). The gentleman from LaSalle (Browne) criticises me because in a sort of a haphazard way I have tried to fix something. I want to say I am put in that position by the gentleman from LaSalle (Browne), when the gentleman from LaSalle (Browne) would permit me to take this bill in the form that it is. I will assure him there will be no haphazard amendment by me if I have an opportunity to look over the amendment. I have served two years in this House, and I don't think I have advocated anything that I have not considered. In this matter I don't think the House is advised as to what is being done, and I say it is not fair to me to put me in a position where I have got to offer haphazard amendments, and the sense of fairness which the gentleman talks about all the time I think is being violated in this instance, by putting me in a position of voting on a bill which I have not had a chance to see in print. I say it is not fair. I have heard so much about fairness that I cannot understand this attempt to prevent us from seeing in print something we are to vote upon. Now, he says we can advance it to third reading and then bring it back. This bill is on second reading and there is no reason why we should not be given a fair and intelligent opportunity to know what we are voting on, and I again appeal to the gentleman, the proponent of this measure to give us a chance to see what we are voting for. Organized labor has always been fair.

Mr. BROWNE (LaSalle). If I was the only one urging action at this time; if I was the only one that made any pretense of having read this bill or these amendments, I would not expect the gentleman to have any confidence in me.

Mr. ROTHSCCHILD (Cook). It is not a question of confidence, it is a question of intelligence.

Mr. BROWNE (LaSalle). There is a gentleman on the other side of the House who has made a study of this matter, a gentleman whom we on this side have unbounded confidence, both in his ability as a lawyer, and in his integrity, and he said on the floor of this House, and he has explained to the members, just what those amendments meant, and it is as clear as daylight for anyone who wishes to understand, and I say there is no cause for delay, and I move to lay this substitute on the table.

Mr. ROTHSCCHILD (Cook). I move that the further consideration of this motion be postponed until immediately after the reading of the Journal on Tuesday morning.

Mr. BROWNE (LaSalle). That is not in order.

THE SPEAKER. Yes, it is always in order.

Mr. F. J. RYAN (Cook). This motion is made from improper motives as far as this bill is concerned. Delay means defeat for this bill, and

for that reason I move that the motion of the gentleman from Cook (Rothschild) be laid upon the table.

(Rising vote taken.)

(Motion to postpone lost.)

THE SPEAKER. The question is upon the adoption of Amendment No. 2.

(Rising vote taken.)

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 951 on the order of third reading. This is an omnibus bill for the penal institutions of the state and carries an appropriation of \$1,603,975.92.

THE SPEAKER. I desire to have the members of the House understand that there will be two sessions tomorrow and bills will be called up on third reading, and if your bill fails of passage, do not blame the Speaker.

Roll called.

THE SPEAKER. On this question the yeas are 108 and the nays are none, the bill having received a constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 935 on the order of third reading. This bill provides for an appropriation for the State Board of Agriculture, State Bee Keepers' Association, Illinois Dairymen's Association, Illinois Poultry Association, the Illinois Live Stock Breeder's Association, and the State Horticulture Society.

(Roll called.)

THE SPEAKER. On this question the yeas are 99 and the nays are none. The bill having received a constitutional majority it is declared passed, and the clerk will report the title of the bill.

Whereupon the House proceeded upon the order of Senate Bills of first reading, all without debate.

Mr. GREGORY (Moultrie). Mr. Speaker, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 92.

WHEREAS, The Hon. Oliver T. Atchison, of Moultrie County, Illinois, a former member of the Fortieth General Assembly, departed this life at his home in Lovington, Moultrie County, Illinois, on the 27th day of March, 1912; and,

WHEREAS, He was a distinguished and honored citizen of this State and a prominent and influential member of the House, and highly esteemed in the community in which he lived; therefore, be it

Resolved, That the House of Representatives of the Forty-ninth General Assembly tender to his family and friends their sincere sympathy in their loss; and, be it further

Resolved, That this preamble and resolution be spread upon the Journal of the House; that a suitably engrossed copy be forwarded by the clerk to the family of the deceased, and as a further mark of respect to his memory that the House do now adjourn.

Resolution adopted, and the House adjourned until 10:00 o'clock a. m. May 28th.

FRIDAY, MAY 28, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment,

The Speaker in the chair.

Prayer by the Rev. Mr. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Holiday (Vermilion), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. BROWNE (LaSalle). I desire to make a motion relative to adjourning today. The motion is that when we adjourn today that we adjourn until 10 o'clock Tuesday morning.

THE SPEAKER. It cannot be done without concurrence of the Senate.

Mr. BROWNE (LaSalle). Well, Monday will be a holiday, to be observed in a great many places in this State—Decoration Day—and people will want to be away on that account.

THE SPEAKER. The House cannot adjourn without the consent of the Senate.

Mr. BROWNE (LaSalle). Then I move you that when this House adjourns after this morning session they adjourn until next week and there be no afternoon session today.

THE SPEAKER. I think if the gentleman will hold his motion in abeyance until we try out one or two bills, that we can then see how far we can go.

Mr. BROWNE (LaSalle). We want to get on the 11:55 train today and the sooner we know whether we can or not, the sooner we can make arrangements to have our things packed up.

THE SPEAKER. We can hold the train until 12:25 if we find we cannot have any session this afternoon. There is no disposition on the part of the chair to keep four or five men here if the House doesn't want to work. I will say for the information of the House that we have no disposition to embarrass anybody by any of these sessions. Monday, technically, will be celebrated in some places as Memorial Day. The House will meet at 5:30 Monday evening and we can advance whatever bills are on first reading, both House and Senate, and no other business will be transacted except committee reports or introduction of bills.

Mr. BROWNE (LaSalle). I understand that the Senate adjourned until 10:00 o'clock a. m. next Tuesday.

THE SPEAKER. They do every week, and they have a session and the Journal shows one or two are present.

Mr. BROWNE (LaSalle). All right.

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table and introduction of bills, all without debate.

Mr. IGOE (Cook). I desire to call up House Bill 772 on the order of third reading.

This bill amends section 1 of "An Act to revise the law in relation to jail and jailors" by providing that it shall be unlawful to build a jail within 200 feet of any building used exclusively for school purposes, and in which at least 100 students are regularly in attendance.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 100 and the "nays" are none. The bill having received a constitutional majority it is declared passed and the clerk will report the title of the bill.

Mr. TICE (Menard). I desire to call up House Bill 706 on the order of third reading.

This bill was prepared in the Secretary of State's office in the automobile department. There are various minor amendments to the Automobile Law set forth in this bill. There are two major amendments, one being the imposing of a license fee upon motor vehicles of less than 25 horsepower to 35 horsepower. This provides a registration fee for motor vehicles of less than 25 horsepower and it does not increase the registration fee of other horsepower machines above what they are now.

In the matter of electric machines it leaves the two-ton electric at the same rate for license fees as now, \$5.00, but on the heavy electric machines, such as trucks and the very large electric cars—touring cars, I might call them, it increases the registration fee to \$10.00.

In different places in the bill it makes minor changes that have been found to be necessary from the experience of the automobile department and to be a very great saving in the expense of conducting the department. One of the changes is the apportioning of the amount to be charged on the license fee for fractions of a year. As it is now, it is prorated. Under this proposed amendment it will be a certain percentage of the full year's charge.

I notice Mr. Bruce (Cook) is flagging me to desist, as they want to vote for the bill, and if there are no further questions to be asked, I will be glad to desist.

(Roll called).

THE SPEAKER. On this question the "yeas" are 93 and the "nays" are none. The bill having received the constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. WILSON (Adams). I desire to call up House Bill 525 on the order of third reading. This is not a marriage bill, but a marriage evasion bill. It came up on second reading some time ago and was thoroughly discussed at that time. The Supreme Court of the State of Illinois has declared that if anybody goes out of the State and marries in evasion of the decree of the court, that the marriage shall be void and bigamous in this State. This will save a great many people from innocently going out and contracting bigamous marriages.

There is a reciprocal clause which provides that one cannot come from another state into Illinois in an evasion of the laws of another state. It prevents the innocent creation of bigamous relations.

There was a case sent from Connecticut—where there was a divorce in New York State, by publication—to the Supreme Court of the United States, and the first divorce was declared illegal. This is a uniform law and endorsed by the Uniform Commission on State Laws. I trust that the bill will receive your vote.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 77 and the "nays" 14. The bill having received a constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. HAMLIN (Cook). I desire to call up House Bill 655 on the order of third reading. Let me suggest first of all that this bill is not a radical measure, nor is it intended to control or limit the action of any rational being. It is only intended as a humane piece of legislation, making it possible for the State to do its duty to those unfortunate members of society, who from birth or early age are afflicted with mental defectiveness to such an extent that supervision over them is necessary to protect the welfare of the community.

A lunatic is a person who was born with a mind, but has lost it either through some accident or because of a predisposition to a hereditary influence has lost the ability to reason during the period of his affliction. The feeble-minded person, however, is one born with a defective mind, or is a person whose mind has been arrested at an early age, so that no matter what his physical age may be, mentally he is always a child, small developed with the mind of a child of ten years of age. He is, therefore, irresponsible, or his responsibility is no more than that of a child of the age of his mental development. His understanding between the difference of right and wrong is precisely the same as that of a child, but the temptations for wrong doing is as great as the matured person and thus become the victim of the para-

sites who are ever ready to take advantage of his condition. This, in itself, person whose mind has been arrested in development at an early age, so that no matter what his physical age may be, mentally he is always a child, is as great as the matured person and he thus becomes the victim of the parasites who are ever ready to take advantage of his condition. This, in itself, should be sufficient to require the State to exercise its guardianship over him to a much greater extent than it does to the child of tender age.

The bill deals with the two classes of feeble-minded and it is well to keep the distinction in mind. First, that class who will commit no offense, but whose mental condition is such that it is best that they should be kept in some institution under proper guardianship.

Secondly, those who are unable to abstain from the temptations for wrong doing and are brought before a court of law for their misconduct.

At the present time we have laws for the commitment of the insane, delinquent and the criminals, but no commitment law of any kind to cover the feeble-minded. As a consequence the courts are constantly perplexed as to what to do with these persons. A considerable number are sent to insane asylums in spite of the fact that the Lunacy Act of 1893 has the distinct provision specifically that feeble-minded persons shall not be committed to insane asylums.

These feeble-minded persons are not criminals nor are they insane, or delinquent. They should not be classed in any of these three classes. They are in an entirely different class and should be treated accordingly.

These feeble-minded persons remain children all their lives and should be treated as children. As a rule, if properly helped and handled with sympathy, are very obedient and industrious, but being children mentally they are just as readily helped into the evil paths if their environment is bad and their leadership vicious, and if not properly protected by relatives or friends, or the State, are almost sure to drift into pauperism, insanity or crime.

This bill is conservatively drawn and wisely fills the strange gap left in our legal structure and should pass. Down-state needs it as much as Chicago.

(Roll called.)

Mr. GARESCHE (Madison). (On roll call.) I would like to explain my vote. From the way the roll is proceeding and members not answering, it looks to me as though they do not consider the importance of this bill. If this bill is enacted into law, it will be the first step this State will have taken toward the care of the feeble-minded and the protection of society from these feeble-minded persons.

I wish every member of this House could have been present at the meeting of the Charities and Corrections Committee when this bill was discussed. There were several people there from Chicago—a judge of the Municipal Court, Rabbi Hirsch and Dr. Ochsner, and they explained to the committee the need of a law of this kind. There were cases cited at that hearing which if you could have heard, I don't doubt but what every one of you would vote for this bill. Under the present provisions of our statute there is no law which takes care of the feeble-minded person, and a great many crimes of the most revolting nature can be traced almost directly to feeble-minded persons. They are a menace to society and the State should provide a place for caring for these people.

To show you the interest which a bill of this kind has aroused, I wish to read to you a list of the organizations of this State which have endorsed this bill. They are:

Illinois State Charities Commission,
Judges of the Municipal Courts of Chicago,
Council of Illinois State Medical Societies,
Catholic Social Service Association,
Associated Jewish Charities,
Bureau of Public Welfare of Cook County,
Public Welfare Department of Chicago,
Chicago Educational Club,
Illinois Society for Mental Hygiene,
Illinois Childrens Home and Aid Society.

Infant Welfare Society,
 Elizabeth McCormick Memorial Fund,
 Federation of Settlements,
 Illinois Association for Labor Legislation,
 Legal Aid Society,
 Visiting Nurses' Association,
 Central Association of Evanston Charities,
 Bureau of Personal Service,
 Chicago Women's Aid,
 Peoria Association for the Prevention of Tuberculosis,
 Conference of Jewish Women's Organizations,
 Associated Charities of Knox County,
 United Charities of Champaign and Urbana,
 United Charities of Chicago,
 Chicago Woman's Club,
 City Club of Chicago,
 Woman's City Club,
 Chicago Tuberculosis Institute,
 Consumers' League,
 Central Howard Association,
 Immigrants' Protective League,
 Civic Federation,
 Woman's Trade Union League.

I ask you in all seriousness to consider this bill and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 99 and the "nays" are none. The bill having received a constitutional majority it is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill 517, which is an appropriation bill carrying \$25,000 for the pay of the employees of the Forty-ninth General Assembly.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 106 and the "nays" are none. The bill having received the required two-thirds vote, it is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 948 on the order of third reading, making an appropriation for the five State Normal Schools of Illinois, carrying an appropriation in the sum of \$1,504,129.12.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" are none. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. W. M. BROWN (Cook). I would like to have House Bill No. 9 made a special order for Tuesday of next week. The hour is so late today that I don't think it ought to be called up now, but if there are no objections, I would like to have it made a special order for next Tuesday.

THE SPEAKER. Is there any objection to having House Bill No. 9 made a special order for next Tuesday? If not, it is so ordered.

Whereupon, House Bill 890, and Senate Bills 93, 391 and 523, were taken up on the order of second reading, read a second time, ordered engrossed and advanced to third reading, all without debate.

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 5:30 o'clock p. m., Monday, May 31, 1915.

(Motion prevailed.)

Whereupon, the House adjourned until 5:30 o'clock p. m., Monday, May 31, 1915.

MONDAY, MAY 31, 1915.

5:30 o'Clock P. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Hubbard (Greene), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the presentation of petitions, reports from standing committees, reports from select committees, introduction of bills, House bills on the order of first reading and Senate bills on the order of first reading; all without debate.

Whereupon, the House proceeded upon the order of House bills on second reading, and the following bills were read a second time and ordered engrossed and to a third reading: 838, 836, 824, and 907.

Mr. SMEJKAL (Cook). I desire to call up House Bill 116 on the order of second reading. This is a bill appropriating \$5,000 for the relief of Henry Henke for injuries received while working as a painter in Lincoln Park.

The Committee on Appropriations presented the following amendment:

AMENDMENT No. 1.

Amend House Bill No. 116, as printed in the House, section 1, line 4, by striking out the words and figures "five thousand (\$5,000) dollars," and inserting in lieu thereof the words and figures "one thousand five hundred (\$1,500) dollars."

Mr. SMEJKAL (Cook). I move the adoption of the amendment.
(Amendment adopted.)

THE SPEAKER. Are there any further amendments? If not the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 931, on the order of second reading. This is an appropriation bill for State officers.

The committee on appropriations presented the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill No. 931, as printed in House, section one (1), page seven (7), line one hundred and seventeen (117), by striking out the words and figures "\$30,000.00" and insert in lieu thereof the words and figures "\$10,000.00."

AMENDMENT No. 2.

Amend House Bill No. 931, as printed in House, section one (1), page seven (7), after line one hundred and twenty-six (126), by inserting the following: "Illinois Waterway Commission, five members, one at \$6,000.00 per annum, president, and four at \$5,000.00 per annum, \$26,000 per annum."

AMENDMENT No. 3.

Amend House Bill No. 931, as printed in the House, section one (1), page three (3), line fifty-two (52), by striking out the words and figures "six thousand (6,000)" and insert in lieu thereof, the words and figures "eight thousand (8,000)."

AMENDMENT No. 4.

Amend House Bill No. 931, as printed in the House, section 1, lines 3 and 4, by striking out the words and figures "three million, one hundred fifty-five thousand two hundred thirty-six and 00-100 (3,155,236.00)" and inserting in lieu thereof the words and figures "three million, one hundred seventy-one thousand, two hundred thirty-six and 00-100 (\$3,171,236.00)."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 248 on third reading, which appropriates \$10,000 for the relief of the family of William Voris, who was killed while employed by the State on the I. & M. Canal.

The Committee on Appropriations offered the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill No. 248, as printed in the House, section 1, line 2, by striking out the words and figures "ten thousand (\$10,000)" and inserting in lieu thereof the words and figures "three thousand five hundred (\$3,500)."

AMENDMENT No. 2.

Amend House Bill No. 248, as printed in the House, section 1, line 2, by striking out the words and figures "ten thousand (\$10,000)" and inserting in lieu thereof the words and figures "three thousand five hundred (\$3,500)."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 359 on the order of second reading, which bill makes an appropriation of \$5,000 to Lewis E. Taylor, for injuries suffered by and as compensation for injuries to the said Lewis E. Taylor, received at the Illinois State Penitentiary in November, 1910.

The Committee on Appropriations offered the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill 359, as printed in the House, in the title thereof, after the words "sum of," by striking out the words and figures "five thousand dollars (\$5,000.00)" and inserting in lieu thereof the words and figures "two thousand dollars (\$2,000.00)."

AMENDMENT No. 2.

Amend House Bill No. 359, as printed in the House, section 1, lines 2 and 3, by striking out the words and figures "five thousand dollars (\$5,000.00)" and by inserting in lieu thereof the words and figures "two thousand dollars (\$2,000.00)."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments? If not the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 647 on the order of second reading, appropriating \$750 to Bertha Stilly, as compensation for injuries received at the Asylum for Feeble Minded Children at Lincoln in June, 1913.

The Committee on Appropriations offered the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill No. 647, as printed in the House, in the title thereof after the words "sum of," by striking out the words "seven hundred and fifty," and inserting in lieu thereof the words "five hundred."

AMENDMENT No. 2.

Amend House Bill No. 647, as printed in the House, section 1, lines two and three, by striking out the words and figures "seven hundred and fifty dollars (\$750.00)" and inserting in lieu thereof the words and figures "five hundred dollars (\$500.00)."

AMENDMENT No. 3.

Amend House Bill No. 647, as printed in the House, section 1, line 11, by striking out the words "seven hundred and fifty," and inserting in lieu thereof the words "five hundred."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 85 on the order of second reading, which bill appropriates \$2,500 for the relief of Walter O. Jones, of Urbana, Illinois, who was seriously and permanently injured while, as a student working his way through the University of Illinois, by having his hand caught in a set of cog wheels in the electrical building where he was employed.

The Committee on Appropriations offered the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill No. 85, as printed in the House, in the title thereof, after the word "appropriating," by striking out the words "two thousand five hundred," and inserting in lieu thereof the words "one thousand."

AMENDMENT No. 2.

Amend House Bill No. 85, as printed in the House, section 1, line 3, by striking out the words "two thousand five hundred," and inserting in lieu thereof the words "one thousand."

(Amendments adopted.)

THE SPEAKER. Are there any further amendmens? If not, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 14 on the order of second reading, which bill appropriates \$3,500 for the relief of Van Roy Barnes, for injuries sustained while serving as a carpenter and repair man in the steam department of the University of Illinois.

The Committee on Appropriations offered the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill No. 14, as printed in the House, section 1, line 4, by striking out the words "thirty-five" and inserting in lieu thereof the word "fifteen."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 398 on the order of second reading. This bill appropriates \$3,500 to Nathan E. Gray on account of injuries received as a guard in the Southern Illinois Penitentiary at Menard, Illinois, October 26, 1912, by reason of the willful act of prisoners, and resulting in the loss of one of his legs.

The Committee on Appropriations offered the following amendments and moved their adoption:

AMENDMENT No. 1.

Amend House Bill No. 398, as printed in the House, section 1, line 4, by striking out the words "three thousand five hundred," and inserting in lieu thereof the words "two thousand."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

The Committee on Appropriations, to which was referred Senate Bill 251, reported the same out with the recommendation that it do pass, and with unanimous consent of the House, the bill was read a second time, ordered engrossed and to a third reading.

Whereupon, the House proceeded to the order of Senate bills on second reading, and Senate Bills 159 and 432 were read a second time, ordered engrossed and to a third reading.

Mr. HOLADAY (Vermilion). I move that the House do now adjourn.

Whereupon the House adjourned until 9:00 o'clock a. m., Tuesday, June 1, 1915.

TUESDAY, JUNE 1, 1915.

9:00 o'Clock A. M.

House met pursuant to adjournment,
The Speaker in the chair.

Prayer by the Rev. Mr. Groves (Menard).

The Journal of the previous day being read. Upon motion of Mr. Graham (Lake) the House dispensed with the further reading of the Journal and ordered it to stand approved.

THE SPEAKER. There seems to have been some little misunderstanding as to the time of meeting this morning. The report of the Committee on Rules, a week ago this morning, was that, commencing this morning, sessions of the House would be hereafter at 9:00 a. m. each day. Some of the members understood that when we adjourned on Friday, that the Tuesday session would be at 10:00 o'clock instead of at 9:00 o'clock.

Mr. MERRITT (Sangamon). I desire to announce to the House the death of the father of William J. Butler, a member of this House, and I would like to suggest and I move that the—the funeral is at 10:00 o'clock this morning—I would suggest that out of respect to the Hon. Mr. Butler of this District that the House take a recess of five minutes at 10:00 o'clock as a mark of respect.

(Motion prevailed unanimously.)

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, all without debate.

Mr. SMEJKAL (Cook), from the Committee on Appropriations, reported back a substitute resolution for Senate Joint Resolution No. 25:

HOUSE JOINT RESOLUTION No. 25.

WHEREAS, Because of the necessarily complex nature of the affairs of the University of Illinois and of the magnitude to which its various departments have grown and because of the many demands upon the time and attention of the members of the General Assembly, but few of its members have sufficient opportunity to inform themselves as to the needs of the University of Illinois; and,

WHEREAS, Because of this condition much time is spent both by the House of Representatives and by the Senate endeavoring to reach conclusions as to the proper general policy of both Houses towards that institution and the proper amounts to be appropriated for its support; and,

WHEREAS, President Edmund J. James of the University of Illinois, believing it to be for the best interests, not only of the University but also for the taxpayers of the State, has requested that a joint committee representing both Houses of the General Assembly be appointed to visit the institution and secure information both as to the administration, policy and the needs of the University; therefore, be it

Resolved, By the House of Representatives, the Senate concurring herein, That a joint committee of six be appointed, three to be named by the Speaker of the House and three by the Senate, whose functions and duties it shall be to keep in close touch with the University of Illinois and to visit the institution at such times and as often as may be necessary and make such inquiry as they may need to make to secure detailed and complete data and information relative to the actual administration, policy and needs of the various departments of the institution and the University as a whole, and such committee is given full authority to make such inquiry as it may deem fit and

proper to secure exhaustive information concerning the University of Illinois, and make a report of their findings, together with such general recommendations as in their judgment may be warranted by the information secured, to the Fiftieth General Assembly of Illinois; to the end that the General Assembly may have at first hand concise information as to the needs of the University, the wisdom of its policies, and the efficiency of its administration, all as seen from the view point of members of the General Assembly; and for this purpose the said committee is authorized to employ not more than one clerk and one stenographer for a period not exceeding sixty days each.

The Secretary of State is hereby requested and directed to furnish said committee with such stationery, blank forms, and other printed matter as may be required by the committee.

The Board of Trustees, the President of the University, the heads of the various departments, and the faculty of the University are hereby requested to aid said committee in every way possible and to furnish the members thereof all information sought.

The said committee and the members thereof shall be entitled to their actual expenses incurred in carrying out the provisions hereof; the expenses of the members of said committee and the pay of a stenographer and a clerk shall be paid out of the contingent funds of the Senate and House of Representatives, or out of any appropriation made therefor, on itemized vouchers properly signed by the chairman of the committee and approved by the President of the Senate and the Speaker of the House of Representatives and filed with the Auditor of Public Accounts.

Mr. TICE (Menard). Mr. Speaker and gentlemen of the House. This resolution was prepared after the sub-committee of the Appropriation Committee had visited the University of Illinois, and endeavored to the best of their ability to ascertain the needs and requirements of that institution. The resolution was not introduced until after consultation with the President of the University, and also with some five or six members of the faculty. The resolution meets with their approval. The resolution is also recommended by this sub-committee, appointed by the Appropriation Committee to visit this institution. The purposes of the resolution are that there shall be a legislative committee in close touch with an institution of the State, for which we are proposing to appropriate \$5,000,000 from the revenue funds of the State and which from other sources will receive something more than \$700,000, an institution for which will be expended during the next biennial almost six millions of dollars.

I believe that I state a fact which everyone recognizes that very few members of the General Assembly have the least idea of the administration, the policy or requirements, both educational and from a financial viewpoint, of this great institution, and it is hoped that by the appointment of this joint commission that through their labors, not only the members of the joint assembly but that the people of the State of Illinois, the taxpayers, may come in more intimate touch with the institution and have a better and clearer knowledge of its requirements. It is in no sense, nor does the faculty of the institution nor the board of trustees feel that it is a criticism of the University, or that it is intended in any way to hamper the great work that is being done by this institution. They recognize that it is a friendly committee, a committee that will visit this institution from time to time during the intervening period during the two years, and that they will be in possession of a knowledge, when the Fiftieth General Assembly shall convene, upon which every member of the Legislature can depend. It will be an independent representation to the members of the General Assembly; as it is now we have only the representation of the board of trustees, and of the president and the faculty. We believe that the adoption of this resolution will bring us in closer touch, and when the next General Assembly receives the report of this committee, and its recommendations as to the requirements for funds for which the University may then be asking, that much of the dissention, or apparent dissention, and some of the apparent criticism swept away, and all, or practically all of the lack of knowledge, that the members have will have disappeared, and every member of the General Assembly can act knowingly on the needs and requirements of the institution.

Mr. SMEJKAL (Cook). The gentleman from Menard (Tice), together with Messrs. Boyd, Boyer, Quisenberry and Hubbard, were appointed as a sub-committee of the Appropriations Committee to visit and look into the requirements of the University of Illinois, and after five weeks of hard work they reported a bill which was reported out unanimously together with this resolution. I understand that there is entire accord between the sub-committee and the University people. I believe it would be a good thing to have first hand information, of course it will be up to the next General Assembly to say whether or not they want to use the information. I trust that the resolution will be adopted.

(Rising vote taken; resolution adopted.)

The Committee on Elections reported out House Bill No. 943, without recommendation.

Mr. BURNS (Cook). I move that the bill be placed on the calendar.

Mr. Speaker, and gentlemen of the House, this is a bill to regulate the registration of voters in cities of more than 150,000 inhabitants, having a board of election commissioners, and in incorporated towns under the jurisdiction of such board of election commissioners.

It was taken up by the Election Committee last Thursday evening immediately after adjournment. The committee at that time saw fit to report the same out without any prejudice to the bill because of the fact that they didn't have time to go into the merits or demerits of the bill. It is a bill which I believe should be given considerable consideration and thought by the House, and for that reason I ask that it be placed upon the calendar. It means that anyone that moves can go to the office of the election commissioners any time up to within twenty-nine days before the election and register. The same protection is thrown around the primaries, and the election as in the present law. The clerks of election in the proper time make their investigations and report the names of the suspects back to the office of the election commissioners, having first complied with the law by leaving a notice at the home or last address of the person so registered. It is the history of the election commissioners office that rarely, if ever, more than one-half of one per cent of the suspects are answered, so that you can readily see that it is very easy for those who desire or have been suspected to go to the election commissioners office and have their names replaced upon the list.

It means a saving on the various registration days of fifteen dollars a day for the judges, ten dollars for the clerks and seven dollars for the various polling places in 2,200 polling places in the city of Chicago. For this reason, gentlemen, I believe that the bill should be given consideration, and I don't believe there will be any objection from any of the members who sat upon the sub-committee in the city of Chicago, that is members of the Election Committee, to having this bill placed upon the calendar.

(Rising vote taken; motion to place House Bill No. 943 upon the calendar prevailed.)

Whereupon House Bill No. 9 was taken up as a special order on third reading. Bill read.

THE SPEAKER. The hour of ten o'clock having arrived, the House will take a recess until 10:05 o'clock as a mark of respect to Mr. Butler, the father of Representative Butler of Springfield, who is being buried at this hour.

Ten-five a. m., House reconvened.

The speaker in the chair.

Mr. BROWN (Cook). Mr. Speaker and Gentlemen of the House: House Bill No. 9 is a bill to regulate the practice of fitting the eyes for glasses with means other than with surgery or medicine. It is no new thing; 34 states now operate under this law, and our own Supreme Court has handed down a decision that it is a profession in itself and is no part of medicine, and I have a copy of the decision on my desk.

By the provisions of this act no one's business is handicapped and no one is prohibited to handle glasses or sell them who has not an established place of business, and any 10 cent store may sell them, but it does away with the faker who goes from house to house without a permit selling his

wares, whether it is what one needs or not, for any old price, and prices ranging from ten cents to \$10.00 for the same lens.

One of our own members knows of a case where a Mrs. Neff of Lovington was protected by the cashier of her bank when he suspicioned the peddler of fraud. He had sold the lady a ten cent pair of glasses and charged her \$35.00 for them, and when Mr. Bernstein tried to cash this check the fraud was discovered.

It is a known fact that no school teaches optometry and the fitting of the vision, except the profession of and school for optometry. I can give you a number of examples and reasons why this should become a law, but I know of no real opposition to this bill, it is really a poor man's bill.

The necessity of the passage of the optometry law in all states is best described by ex-Governor Hughes, now Justice of the United States Supreme Court, who when he officially affixed his signature to the New York State Optometry Law said the practice exists and will continue, and unquestionably it forms a proper subject for regulation. I, therefore, approve of the bill.

The California law regulating the practice of optometry went into effect through the executive signature of ex-Governor Pardee, a well known physician and oculist of that state. Under date of February 10, 1910, Mr. J. M. Gillette, then Governor of California, stated: "The California Optometry Laws are accomplishing great good in our state, and are proving very satisfactory."

The practice of optometry is now regulated by law in the states of Arizona, Iowa, Nebraska, Rhode Island, California, Kansas, New Mexico, Tennessee, Delaware, Maine, New York, Utah, Florida, Michigan, Vermont, N. Carolina, Idaho, Minnesota, N. Dakota, Washington, Indiana, Montana, Oregon, W. Virginia.

Now, gentlemen, this bill is a meritorious bill. I don't see any hard feeling against this bill anywhere in this House, with the exception of two or three places. I feel that you can give it your vote and not be ashamed of it. Right here, I wish to thank you for the courtesy extended me last week in letting this bill come up no third reading today. I thank you.

Mr. LIPSHULCH (Cook). (On roll call.) Mr. Speaker and gentlemen of the House: I am going to take a very few minutes to make a few remarks on this question.

You are told that this bill here is not a practice of medicine. You are told that this bill here does not interfere in any shape, form or manner with the practice of medicine. I care little whether it does interfere with the practice of medicine, but I do say right from the start that it is a part of a medical curriculum, and I say furthermore gentlemen, that it is a dangerous power to take away from the medical profession. The eye, I wish to say, is no portion apart from any man's body. The eye is a portion of the human economy and is dependent and interdependent upon the various ravages that are oftentimes attacking the body, and vice versa. The eye is a very delicate organ and if not given heed to in the proper time and by the proper persons is likely to be placed in a position where the best men in the profession will never be able to reclaim it.

I am certain that every man who is a thinking man can see the danger of such a bill. I am simply going to state to you a few facts, and then I shall be through. This bill purports to create a body of examiners. It tells you the amount of money that you are to pay to the examiners for an examination, it goes on to tell you further the amount of money to be paid to a secretary that they are going to have, a secretary and the amount of money to be paid to him; it goes on in very minute details to tell you how much money shall be appropriated for this, that and the other detail, but not a word is here stated of the standard that will be laid down for the man who is to take that examination, and in whose hands you are going to place the future of your eye-sight, probably the most necessary of a human body or a human being; they do not say a single word to tell you in the bill that they will require at least a two-year high school course and they will also require a man to have served as an optometrist. They do not say that the optometrist under whom he shall have served shall say what his ability shall be and what courses he shall have covered before the

time this bill shall become a law; nor do they say what the course shall be after this bill has become a law.

I say, gentlemen of the House, it is a vicious, a dangerous and a malefactoring bill. I wish this bill should not pass until these gentlemen here are willing, and I want to say to you right here that all week last week I was in company with one of the principal members and some of his friends who are here furthering that bill, and I have suggested to them that we get together, write out a curriculum, in other words lay down a standard, a course by which we can know the optometrist. I said we shall recall that to second reading and the people of the medical profession will be with you. They could not see it that way. Why not? Why should they prescribe the amount of money the board shall get and yet they have not got a standard for which this board stands? I could not stand for it. I could not understand their objection to that portion of it, and for this reason I wish that this bill should not pass. The curriculum I have would be anatomy of the eye, physiology of the eye, pathology of the eye, and that surely is not too much to be asked from the man who is going to practice a profession upon which your eye-sight, and my eye-sight, and my future happiness and your future happiness may depend. I should require some knowledge of infectious diseases, antisepsis, the ophthalmoscope, ophthalmeter, the use of lenses, the general laws of optics and so on, and so forth; I would give them a course that will cover a year and a half or two years. But they could not see it that way; they did not want the course; all they want is protection by a standard of the monetary system, and I say if they want to change money for the eye of the people of this country and of this State, I say they have no right to come before this House and ask for it, and I hope, gentlemen of the House, that you will not let this bill pass at this time, unless properly amended, and if so amended I would gladly vote for the bill, because it needs regulation.

Mr. BROWN (Cook). Do you wear glasses?

Mr. LIPSHULCH (Cook). Yes.

Mr. BROWN (Cook). Did you go to a medical man to have your glasses fitted?

Mr. LIPSHULCH (Cook). Yes, absolutely. In Milwaukee.

Mr. BROWN (Cook). And he was an optometrist?

Mr. LIPSHULCH (Cook). Yes.

Mr. BROWN (Cook). That is the reason you cannot see through this bill?

Mr. LIPSHULCH (Cook). I see very well through the bill, you cannot understand it. (Applause.)

(Roll call continued.)

Mr. KILENS (Cook). (On roll call.) Mr. Speaker, and gentlemen of the House, I have been in the optical business for about twenty-three years. In the last fifteen years, I have been doing nothing else but following up the line of fitting glasses. I do not see why some of the physicians are writing letters to some of the members of this House opposing a bill of this kind. They have no reason whatsoever for opposing a bill of this kind because this bill does not conflict with medicine in any way whatsoever; it is nothing but a fair and legitimate proposition; it is a bill to prevent the peddlers and fakirs from going to you and me and my wife and your wife and my family and your family, going around and selling them plated glasses for gold glasses; it is a bill you men should vote for, it will help you. I do not see why there should be any opposition to this bill. This bill passed the House several years ago when Deneen was Governor of the State. Charles S. Deneen vetoed this bill. Why did he veto it? He was told to do so by a few of the men of the medical profession, namely Egan and a few more. The majority of the men of the medical profession are with this bill. They are not opposed to this bill if you tell them what it is, but they are told to do so by a few, Dr. Nobel and a few more men that are practicing medicine in the State of Illinois, and a fair and honest physician is not opposed to it. I have seven physicians living in my vicinity and they are all with the optometry bill after you show them what kind of a bill it is. We do not want to practice medicine. We relieve headaches and matters of that kind; we do the people a lot of good. We don't want anything to do

with medicine. I don't know as it is such a great credit medicine. We are willing to go along; we want a board and we want to be fair, and we want to treat the people of the State of Illinois the same as they are being treated in thirty-four other states of the Union. We are not stopping anybody from selling glasses, no such thing as that. Anybody can sell glasses, go along and do as they like, fit glasses or be a registered optometrist, but we want to treat the people fair, and we are doing it for a good and just cause.

Mr. BURRES (Champaign). May I ask you a question?

Mr. KILENS (Cook). Certainly.

Mr. BURRES (Champaign). I will try to be fair, but you make the statement that it is not very much credit to practice medicine. I think you ought to apologize.

Mr. KILENS (Cook). Well, I am right, anyway, doctor.

Mr. BURRES (Champaign). All right, but I don't like to have you say that. I am not voting for your bill, I can't as a matter of course, but I don't think you ought to reflect upon the medical profession.

Mr. KILENS (Cook). I apologize then, if I hurt your feelings.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 78, and the "nays" 23; the bill having received the necessary constitutional majority is declared passed, and the clerk will report the title of the bill.

Whereupon, House Bills Nos. 720 and 964, on the order of second reading were taken up, read the second time and advanced to third reading, without debate.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 653 on the order of third reading.

This bill appropriates \$50,000 for the erection of an armory at Peoria, and to purchase the necessary site therefor.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 100 and the "nays" 3; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 459 on the order of third reading.

This bill provides for twenty-one trips for each member of the General Assembly, mileage at two cents per mile, checked up by the Individual Expense Committee and recommended out and passed by the Senate, and it carries an emergency clause.

THE SPEAKER. This bill requires 102 votes and the clerk will call the roll.

(Roll called.)

Mr. BOYER (Cook). (On roll call). Mr. Speaker and gentlemen of the House: The only question on this bill is as to whether the members of this Assembly have rendered service to their constituents and the people of the State by their weekly trips home. If you think those trips have been of no benefit to you or to them, you should not vote for the bill, but I do not think there is a member on this floor who will admit that his weekly trips have not benefited both himself and the people of the State, and I vote "aye."

(Roll call continued.)

Mr. LYON (Sangamon). (On roll call.) Mr. Speaker and gentlemen of the House: This bill will not increase my pay, it will not do me any good if I vote for this bill, I have drawn no mileage of course, since I have been a member of the Legislature, but I believe every member of the Legislature is entitled to draw the same pay. This bill will let the members from the other parts of the State draw the same pay I draw. Therefore, I vote "aye."

(Roll call continued.)

Mr. BRUCE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House: I would like to explain my vote. I believe that every member of this House who will sign his name to any receipt for the voucher which will be due him should this bill be passed should be man enough to vote for the bill. It is true that when I stood as a candidate for this office in my district I was aware of the fact that there was to be a certain compensation paid which the statute provided that I should receive and I was willing to

serve the people of my district for that compensation. I was not compelled by any law to stand as a candidate from my district to this office. There have been certain representations made in reference to the proposition that the members of this General Assembly have been deprived of certain properties that were theirs in the past. But that as it may, I do not know of any law on the statute books that entitled the members of this General Assembly or any of its predecessors to any of the properties talked of that they did enjoy, but I do believe that the consensus of opinion of the people of this State is at this time that this particular General Assembly is rendering service to the people of the State, and I am going to be consistent and honest in this proposition. If this bill passes, if this bill is enacted into a law, if this bill becomes a law, whether it becomes one with the emergency clause or without, and I am entitled to draw thereunder a voucher for a certain sum of money allowed at the rate of two cents per mile for expenses that I have been forced to incur to attend the sessions of this General Assembly, I believe that I would appear at the Auditor's office and sign my name in receipt for such a voucher, and I believe that every other member of this House that would appear and sign his name to that receipt should be square and fair and open and above board to the constituents of his district and to the people of the State, and vote for this bill.

Feeling that I would sign my name to such a voucher, I am not adverse to telling the people of my district that I am in favor of it, so I vote "aye."

(Roll call continued.)

Mr. E. W. GREEN (Douglas). (On roll call.) Mr. Speaker and gentlemen of the House: I would like to be recorded "aye" on this, and make this explanation. I want to be consistent and vote not for what little I might draw, but I do vote for it in justice to some of these members who have four times the distance to travel that I do and I think it puts them on a par with members who happen to live as near the Capitol as I do, therefore I vote "aye."

Mr. SMEJKAL (Cook). (On roll call.) Pending roll call, I move that further consideration of this bill be postponed until tomorrow.

(Motion to postpone prevailed.)

THE SPEAKER. It is so ordered.

Mr. SMEJKAL. I desire to call up House Bill No. 854 on the order of third reading.

This is a bill for an act making an appropriation for the relief of the suffering and destitute miners at Royalton, Illinois, and the families and dependents of miners who lost their lives in the mine disaster at Royalton, Illinois.

This is for an appropriation of \$26,000 and is to be voted to the Board of Administration for distribution.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 98, and the "nays" none; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 461 on the order of third reading.

This is a bill for the relief of Peter H. Schwaba, law clerk for the Illinois State Board of Health, for injuries sustained. It was introduced in the sum of \$5,000 and amended by the Committee on Appropriations to read \$1,000 with recommendation that it do pass.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 95, and the "nays" one, the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 558 on the order of third reading.

This is a bill for the relief of Charles Alling, former attorney for the Illinois State Board of Health, for the loss of his right eye, which was shot out by Frank Klimek, who without any provocation and without any warning attempted to kill said Alling by firing a shot from his revolver through his right eye. It provides an appropriation of \$5,000 for the relief of Mr. Alling.

(Roll called.)

Mr. SMEJKAL (Cook). (On roll call.) Mr. Speaker and Gentlemen of the House: This bill provided for an appropriation of \$22,000 and was amended to read \$5,000 for the relief of Charles Alling, Jr., formerly attorney for the State Board of Health, who as I said before had his right eye shot out by a man who was violating the health laws of Illinois. He came to Mr. Alling's office to testify and got into a controversy and the man took out a revolver and shot Mr. Alling in his right eye, and also shot the young man for whom we appropriated \$1,000 a moment ago.

(Roll call continued.)

Mr. DE YOUNG (Cook). Mr. Speaker, I have a telegram from Mr. McCormick that he is detained on account of illness in his family.

Mr. WILLIAMSON (Champaign). Mr. Speaker, and gentlemen of the House: I desire to explain my vote. I introduced a bill the other day for the relief of Roscoe Drennan who became affected with infantile paralysis while serving in the State Militia. The members of the Appropriation Committee saw fit to kill that bill in committee and it is my opinion that it is unfair to pass a bill appropriating for one man who is injured in the service of the State, and refuse to appropriate for another who has rendered services for the State, particularly where a man has been so completely injured as Roscoe L. Drennan who was completely ruined as paralysis usually leaves a man. I therefore vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 89, and the "nays" 6; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 514 on the order of third reading.

Mr. Allen is in the service of the State, one of the deputy game wardens. He left this boat on the banks of the Illinois River one night and it was set fire to and burned. It is a just claim and ought to be paid. It carries an appropriation of \$250.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 93, and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 493 on the order of third reading.

This is a bill for the relief of Louis B. Anderson who was injured in the services of the National Guard at Camp Lincoln. It carried an appropriation of \$2,500 and the committee changed it to read \$1,000.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 80, and "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House take a recess until 2:30 this afternoon.

Motion prevailed, and the House recessed until 2:30 p. m.

Two-thirty o'clock p. m., reconvened.

The speaker in the chair.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 393 on the order of third reading.

Mr. SCANLAN (LaSalle). This is an appropriation bill making an appropriation for the death of three persons killed in the disaster at Utica by the collapse of a bridge, owned by the State of Illinois, across the Illinois and Michigan Canal. It carries appropriation of three thousand dollars for two of them, and thirty-five hundred for the other.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 99 and the "nays" nothing; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. HAMLIN (Cook). I desire to call up House Bill No. 654 on the order of third reading.

This is a companion bill of No. 655 that was passed on Friday. It merely provides for the enlargement of the present powers of the Board of Administration and makes it possible for the board to permit public institutions to be used for the commitment of the feeble-minded.

Mr. PURDUNN (Clark). What institutions is it they have in view in this change?

Mr. HAMLIN (Cook). Any that are not at present used or that do not allow them to be used for charitable purposes.

Mr. PURDUNN (Clark). Well, where are there any such institutions?

Mr. HAMLIN (Cook). Well, that is merely what the bill states, and if there aren't any, of course they cannot be so used.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 107 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 103 on the order of third reading.

John Brown was injured while in the military service of the State. The bill originally provided for \$5,000 but was amended by the committee to read \$2,500.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 93 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. ELLIS (Kane). I desire to call up House Bill No. 292 on the order of third reading.

This bill reduces the expenses of the probate clerk's office in which the personal property does not exceed \$2,000, and fixes the fees in such estate at not to exceed \$10.00. It also strikes out the docket fee of \$5.00. It is for the benefit of the small estates.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 96 and the "nays" 10; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 392 on the order of third reading.

This is a companion bill to the one that was passed a few moments ago, No. 393, and which covered an accident in which two young women were killed. In this case there were a lot of people hurt, sixteen people hurt, and one woman killed, in this bill they were all injured, and the two bills carry approximately \$31,000. The bridge at Utica where there was a celebration held on July 4th, 1912, broke down and in the accident a number of women and children were killed and injured. The Court of Claims passed on all these cases and the Committee on Appropriations cut down two of them in small amounts.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 106 and the "nays" nothing; the bill having received the necessary constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. ELLIS (Kane). I desire to call up House Bill No. 328 on the order of third reading.

This is a companion bill to No. 292, and applies to counties having less than 70,000 population. It provides that in estates under \$2,000 the probate clerk fee shall not exceed \$10.00. That is the only change from the present law. It does not apply to Cook County.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 97 and the "nays" one; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House concur in Senate amendments to House Bill No. 528. The Senate has cut down the item from \$100,000 to \$85,000. I move that we concur in the reduction. It is a bill that provides for a deficiency appropriation for the State Board of

Contracts. It passed the House in the sum of \$100,000 and the Senate amended it by striking \$15,000 out of three items.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 97 and the "nays" one; and the House concurs in the Senate amendments to House Bill No. 528.

Mr. GARDNER (Cook). I desire to call up House Bill No. 163 on the order of third reading.

This is a bill making a few amendments to the present adult probation law as it is now on the statute books.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 111 and the "nays" none; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House concur in Senate amendments to House Bill No. 26. This bill appropriates \$1,200 per annum for the salary of an agricultural advisor for incorporated soil and crop improvements associations in the several counties of the State, and as amended provides that the qualifications of the soil expert shall be the same as those prescribed by the Department of Agriculture at Washington.

THE SPEAKER. On this question the "yeas" are 101 and the "nays" nothing, and the House concurs in Senate amendments to House Bill No. 26.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 45 on the order of third reading.

This provides for the payment of \$725.00 to the widow of the assignee of the Culver Construction Company for work done on the Lincoln Monument at Springfield.

Mr. PURDUNN (Clark). This bill, gentlemen, was reviewed by the Committee on Appropriations of the House. It is an old bill, going back to 1904 and the Committee on Appropriations of the House refused to allow it and reported it out, as I remember, with the recommendation that it do not pass. Now, I thought it was well enough to call your attention to these facts inasmuch as the Appropriation Committee of the House has refused to allow it.

Mr. SMEJKAL (Cook). The gentleman from Clark (Purdunn) is in error. The committee did table the House bill, but at the same time it reported with a recommendation that it do pass the companion Senate bill which is Senate Bill No. 45.

(Roll called.)

Mr. McGLOON (Cook). (On roll call.) If the gentleman from Clark (Purdunn) informs me correctly I would like to have an explanation from the chairman of the Appropriation Committee relative to this bill. That is, how far back this bill extends.

Mr. SMEJKAL (Cook). It was introduced on March the 4th of this year, reported from the Senate April 28th, and was first read in the House May 3d, and advanced to second reading on May 21st.

Mr. McGLOON (Cook). The House bill was killed?

Mr. SMEJKAL (Cook). The House bill was tabled when the committee first reported out this bill.

Mr. McGLOON (Cook). When was this work done?

Mr. SMEJKAL (Cook). It was done in November, 1904.

Mr. McGLOON (Cook). November, 1904; how does it come that it wasn't paid before this?

Mr. SMEJKAL (Cook). I can't explain that. The explanation before the committee was that Mr. Culver in his life did the work and didn't present the bill. Mrs. Culver, as assignee of the Culver Construction Company in settling the estate did present it. I have no doubt but what the claim is a just claim and I believe the State ought to pay its debts.

Mr. McGLOON (Cook). In view of the explanation I vote "aye."

Mr. SMEJKAL (Cook). I desire to state further that this claim was filed with the Court of Claims but was dismissed there on the ground that the claim wasn't filed within two years.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 109 and the "nays" 2; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. DE YOUNG (Cook). I desire to call up House Bill No. 290 on the order of third reading.

Mr. SPEAKER. This is a bill which provides for direct appeals from county courts in probate matters and from probate courts directly to the appellate court. As the law now stands we have the inconsistency of direct appeal from county courts in common law cases, in all tax and assessment matters, in insolvency matters, but the law requires an appeal from a probate court or from a county court in probate matters, in the matter of claims which are allowed by a probate court or county court against an estate, and also in the matter of the removal of executors, guardians, administrators and conservators, and also in the matter of approval of account. In other words, in the most important matters the jurisdiction of a county court is final so far as a *nisi prius* trial is concerned and in matters of less importance an appeal is permitted to a circuit court and from there appealed to the appellate court. In matters of less consequence, generally speaking, two trials are now provided instead of one. A county court may declare invalid a drainage tax as was done in LaSalle, where more than twenty thousand worth of drainage bonds was declared void and an appeal was taken directly to the Supreme Court. As the law now stands, if a claim of twenty-five dollars is allowed by probate against an estate there is a trial *de novo* in the Circuit Court and then a further appeal is permitted to the Appellate Court. We have heard very much about the law's delay and the expense of numerous trials to litigants. There is no one thing, it seems to me, in the law of Illinois now that can be done to save expense both to litigants and to the public than by the passage of this bill. We had an instance recently in the County of Cook in a case known as *in re Newhall*, where the question was whether Mr. Newhall, an aged man, was competent to administer his own affairs. It is simply an extreme case, but it shows the inconsistency of the present law. On the trial, to determine whether Mr. Newhall was competent it took up more than ten weeks of the time of the court and a jury. This trial was conducted in the Probate Court of Cook County. All that the losing party had to do was simply to pay about fifteen dollars to appeal that case to the Circuit Court, and again the same issues that had been tried in the Probate Court before a jury would once more be tried before another court and jury, with absolutely no assurance that the verdict or the judgment would be any more correct than the one obtained in the first instance. So that you can readily see that the large expense that results, not only to the county, and the taxpayer, but to the litigants. So it is with any matter so far as the mere allowance of a claim by the probate court or county court exercising the probate jurisdiction is concerned, in the matter of claims against estates, in all of these instances the losing party has merely to pay the costs of an appeal which in other counties is less than in Cook County, and the other side is put to the trouble and expense as well as the delay of a trial *de novo*. Now, as I said, in matters of infinitely greater importance the jurisdiction of a county court, or even of the probate court is final, so far as trial in the first instance is concerned. An appeal must be taken to one of the courts of review. The jurisdiction of the probate court today is final when it comes to entering a decree for the sale of real estate, a decree for the sale of minor's real estate or lunatic's real estate; an appeal is taken directly to the Supreme Court; there is no appeal to the Circuit Court, not even one to the Appellate Court. So you can readily see the inconsistency, as the law now stands in the matter of the average claim allowed against an estate, and the average amount allowed is very small, requiring that there shall be two appeals, a trial *de novo*, absolutely as if the first trial had never been had, a second trial in the Circuit Court, and thence on finally to the Appellate Court, and finally, perhaps, if the amount is large enough, to the Supreme Court.

A former President of the United States dwelt long and eloquently upon the law's delays. One of the reforms which he advocated was to do something that would preserve us from all these delays and all this expense.

Here is a very simple remedy, one that is recommended by the probate judges of Cook County, a democrat by the way, a man who in his short career of a few months upon the bench has proven himself to be a worthy successor of perhaps the greatest judge, or at least one of the greatest judges that ever sat in Cook County. This is a bill, gentlemen, which it seems to me ought to have your support.

Mr. ROE (Fayette). I heartily disagree with the gentleman from Cook (DeYoung) in regard to the passage of this bill. I think it is not a good bill, and I will tell you why. You take in a court in a number of the counties down state they have county judges that are not as much as lawyers. It would be just as well to try our cases in the Appellate Court to begin with. We would practically have no case tried according to the strict rules and regulations of the law in the county court, and you would not have a chance to try your case de novo, but you would have to try it upon the record in the Appellate Court. Is that not correct?

Mr. DE YOUNG (Cook). May I ask the gentleman a question? In all cases where the amount involved is not more than \$1,000, isn't his jurisdiction today final so far as the trial court is concerned?

Mr. ROE (Fayette). Oh, yes, in common law.

Mr. DE YOUNG (Cook). Isn't it a fact that the average is very much less than \$1,000?

Mr. ROE (Fayette). The average might be, that is true.

Mr. DE YOUNG (Cook). Very much less.

Mr. ROE (Fayette). That is just what I want to call your attention to. When you do have one that does amount to something and you come to try it in the County Court you cannot try it de novo in the Circuit Court; according to your theory you have got to take it right on the record to the Appellate Court.

Mr. DE YOUNG (Cook). Do you mean to say to me that the average claim presented is half as important as the litigant's special assessments? Isn't it a fact that the County Court is the final court? If your county judge isn't competent to pass upon the ordinary thing, the average of which is less than \$100; if he is not competent to do that, why is he competent to pass upon these general assessments?

Mr. ROE (Fayette). I am not talking about the general practice of law. I am talking about the party who is interested. You say the county judge is incompetent.

Mr. DE YOUNG (Cook). No, I do not say he is not competent. I say in a number of instances you have county judges down State where they are not practicing attorneys, and when you come to take that record into the Appellate Court it would be worth more than the case.

Mr. ROE (Fayette). I say this, that the passage of this bill would absolutely work a detriment outside of Cook County and I do not see where it will benefit you there. You appeal from a justice of the peace in a law suit, the common law case, and you try the case in the County Court. From the County Court then you would have to go right direct to the Appellate Court, which I say is wrong. It does not give the litigant a proper trial for his money that he is willing to expend. He is the man that is interested and you compel him to have a half-way trial in the County Court, which is on a par in most cases with the justice of the peace court down State, to prepare a record and go into the Appellate Court. It is wrong. He should first have his right in the Circuit Court de novo. I say the bill is absolutely wrong. We have no reporter in the County Courts down State. There is no such thing. The bill is absolutely wrong and should not pass.

Mr. DE YOUNG (Cook). The county judge has a chance to appoint a reporter.

Mr. ROE (Fayette). Yes, there is no question about that, sometimes. And you have got to go out into a foreign county and get them.

Mr. WILSON (Adams). I wanted to say a word from the down State end and also for the west side of the State. I know a good many judges all over our part of the State and I want to say that they are as a rule almost as good as circuit judges. You take on matters of probate in my county I would as soon take the judgment of the county judge as any one of the three

judges in the Circuit Court. I know the judges in Hancock County, in my county, in Scott County, in Morgan County, and in a number of the counties through that part of the State of Illinois. It seems to me that this bill would be conducive to expediting business and eliminating appeals. I have a case now where a probate claim of considerable importance has been appealed to the Circuit Court and doubtless it will go from the Circuit Court to the Appellate Court. That ought not to be. The county judge there gave full consideration to the case. He decided it and gave it as much consideration as any circuit judge would do, and I want to say that this bill, it seems to me is a meritorious bill.

We have a very good instance and a very good specimen in the House of a county judge from the country portion of the State, and I apprehend that those of you who have seen him in action in the House would have the idea that he is able to take care of himself, whether on the bench or off the bench, and it seems to me that whether this be for up State or down State that this bill is in the interest of the litigants that appeals cannot be long drawn out. I would like to know what sense there is of an appeal if a case is tried in the County Court and considered there and is then tried de novo in the Circuit Court. If in a few counties in southern Illinois they are still electing farmers to the county bench they ought to pension them; we ought to introduce a bill pensioning all farmers who are on the county bench so that we can have lawyers to preside over the county court, and as far as I am concerned throughout all of Western Illinois I do not know of a single county judge but what is a practicing attorney, and a very good one at that.

Mr. DE YOUNG (Cook). In reply to the gentleman from Fayette (Roe), I do not believe that it has been made clear that the jurisdiction which a county judge now exercises and which as a trial court he exercises finally without an appeal de novo, is infinitely more important to litigants, involving more money than the jurisdiction which a county or a probate judge now exercises which is subject to a trial de novo; the right to determine the validity of special assessments, to determine the validity of drainage assessments in which that court has exclusive jurisdiction except in rare instances, the entering of the decree for the sale of real estate for decedants, the order of the sale of real estate of minors and lunatics from which an appeal must be taken, not to the Appellate Court, but to the highest court in the State, not even an intermediate court. Now, the talk about not making up a record, perserving a record subject to appeal, and trial of de novo in trials of lesser importance is clearly insignificant.

As to the contention that the County Court has no reporter, that is provided for by the law. We have a law in this State which provides for all counties having a population of less than 200,000, which excludes Cook County, and I assure you we can make our records in the Probate Court and can make them with the same completeness as we can in any other court. The law provides now that your county judges can appoint reporters.

Mr. ROE (Fayette). Do you say that the law provides for reporters in Probate Courts?

Mr. DE YOUNG (Cook). You don't have to have official reporters. The great majority of lawyers have their own reporters.

Mr. ROE (Fayette). On your theory the lawyer would have to have a reporter for every little thirty-cent claim?

Mr. DE YOUNG (Cook). Not at all, unless you take an appeal. You don't have to hire reporters in the vast majority of cases.

Mr. ROE (Fayette). How do you know whether you have to appeal your case or not?

Mr. DE YOUNG (Cook). I have here some letters from more than twenty men, county judges of this State, who have sat upon the county bench for years; all without a dissenting voice say that this is a reform in judicial procedure which we ought to have. This is not a measure which has a party tinge about it. I said to you a while ago that the probate judge of Cook County, a democrat, is the man who suggested and who is the author of these two bills. Their merit is so great, the remedy is so simple, the expenses saved to the tax-payers and the public are so great, it seems to me that there ought not to be a dissenting voice on this matter. Surely

if a probate judge or county judge is competent to determine and to determine finally, so far as nisi prius vote is concerned, these other things of so great importance, it does seem to me that he ought to have the right to determine, subject to the review of the reviewing court, and not a trial court.

A probate court today hires an administrator to count, to turn over money, which he wrongfully withholds. What is the party to do? All he does today is to spend ten, twelve, fifteen dollars to take an appeal to the Circuit Court.

I tell you, gentlemen, these are matters of some importance. If you knew how the average administrator, by mere appeal, can defeat the order of the court, I believe that you would ceaselessly lend your support to the passage of these bills.

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House. I believe, gentlemen, that if you pass this bill, you have passed one of the most unwise pieces of legislation that the calendar of this session contains, and I do not believe that the gentleman from Cook (DeYoung), good lawyer that he is, and conscientious as he is, would stand on this floor and advocate the passage of this bill if he lived down the State and understood the practice down the State, and understood fully just what the passage of this bill would do to the practice down State. I think that he has not thoroughly investigated that, but with his eye single to the practice that he does understand and to cure the evils that he knows of in Cook County, he has lost sight of what it will do in the great State outside of Cook County.

Now, gentlemen, I want to say now that one of the troubles with the gentleman from Cook (DeYoung) in his analysis of this proposition is that he does not distinguish between the law jurisdiction of the county court and the probate jurisdiction of the county court in those counties where they have no separate probate courts. I don't care whether the average county judge down the State is a lawyer or whether he is a farmer or blacksmith, or what he is, if he is content to hold the position of county judge with the salary that goes with that—and in my county as I now recollect it, the big county of LaSalle, it is a little less than two thousand dollars per year, about that—he either holds the position as a side issue to the practice of the law in the other courts or he holds it because he is not worth any more than that, which is all too often the case, or he holds it because of the fact that there is not enough business in the county to make it worth while to pay any more than that for a judge. The law jurisdiction of the county court, aside from the tax proposition amounts to practically nothing. It is, as the gentleman has expressed it, the Mecca, the repository for appeal from justice of the peace courts. A middle plane, and that the circuit court does not care to be bothered with or have its time taken up with. Now, you take it today, and I am going to deal with the probate jurisdiction, a man has a claim against an estate; he presents it against an estate in the probate court or in the county court, it is heard there, and if he is dissatisfied with the finding, or if the other side is, an appeal is taken to the Circuit Court, where it is tried de novo. His trial in the probate court, or in the county court—there are but a few probate courts in this State, remember that, only a few, just a very few—now then, his trial in the county court is without a reporter; it is without a record; it is without anything more than you get in a justice of the peace court. And I say to the gentleman from Cook (DeYoung) that there is no power or authority in the county judge of this State or in the probate judge of this State, unless it is at his own expense, to have any court reporter; it is not there, and there is no provision for it. The lawyer can take his reporter in if he sees fit, if he has got one; there is not everybody that has one, and there is not one in ten down the State that has got one that can take testimony in court, usually nobody. You take down in my town, a town of twelve thousand inhabitants, an old county where the practice is big and you cannot find in my town three stenographers today that can go in and take the testimony in a case, and I will venture to say that my town is a fair sample of the towns in the State of this size. But, gentlemen, every circuit court has of necessity its official court reporter whose business it is to

take cases, whose business it is to take testimony, and he could not hold the job unless he or she was efficient to do it, and did do it; so that when you get to the circuit court you are sure of your record; you have got your record as a matter of course, with every objection and exception taken care of, and you are in good shape to go to the appellate court. In these matters in the probate court you are not, and you cannot be, and you cannot make up a record from them; it is an impossibility except according to the old style where you get together and agree that so and so happened, and so and so happened, and write it out and agree upon it, and then the judge signs it, but as far as an accurate, no guess bill of exceptions is concerned, you could not have it—or record either—it would be out of the question.

That is not all, and I will venture to say that here is something that the gentleman from Cook (De Young) did not think of. We will get beyond the question of claims. Here is a big estate involving a hundred thousand dollars. John Anderson has died and he has left a will. He dies testate. There are two signors to that will, John Smith and Sam Brown, both of whom subscribed to the will as witnesses and subscribed and signed to the effect that he was of sound mind, memory, and so forth, and signed in their presence, and all that. All right. Now, gentlemen, all that the probate judge, or the county judge acting as the probate judge, can hear on the probate of the will is the testimony of the subscribing witnesses, and that is the law; he cannot go outside of it, and he can only inquire as to the accuracy of the certification of the witnesses, and from these two witnesses their opinion as to the condition of the deceased at the time, and so forth. You cannot go beyond it. Now then here was a case that actually occurred, so it is not a vagary, a theory, nor a fiction, and it occurred right up in Lee County. There were three subscribing witnesses and when it came to the probate of the will these three gentlemen who had seen the testator after he had subscribed to the will, day after day, they had changed their mind as to the condition of his mind. Two of them testified that they did not know whether he was sane or not at the time that he signed the will, and the other one testified that he was not of sound mind. Now, then, that was the condition, and you want to take and appeal directly from that probate court? Where in the name of God would you be? You would not be any place; you would not be anywhere, and there would not be anything for the court to determine on that testimony.

Now then, I call your attention to section 13 of chapter 148 of the Statutes: "When the probate of any will and testament shall have been allowed or refused by any county or probate court, and an appeal shall have been taken from the order or decision of such court, allowing or refusing to admit such will to probate, into the circuit court of the proper county, as provided by law,—” Now, mind you gentlemen, that is very valuable. "—it shall be lawful for the parties seeking probate of such will to support the same, on hearing in such circuit court, by any evidence competent to establish a will in chancery; and in case probate of such will shall be allowed on such appeal, it shall be admitted to probate, liable however, to be subsequently contested, as provided in the case of wills admitted to probate in the first instance.” That was what the people did in the Lee County case. There was a finding by the probate court; I don't just recollect what it was. They took an appeal to the circuit court under the present law, and there was a hearing, and not only by the witnesses who signed the will, but by his neighbors, testimony of his neighbors and friends who knew him and the result was had that established the question of his soundness of mind, and the decision was had, and it was before a circuit court judge that had a reporter, and it was down and in record shape and they were in condition to appeal if they were dissatisfied with it.

That is only one thing that this Act will do; it is only one thing that it will do to your practitioners down the State. It will make of the county judge who, in all too many instances, is not only incompetent but is not provided with the power to handle the situation, a court of last resort, and it won't do for the litigant; it won't do for the lawyers that want to try their cases scientifically and accurately, and have a record upon which the higher court can pass and pass properly.

I do not want to take up more time of the House, but I could go on now and suggest to you a small volume of complications that this bill, if passed, will involve the practice of the law in this State in. I talked this over a couple of weeks ago with one of the circuit judges of my circuit at home, Judge Davis. He is a good judge, a careful, conscientious, painstaking lawyer, and I suggested a few of these things. He said, "Browne, those are only a few of the many things that will be disastrous to the practice of the law in the State of Illinois that this bill will bring about unless you change the laws regarding the jurisdiction of your County Courts as regards the practice of your County Court so as to make that a court that can handle these propositions." That has not been done and is not contemplated.

Gentlemen, this bill emanated from the judges, or a judge of a court, evidently a judge that was not at all familiar with the practice down State. It is in line with our old friends who was in this House for at least three sessions to my actual knowledge, and perhaps more, introduced by the Society for County Judges of the State of Illinois, in which they asked this Legislature to pass and to make into a law a proposition giving to the County Courts of the State of Illinois chancery jurisdiction. They want chancery jurisdiction, and some of them that I have seen could not spell chancery, let alone draw any pleading under it.

Gentlemen, I hope you won't pass this bill; I hope you won't, and I certainly know that any man down State that votes for this bill is going to live to repent his actions as a lawyer, and if he is not a lawyer he is going to repent it in view of the criticisms that he will be met with by his friends and the bar. I vote "no."

Mr. TURNBAUGH (Carroll). The gentleman from LaSalle (Browne), on this question of report from the County Court, is mistaken.

Mr. BROWNE (LaSalle). I am talking about Probate Courts.

Mr. TURNBAUGH (Carroll). Well, the County Court has probate jurisdiction.

Mr. BROWNE (LaSalle). There is as wide a line of demarkation between the common law jurisdiction and the probate jurisdiction as between the Probate Court and the County Court, and whereas a county judge, as such, does have the right to have a court reporter, the probate judge, as such, does not have such a right.

Mr. TURNBAUGH (Carroll). Well, they exercise that right.

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) We fully appreciate a distinction. It does not make the slightest difference, so far as the ability of the judge is concerned and whether it is exercising one or the other. The gentlemen further says that we proceed to confer upon probate judges chancery jurisdiction. We are not doing anything of the kind.

Mr. BROWNE (LaSalle). I did not say anything of the kind. I did not say you were trying to confer chancery jurisdiction. I said this bill was on a par with another bill introduced by a friend of ours who was here for three or four sessions that sought to give chancery jurisdiction, and this was on a par with it.

Mr. DE YOUNG (Cook). You say there are not over three reporters in your county, Mr. Browne?

Mr. BROWNE (LaSalle). I did not say that, I said in my town. We have got an official court reporter who has been there for twenty-five years, he is the best in the State, and he has the record of sending the best records to the Supreme Court.

Mr. DE YOUNG (Cook). You do not have to have an official court reporter. We do not have any officials in any of our courts in Chicago, and let me say that this bill is supported by the county judges of at least twenty towns and counties. I have letters here from county judges in every part of the State; your own county.

Mr. BROWNE (LaSalle). Of course, they want them. The county judges of Illinois want a chancery jurisdiction; why not? It elevates them; it gives them dignity; but it does it at the expense of the poor litigant.

Mr. DE YOUNG (Cook). The same judge that is competent to pass on

questions of infinitely greater jurisdiction ought to pass upon these. Your own judge, the Honorable Judge Weldon, of LaSalle County, who is admitted to sit in Cook County during vacation, and who is an able man and highly esteemed and one of the leaders of the State, says it is a good bill and ought to pass.

Mr. BROWNE (LaSalle). Sure, sure. May I ask you a question?

Mr. DEVINE (Lee). Suppose the court refuses probate of a will because the witness of the will testified that the testator is not of sound mind; under your provision now, where would that case go on appeal?

Mr. DE YOUNG (Cook). Why, your case would go to the appellate court.

Mr. DEVINE (Lee). Under this bill?

Mr. DE YOUNG (Cook). Yes.

Mr. DEVINE (Lee). Now, the only testimony that the probate or county court has a right to hear is the testimony of those two witnesses? Isn't that a fact?

Mr. DE YOUNG (Cook). They would hear the testimony of those two witnesses and others.

Mr. BROWNE (LaSalle). You can't do it. No, you can't.

Mr. DE YOUNG (Cook). They have done it, every day.

Mr. BROWNE (LaSalle). You can't do it, and it is error.

Mr. DE YOUNG (Cook). I move that further consideration of this bill be postponed.

Mr. COOPER (Wayne). I move to lay that motion on the table.

Mr. DE YOUNG (Cook). My proposition was to ask that further consideration of this bill be postponed for this purpose, to recall it to second reading later. I think it ought to be left on the calendar for that reason, so that we can give it consideration, and I ask that the gentleman at least give us that chance.

Mr. COOPER (Wayne). All right, I will withdraw that motion.

(Motion to postpone further hearing of the bill prevailed.)

Mr. THOMAS CURRAN (Cook). I desire to call up House Bill No. 724 on the order of third reading.

Now, Mr. Speaker and gentlemen of the House, this bill, No. 724, is a bill that was drawn up after an investigation of a committee that was appointed by this House two years ago. After the investigation of the different maternity hospitals throughout the State we found that there was no regulation of the maternity hospital, and the committee thought that there should be some regulation, and we had the attorney of the committee draw up this bill, placing all maternity hospitals under the jurisdiction of the State Board of Administration. It is a bill that should pass. It is necessary right at the present time. You can see where different cities and also the Federal Government at this time are asking for the regulation of maternity hospitals. It is a good bill and should pass.

(Roll called.)

Mr. BURRET (Champaign). (On roll call.) Mr. Speaker and gentlemen of the House. I want to say one or two words in regard to this bill. Having been a member figuratively of the Curran committee, there has been one objection to this bill and that is that it would interfere with hospital management. The first section of the bill, I think, obviates that. There are certain things that are impossible to be done unless there is a semblance of the power of the Board of Administration to have some authority, and the matter that my attention has been called to that this would supervise various hospitals, either private or sectarian, and it will put them absolutely under the Board of Administration, which obviates any prejudice in that matter of the investigation. I believe very much more good can come from this bill than the management of maternity hospitals by the State, and there are certain other hospitals, outside of the city of Chicago, which will be reached effectively that cannot be reached in any other way, and I hope, gentlemen, you will support this bill.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 123, and the "nays" 1; the bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. MULCAHY (Cook). I desire to call up House Bill 239 on the order of second reading.

Mr. BRINKMAN (Cook). I object.

Mr. MULCAHY (Cook). I ask for a suspension of the rules, and move under Rule 12 to proceed to the order of second reading for the purpose of considering House Bill 239.

THE SPEAKER. The clerk will call the roll on the question of the suspension of the rules for the purpose of considering this bill. It will take 77 affirmative votes.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) I think that perhaps the gentleman from Cook (Mulcahy) ought to explain to the House that there is at least—or at least it has been represented to me that there is somewhat of an outside understanding between the opposing forces here that this bill if properly amended would be satisfactory to both sides. That is the way it has been represented to me, and they cannot amend it except by getting it back to second reading.

(Roll call continued.)

Mr. MULCAHY (Cook). Mr. Speaker, I wish to say in answer to Mr. Browne (LaSalle) that there has been no agreement among the members, but that some of the members agreed that they would vote on a 75 car bill.

Mr. GORMAN (Peoria). Mr. Speaker, in order that there may be no misunderstanding or false impression; there is no understanding relative to any agreement in regard to a 75 car train bill.

Mr. MULCAHY (Cook). There is not with you; but with some of the others.

Mr. GORMAN (Peoria). Just a moment. I understood that an amendment would be presented by the proponents of the bill naming 75 cars. You would infer from Mr. Browne's (LaSalle) statement that it was an agreeable proposition. Now I can say to you that any limitation is not an agreed nor an agreeable proposition to the railroad interests, I say that so there will be no misunderstanding in regard to the question.

(Roll call concluded.)

Mr. MULCAHY (Cook). Mr. Speaker, I ask for a verification of the roll.

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 62 and the "nays" 2, and the House refuses to suspend the rules.

Mr. BROWNE (LaSalle). Now I want to be perfectly fair in this matter, Mr. Speaker. I have just been given to understand upon very credible authority—an authority that would pass muster with anybody in this House, that there is a gentleman upon the floor of this House now who has an amendment prepared by the railroad people for a 75 car limit, to offer in case this bill was advanced to second reading. Now I am given to understand that that is so, and I say then this bill ought to be considered on second reading by this House.

Mr. BURNS (Cook). Mr. Speaker, I desire to call up Senate Bill 523 on the order of third reading.

Mr. MULCAHY (Cook). I object.

Mr. BURNS (Cook). Then I move that under Rule 12, the rules be suspended for the purpose of taking up Senate Bill 523 on the order of third reading.

(Vive voce vote taken.)

THE SPEAKER. The House votes to suspend the rules for the purpose of taking up this bill and the clerk will read the bill.

Mr. BURNS (Cook). Mr. Speaker and Gentlemen of the House: This bill is to amend a bill that was passed by this House about ten days ago, permitting the placing upon the ballot on next Monday at the June election the proposition as to whether the West Park Board of the city of Chicago may issue bonds to an amount up to one million dollars that they might improve the park property purchased a little over a year ago. At the time of the passage of the bill the 20 days' notice which was required by law had passed and there would only be seventeen days before election

day. The amendment applies only to this bill, permitting this proposition to go on the ballot next Monday. The advertising of the bill has been sufficient throughout the press of the West Side of Chicago, so that the electorate of the park districts are entirely acquainted with the proposition of the bond issue, and it is for that purpose that this amendment is now advanced for consideration. It will take 102 votes, gentlemen, and as you passed the other bill without any dissenting votes, about ten days ago, I ask you and each and every one of you to give your votes in favor of this bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 113 and the "nays" none. The bill having received the necessary two-thirds vote, it is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. BREWER (Whiteside). I desire to call up House Bill 366 on the order of third reading.

Mr. KASSERMAN (Jasper). I object.

Mr. BREWER (Whiteside). I move that the rules be suspended for the purpose of considering this bill.

(Motion prevailed. Rules suspended.)

Mr. BREWER (Whiteside). Mr. Speaker, this bill simply authorizes and empowers any county in the State to provide for a county library. It is by petition to the county board, and it does not necessarily mean that a site may be purchased and the building built, but they may make arrangements for the establishment of libraries and the loaning of the books. It is a bill that makes it entirely optional with the county.

Mr. HUBBARD (Greene). How is it optional?

Mr. BREWER (Whiteside). It is optional with the board of supervisors of the county.

Mr. HUBBARD (Greene). The petition has to be signed by how many?

Mr. BREWER (Whiteside). By 100 voters.

Mr. HUBBARD (Greene). They may do it but they are not compelled to?

Mr. BREWER (Whiteside). Yes, they may do it but they are not compelled to.

Mr. KASSERMAN (Jasper). Mr. Speaker and gentlemen: The bill authorizes the establishment of libraries in the several counties of this State. The gentleman who introduces the bill states that it is on petition; that is true: it requires the great petition of 100 voters and the county board. The county board itself does not create and erect this library building and maintain it; the county board is authorized only to appoint what is known in this bill as a library board and it is given this sweeping power under section 6: "Said library board may buy, build or lease a building for library purposes"—giving this library board, which is created by the county board, a greater power than is given by the statute to the present county board in the erection of any kind of a public building. No building, if it requires the expenditure of any considerable amount of money is at this time authorized to be erected by the county board and the money expended without submitting the matter to the vote of the people before that is done. The bill, instead of requiring even that to be done by the county board, to whom this petition is to be presented, lets the county board name still a third party and then gives the power to the third party to make the expenditure of this money. I think this bill is a bad bill and ought not to pass.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen: I would like to be for this bill if I could see any possible way of being for it and feel that I was doing right; but it looks to me as if whoever drew this bill, drew it without any sort of an idea or notion of what it would take to constitute a library board, to levy a tax, or to proceed in any way along the line. I don't know who drew the bill. In the first place there is no provision here for a referendum vote of the people to ascertain whether the people of a county want a library or not, or of any particular part of the county. Any 100 people can petition to the county board of supervisors,

and the board of supervisors vote on it themselves to see whether they will do it. It says "and in the event of the determination to establish a library"—well, how in the name of God are you going to determine upon it? Are they going to vote on it, or who is going to vote for it? It says "and in the event of the determination to so establish a library"—it doesn't provide how they are to determine or anything of the kind. We are left entirely in the dark. Are the people to vote for it or are the board of supervisors to vote for it? I don't know who does vote for it. The county commissioners or the board of supervisors may appoint a library board and they have unlimited power to act. I don't believe the gentleman himself wants this bill to pass in that shape. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 72 and the "nays" are 13. The bill having failed to receive a constitutional majority it is declared lost.

Mr. WATSON (Hardin). I desire to call up House Bill 523 on the order of third reading.

Mr. Speaker and gentlemen of the House: The bill as printed originally has been amended and all that part of it with reference to wide tires has been stricken from the bill. Under the present road law the county board may aid road districts or a township in building a bridge, but they cannot aid a city or village, and this amendment simply permits the county boards of the various counties to aid cities and villages of less than 15,000 population in building bridges at a certain cost within their limits. This bill was drawn originally for the benefit of the city of Carmi, that has the Little Wabash River running through it. They have a bridge over the river that is about to come down, and the city is unable to raise sufficient means to build a new bridge. The county board is willing to aid in building this bridge if they are permitted to do so under the law. It was originally suggested that it be made to apply to cities and villages of 5,000 population, but there were a number of people requested that it be made 15,000; that there were other cities in the State that would like to have the benefit of this law.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 96 and the "nays" are none; the bill having received a constitutional majority it is declared passed and the clerk will report the title of the bill.

Mr. LYLE (Cook). I desire to call up House Bill 419 on the order of third reading, which provides for separate ballots for judges. Mr. Speaker, this bill was amended so it applies simply to Chicago, and it is endorsed by the Chicago Bar Association and the Lawyers' Association and also by the public press, and I think it should pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 99 and the "nays" are none. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. MAUCKER (Rock Island). Mr. Speaker, I desire to call up House Bill 812 on the order of second reading, and I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 812, as printed, by striking out all of section 2 of said bill.

(Amendment adopted.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. MERRITT (Sangamon). Mr. Speaker, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 93.

WHEREAS, Information of the decease of the late Honorable Henry Wirt Butler, son of the late William Butler, former State Treasurer, who was

christened with the name given him by Abraham Lincoln, a son-in-law of the late General John A. McClernand and the father of the Honorable William J. Butler, a fellow member of this House of Representatives, is announced; therefore,

Resolved, That the members of this body hereby desire to express their sincere condolence to the Honorable William J. Butler and his family, in their bereavement in the loss of father; and further, be it

Resolved, That this mark of esteem and respect for our brother member be entered upon the Journal of the House; that an engrossed copy of this resolution be forwarded to the Honorable William J. Butler and his family; and, as a further mark of respect, that the House do now adjourn until 9:00 o'clock a. m., tomorrow.

Resolution unanimously adopted, and the House thereupon adjourned until 9 o'clock a. m., Wednesday, June 2, 1915.

WEDNESDAY, JUNE 2, 1915.

9:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Ray (Vermilion), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, all without debate.

Mr. RINEHART (Effingham). I desire to now call up my motion to take House Bill No. 949 from the hands of the Committee on Insurance and to place the same on the House calendar.

THE SPEAKER. The gentleman from Effingham (Rinehart) is out of order for the reason that he did not give the required notice.

Mr. RINEHART (Effingham). Is that the ruling of the speaker?

THE SPEAKER. The clerk informs me that the notice was not given in to be read at the morning session yesterday.

Mr. RINEHART (Effingham). I wish then to give this notice for tomorrow morning.

Mr. SHURTLEFF (McHenry). I desire to call up House Bill No. 397 on the order of third reading.

This bill makes an amendment to the assessment Act and makes certain the right to assess omitted property in the case of an estate, personal property.

This bill makes into statutory law what is probably the law of the State of Illinois now, that in the case of decedents' property that has been omitted from assessment, both real and personal property, may be assessed. In any estate where the amount is of a considerable sum, there is always a fight made on the right to assess personal property, and while it is generally conceded that if it went to the Supreme Court the court would hold that you could assess personal property, still in practically every case there is a settlement made and the case does not go to the court. In the Marshall Field estate the amount received did not amount to more than one-third or one-fifth of what the assessment should have been.

This bill grew out of, so far as I am concerned, what is called the Barber estate in my own county, where the assessment should have rendered a tax of about \$225,000. The point was raised there there was no right to assess personal property and the Board finally settled and collected \$85,000. This merely makes certain the fact that personal property can be assessed and has added the provision that the Taxing Board may employ counsel to assist in getting the assessment. It is a good bill and ought to be the law in this State plainly and certainly.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to explain my vote. Now, gentlemen I haven't the slightest objection to this bill insofar as it gives to Boards of Review the right of assessment of property that has been omitted, left out, overlooked or whatever you please to call it, because from my standpoint all property should be assessed, and if it is assessed and the taxes paid on it it will relieve the tax tension in this State and thus far I am with this bill, but that is not the limit of it. The bill further gives the right to go back in to the archives of the past and dig and dig, ad libitum, years back and tear up estates and do everything of that kind.

Now, while it is true that if anything has been omitted and not taxed it ought to be paid for or rather it ought to be taxed, at the same time this will entail a chaotic condition, it will entail a tearing up of conditions that will be absolutely disastrous. It is all right for the bill to provide for taxing now and in the future, anything that may be omitted by the assessors, but to give the Board of Review the right to go back into the past and disturb conditions in that way you will find will be productive of evil all along the line. Not only that, but the bill gives the right to employ counsel, *ad libitum*, to engage in these expeditions. It does not limit that right to do these things at all and they can in that way saddle upon the county and upon the tax payer enormous bills for legal help in these expeditions that may or may not result in good.

For instance, gentlemen, I don't speak from a theoretical standpoint. In my county some members of the Board of Supervisors became satisfied that the accounting by various officers had not been what it should be, and that there were discrepancies and errors that should be looked into, and pursuant to this feeling of a number of the supervisors the Board voted to hire a man that was expert in the business and they paid him, I think either six or nine thousand dollars. Not only that but they hired attorneys to proceed after he got through with the following results: that after the expenditure of that money, the expenditure of the attorneys fees not one of the claims maintained in the court were substantiated and those that are still undetermined are jokes and will be dismissed so that the county has been put to that expense without a cent of return.

Now, I don't believe that this will result in that way, but it gives opportunity for the employment of counsel for these expeditions, for these problemical things, *ad libitum*, no limit upon them, and when you get through you may have something, and you may not. I think it is a bad bill, and as I say, I believe that the inquiry should be confined to the present and the future.

Mr. SHURTLEFF (McHenry). Will the gentleman yield to a question?

Mr. BROWNE (LaSalle). Yes, sir.

Mr. SHURTLEFF (McHenry). Isn't it true that the present law is that you may go back to make inquiries?

Mr. BROWNE (LaSalle). No, I don't think so. I think under the Federal Law there is no question under the inheritance tax you can go back as far as possible.

Mr. SHURTLEFF (McHenry). Our court has held you can go back to have all omitted property assessed.

Mr. BROWNE (LaSalle). I don't know whether they have held to the extent or not.

Mr. SHURTLEFF (McHenry). Well, they have.

Mr. BROWNE (LaSalle). If they have there is no need of re-enacting something that is already into law. I don't so understand it. It may be the gentleman from McHenry (Shurtleff) is right. If he is there is no need of re-enacting what is already a part of the Statute. Now that is my position on it and I vote "no."

(Roll call continued.)

Mr. SHURTLEFF (McHenry). Just a word about this bill as to going back. The bill in no manner changes the present law. In fact it is a principle of law and our court has held, and always has held, and they are going back and assessing omitted property back to the time of the passage of this law. It does not apply to any case where an assessment has been made for any amount because the court has held that where a person has been assessed for personal property in any sum and the board has passed upon it that it closes there. It is only to reach those cases where there has been an absolute omission to give in property to the assessor and the only criticism of this bill before the committee was from parties in Chicago who wanted to add to it the further provision of having it apply to all, which wasn't done. This bill does nothing but render certain what is now probably the law that you can assess omitted personal property the same as real estate and it authorizes boards to employ counsel, because why, in the Marshall Field estate where a tax of five million dollars should have been recovered they finally settled for one, and the estate paid one, because they knew it was

the law and there was nobody really interested to prosecute the case. It is the law now that personal property can be assessed in all probability if it got to the court, but it does not come to the court and there is no way to prosecute the case except the states attorney upon his salary, and this merely makes plain in the law what is really the law.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 110 and the "nays" 3; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. FAHY (Marshall). I desire to call up House Bill No. 29 on the order of third reading.

This bill reduces the requirement from three hundred to two hundred to give villages the right to incorporate. At the present time we have a great many villages that have two hundred people, but not three hundred, and they want to incorporate and have police protection and also have the right to tax the people and build sidewalks and so forth.

Mr. WILSON (Adams). It seems to me that this is an ill-advised bill. Now, the law as it is now says that a corporation or territory can not be incorporated into a village unless there are three hundred inhabitants.

Mr. Speaker, I would like to have the attention of the House, because I believe it is a matter of some importance. Under the law as it is at present contiguous territory cannot be incorporated into a village unless there are at least three hundred inhabitants. This bill would change the law so as to reduce the number to two hundred. Now, it seems to me that this is a very ill-advised bill. It would create a lot of little villages throughout the State of Illinois of small size, with little means to support themselves, and I want to explain to you men who come from the country section of the State that this law will increase the taxation of the farmers and the people within this territory two miles square. The law reads as proposed: "Whenever any area of contiguous territory not exceeding two square miles shall have residents thereon, a population of at least two hundred, then any thirty legal voters resident within the limits of such proposed village, may petition the county judge." Now then, there may be around a little hamlet, there may be a few citizens there who are around a little store, a few citizens there that wish to incorporate a village, for what purpose? For the purpose of bringing in the outlying farmers within the two miles. They may have the majority of the votes in that territory of two square miles and these few villagers right around, we may say a central store, these few villagers by a petition of thirty, and who presumably under the law may be women and the different members of the family, and so you might have four or five families gathered around a country store who would want to put a lot of taxes upon the farmers in the surrounding two miles territory and they might have a majority of the votes. There might not be over thirty-five or forty, or fifty people in that two-mile square, and the fact is very likely there is rich farming land all around there, and these few villagers around the store would create a village here of these few citizens around the store, would create a village here and draw in by force, draw in the outlying farmers and they would have to pay the tax. You see the point. You know this, that if you live in the suburbs, if you are just outside the limits, and you do not have to pay the taxes, you are in a very much better situation. We have in our county a case where three hundred people tried to incorporate a town and this caused one of the most bitter fights that we ever had. This was in regard to the village of Plainville, incorporating, it wasn't a question of two hundred inhabitants, but it was a question of three hundred inhabitants, and it created more ill-feeling in that neighborhood than anything that had happened in many years. What did they find? They found that when that little village incorporated there was a great mass of taxes for the support of the village and the support of the village officers and the keeping up of the running expenses of the village that became a burden on the tax payers there, and I want to say to the members of this House who come from the rural sections of the country that if they want to get in trouble with the farmers they can do it by passing this bill. There may be here and there an instance such as the gentleman from Marshall county has in mind, one par-

ticular store, one particular little community, where they want this sort of thing perhaps, and his motives may be of the best, but I want to say, gentlemen, that this is an absolutely ill-advised bill, and I think it should not meet the approval of the members of this House.

(Roll called.)

Mr. WILSON (Adams). Mr. Speaker, I desire a verification of the roll.

THE SPEAKER. The clerk will verify the roll.

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" 52; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. PROVINE (Christian). I desire to call up House Bill No. 211 on the order of third reading.

Mr. Speaker and gentlemen of the House, may I have your attention just for a minute to briefly explain this bill. The purpose of this bill is as the bill indicates to ratify and confirm the sale of the second regiment armory in the city of Chicago. Authority for this was given in the Forty-seventh General Assembly. It created a commission to sell this property, and again in the Forty-eighth General Assembly, there was a bill passed that provided for the distribution of the proceeds of this armory. It was advertised for sale on three different occasions, on August 24th, 1914, at which no bids were received. The second on the first of October, 1914, at which time no bids were received, and the third on the 27th of January last, at which time a bid was received for \$45,825. The advertisements were all made in daily newspapers in the city of Chicago and the commission that was authorized to sell this armory was composed of the Governor of the State and the Adjutant General. That was the only bid that they received and after having advertised it three times and twice receiving no bids and this last time the one they accepted. They sold the property and this bill is just simply to ratify and confirm that sale and to protect the title.

Mr. F. J. RYAN (Cook). In what paper was that advertisement published?

Mr. PROVINE (Christian). I don't know, Mr. Ryan, the Adjutant General just told me that it was advertised in the daily newspapers in Chicago three times. All that I know is what information was given me by the Adjutant General and the Governor.

Mr. F. J. RYAN (Cook). Who was the purchaser?

Mr. PROVINE (Christian). I don't know that, I am just relying upon the words of the Adjutant General of this State and the Commission which is composed of the Adjutant General and the Governor of this State.

Mr. O'ROURKE (Cook). I would like to get at what the value of the property is. It seems to me that this is a rather low price.

Mr. PROVINE (Christian). For the information of the House I desire to read a letter from the Adjutant General which states what I have heretofore stated to you. "And further a third advertisement was had and on January 27th, in the office of the Governor the bids were opened and the commission acting under the authority and in pursuance of the Act of the General Assembly accepted the highest bid then and there offered in the sum of \$45,825. The Commission felt that in view of the three attempts made to sell this property each at some considerable cost of advertising that the bid accepted, being the highest bid at any time be received. It was the best bid that could be found", that is a statement I have from the Adjutant General of the State, with the Governor of the State and the Adjutant General who were the Commission that acted upon that bid and they believed it should be accepted.

Mr. BRINKMAN (Cook). I would like to ask what the dimensions of the lot are.

Mr. SANTRY (Cook). For the information of the gentlemen I will say the Armory over there is about the same size as the Seventh Regiment Armory, possibly a little larger.

Mr. BRUCE (Cook). 160 by 140, Mr. Brinkman.

Mr. PURDUNN (Clark). I would like to ask Mr. Brinkman a question. He is familiar with real estate values, what his valuation of the property would be in his judgment?

Mr. BRINKMAN (Cook). I think the lot is worth a good deal more than that. It has 160-foot front at \$300 a foot would be worth \$48,000.

Mr. HOLADAY (Vermillion). I would like to ask a question. How long has the State owned this?

Mr. SCHUBERTH (Cook). I was a member of the sub-committee that investigated this question and we investigated that sale. They had authority to sell the property receiving that authority from the Forty-seventh General Assembly. The sale was made and as I understand the deal is closed and there is nothing more to do but to confirm the sale. I don't think that it is necessary. It is a technical question that the Title and Trust Company raised. So far as six or seven hundred dollars a foot is concerned, there is no such value there.

Mr. McGLOON (Cook). Mr. Speaker, and gentlemen of the House this property is located in what used to be one of the best resident sections of the city of Chicago. At the present time it is in the factory site district and about five or six years ago the National Biscuit Company bought a strip of land about a block and a half away to the east of this present site at a price of \$600 a foot. Now, this land is very valuable and I believe it is going to be used for some sort of an industrial plant or something of that kind, and I don't think that the members of this House ought to vote to approve this sale. I believe that it is a vicious bill and that it should be killed in the interests of the taxpayers of this State.

Mr. HOLADAY (Vermillion). Do you know what the State paid for this land?

Mr. McGLOON (Cook). Well, that don't make any difference, it is what it is worth today.

Mr. HOLADAY (Vermillion). That would give some line on it.

THE SPEAKER. For the information of the House I will answer the question of the gentleman from Vermillion (Holaday) as I was chairman of the Appropriation Committee. This ground was offered to the State for five years and was never taken and when it was purchased, it was purchased for \$35,000 six years ago.

Mr. SCHUBERTH (Cook). We made three different distinct attempts to sell the property. They advertised for bids the first time and received a bid of the same figure which they turned down. They could not get anything better and they accepted and sold for that price. This question raised is a technically that the Title and Trust Company raised.

Mr. PROVINÉ (Christian). I want to be absolutely understood in regard to this bill. I introduced this bill at the request of the Adjutant General who comes from my Senatorial district, and I am taking his word for it, and his letter in which he says that the commission composed of the Governor of the State of Illinois and himself have worked for the sale of this property and that they have got all that they think it is worth, and if anyone wants to question the motive of those who were authorized to do it, they should ask for further information from them.

(Roll called.)

Mr. DONLON (Cook). I would like to say a few words on this bill. I live within three blocks of this property. Now, I am concerned in no way, gentlemen, in regard to this sale. I don't claim to be an authority on the value of property in that neighborhood. In regard to what has been said in regard to the price that the Biscuit Company offered for that property and what they were paying for land there, I want to say gentlemen that the Biscuit Company has bought no land in that neighborhood for twelve years, and I will venture to say that the Biscuit Company never paid over three hundred dollars a front foot for all the land they own there. The Ganschow Gear Cutting Company in front of the National Biscuit Company about six years ago paid less than \$300 a foot for their property. Now they are factory locations and I don't think gentlemen that that property would bring very much over \$400 a front foot, and so far as I am concerned, I don't care whether it is sold or not, it don't concern me a particle, but I think under a forced sale, gentlemen, you would not get very much more than that for that property.

(Roll call continued.)

Mr. HOLADAY (Vermillion). (On roll call.) It seems to me that the best information that the value of this property is perhaps the cost price of it. The State purchased this six years ago at a cost of \$35,000, and is now selling it at \$45,000, and it appears to me that on that basis that it is a reasonable price, and I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to explain my vote. I am very loathe to believe that there can be anything of an unfair or a dishonest nature in a contract or in a deal supervised by the present Adjutant General, Mr. Dickson. I have known him sufficiently to believe that he not only would not participate in a thing of that kind but that he would not tolerate it in any way, directly or indirectly, if he knew of it. That is my opinion of him.

I don't know anything about the value of this property. It is purely a matter of conjecture with me based upon what I have heard and upon the recommendation of the department, but it seems to me that we are getting very parsimonious and very economical with the State Treasury all of a sudden. If this were the usual thing then I would not wonder at it, but when a few days ago we passed a bill, as we did, which was an enabling Act and amounted to a quit claim deed of every bit of submerged land in Illinois, and did it without batting an eye, when we do a thing of that kind, why it seems to me that just a simple matter of a mere lot ought not to worry anybody, and I vote "aye."

THE SPEAKER. On this question the "yeas" are 117 and the "nays" 13; the bill having received the necessary constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent of the House, Mr. Speaker, to call up Senate Bill 459 on the order of third reading.

THE SPEAKER. There seem to be no objections. This bill was read a third time yesterday and further consideration was postponed. The clerk will call the roll on the passage of the bill.

(Roll called.)

Mr. HUBBARD (Greene). (On roll call.) Mr. Speaker, I desire to explain my vote. I stated before when this bill was up that perhaps this was in accordance with the statute or the constitution relative to the allowance of expenses to the members of the Legislature. I believe there is a little doubt as to that now, and while this amounts to a very little to me in mileage, I feel that the bill is a just bill and I feel that if I should take the voucher for this amount, I ought to vote for it. Now I also feel that we have allowed bills to pass here that are contrary to the law,—these bills for the payment of stock,—

Mr. McCORMICK (Cook). That the bill is contrary to law?

Mr. HUBBARD (Greene). No, there were certain bills allowed here that I don't think were according to the constitution.

Mr. McCORMICK (Cook). When a bill is passed is it contrary to law?

Mr. HUBBARD (Greene). Well I don't know. I feel that this amounts to perhaps not any more than some of the other bills that have been passed here, and I vote "aye." (Applause.)

(Roll call continued.)

Mr. KESSINGER (Kane). (On roll call.) Mr. Speaker and gentlemen of the House, if this bill is wrong I want you to show me where it is wrong. I may not take the money, but I would rather vote for it and not take the money than to vote against it and then go down there and ask for my check. I vote "aye."

(Roll call continued.)

Mr. MAUCKER (Rock Island). (On roll call.) Mr. Speaker and gentlemen of the House; I propose to vote for this bill for two reasons. One reason is that should the bill become a law without my vote I would not feel like walking down and getting my voucher or my check. The other reason is simply this: Since the discussion was postponed, I have been advised to vote for the bill; that it is honest legislation, and they say some of the members need this money and that they think it is fair and proper. We are well aware of the fact that you are voting out only a small amount from the State and you can very readily make ten times

that amount by selling your vote for the passage of some particular bill. I vote "aye."

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker and gentlemen of the House; there was a resolution on this subject before the House and I voted "aye." I propose to vote "aye" on this bill, although I don't feel, from having lived in Springfield through this Session, that I would be justified in drawing any money under it. I believe it is fair for the men who travel to and fro to the Sessions, to have that actual travelling expense paid to them. I vote "aye." (Applause.)

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) Mr. Speaker, and gentlemen of the House; none of this mileage would come to me, but like the other gentleman who has just taken his seat, I believe it is fair and due to the gentlemen that have to pay mileage, living away from the capitol, that this bill should pass; therefore I vote "aye".

(Roll call continued.)

Mr. RODERICK (Cook). (On roll call.) Mr. Speaker and gentlemen of the House; yesterday I voted against this bill. I voted against it because I thought it was right to vote against it. When I was elected I knew the salary I was going to get, but on further consideration, knowing as I do that the members come from different parts of the State, and go home each week, and return at the beginning of the week, I feel that in justice and equality and to make things equal, that the bill is proper, and I vote "aye". (Applause.)

(Roll call continued.)

Mr. BURRET (Champaign). (On roll call.) Mr. Speaker, I voted for this bill before, on the ground that there were a great many people that wanted it. The bill is a little thing to me, because of the amount which it proposes to give. I know a number of the members, including myself, have already been paid for six trips. I believe I knew what I was going to get when I came here. I cannot help but believe that the bill is an unconstitutional bill, but I am like Mr. Kessinger (Kane), I would rather vote "aye" and accept such part of the money as I thought was right and just, than to vote no. I feel that I could not accept more than my actual expenses, and I won't do so, and for that reason I vote "aye". (Applause.)

(Roll call continued.)

Mr. GREGORY (Moultrie). (On roll call.) Mr. Speaker and gentlemen, for what little I get out of this I would rather vote against it than vote for it, but I believe it is just to the men who live in the far parts of the State, and for the reasons expressed by the gentlemen from Greene (Hubbard) and the gentleman from Kane (Kessinger) and the gentleman from Cook, Mr. Roderick, I vote "aye".

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 112 and the "nays" are 30. The bill, having received the two-thirds majority required, it is declared passed, with the emergency clause, and the clerk will report the title of the bill. (Applause.)

Mr. SMEJKAL (Cook). Mr. Speaker, House Bill No. 882 is the same as Senate Bill 459 and I move now that House Bill 882 be laid on the table. It is the same as Senate Bill 459, making an appropriation of \$26,270.18, in refunding railroad fares to the members.

(Motion prevailed. House Bill No. 882 tabled.)

Mr. MOORE (Henry). Mr. Speaker, I desire to call up House Bill 386 on the order of third reading.

Mr. Speaker and gentlemen of this Assembly; This bill is the \$3500 salary bill, with which you are so familiar that any expression or argument in regard to the same would not be necessary from me. It probably will not affect my salary in any case, because I will probably not get a chance to draw that \$3500.00, but I would like to see the gentleman succeeding me get more compensation for his services to the State.

Mr. IGOE (Cook). Mr. Speaker and gentlemen, so that there may be no misunderstanding about this bill at this time, I think it is only fair to hear what the Voters' League has to say about this matter. I read in their

last bulletin that they approved of the raising of the salaries of members of the General Assembly to \$3500.00. Now I don't see why any man should refuse to vote for this bill. It is something that does not affect the present membership of this House or the Senate. We passed the same bill here last Session. It went over to the Senate, and because they couldn't make some certain change there that would apply to the hold-over Senators, the bill was beaten. Now I believe in the raising of the salaries of the members for several reasons. There are those who say that if the salary is raised there will be kept in the General Assembly men who at an increase in salary will be better satisfied to spend their time here than they would be at the salary which they now receive, and to those members who come from Cook County, I think it should be satisfactory as long as the Legislative Voters' League approves of it, and the newspapers there in the city, and I think so far as the people of Cook County are concerned, they should also be guided by the approval of that league and give their support to this bill.

Mr. SHEPHARD (Jersey). May I ask the gentleman a question? Are you in favor of this Legislature being guided by the wishes of the Legislative Voters' League?

Mr. IGOE (Cook). In some things, Mr. Shephard. Sometimes their advice is all right;

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to explain my vote. I was a little bit in doubt as to what my vote would be this morning on this matter. Now that I will be in the same position, I think,—and this is not a reason,—as Brother Moore (Henry) from the other side of the House, when it comes to drawing this money, I have just been handed a little clipping from a Republican newspaper published in my own county, that never has been very particularly friendly to me, for some unknown reason, and I would like to read it to you:

"Illinois Legislators are perfectly within their rights and within the confines of good judgment when they propose an increase of \$1500 per term. The Legislators of Illinois are underpaid. In fact they are so poorly paid that it is impossible to go to Springfield and give the State the service it should have, and still live within the salary. Business men, professional men and representative men cannot go to Springfield and afford to neglect their own enterprises on the present salary. Illinois can well afford to pay its law makers a salary at least adequate to meet their expenses."

Now, in view of that advice from an organ of that kind, and in view of the fact that for once we are in harmony on a proposition, I vote "aye". (Laughter and applause.)

(Roll call continued.)

Mr. MADSEN (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I voted for an increase in salary two years ago. I believe it is no more than fair that the members of this General Assembly should have adequate pay. I think the State of Illinois can well afford to pay the increased salary and I believe it would be just and fair for the State of Illinois to increase the salaries of the men who make the laws of the State, and in view of the Legislative Voters' League and the newspapers and the gentleman from LaSalle (Browne) being all agreed on this proposition, I vote "aye". (Laughter and applause.)

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker, is this an agreed bill? (Laughter.) I vote "no".

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 98 and the "nays" are 45. The bill, having received the constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. IGOE (Cook). Mr. Speaker, I desire to call upon the order of third reading House Bill 545.

Mr. Speaker and gentlemen of the House: This is an amendment to an Act relating to fire escapes, passed by the General Assembly at the last session, and the Act provided that the provisions of the Act relating to outside fire escapes should not apply to hotels of fireproof construction.

Now the amendment is that all hotels maintain in good working order an approved system of automatic sprinklers. This matter was taken up with the Fire Marshall of the State and he has approved the bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 117, and the "nays" are 2. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. DAVIS (Knox). Mr. Speaker, I desire to have House Bill 764 referred to the Appropriations Committee.

THE SPEAKER. If there are no objections, House Bill No. 764 will be referred to the Appropriations Committee.

Mr. FIELDSTACK (Cook). Mr. Speaker, I move that the House take a recess until two-thirty o'clock this afternoon.

(Motion prevailed.)

Whereupon the House recessed until two-thirty p. m. the same day.

Two-thirty p. m., reconvened.

The speaker in the chair.

Whereupon House Bill Nos. 969, 970, 972, and 947, and Senate Bill No. 140, on the order of second reading were taken up and read the second time, ordered engrossed and to a third reading, all without debate.

Mr. KESSINGER (Kane). I desire to call up House Bill No. 927 on the order of second reading.

Mr. FAHY (Marshall). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 927, by striking out all after the colon following the word "profit," in line 14, and all of lines 15, 16, 17, and 18 in section 2, also by striking out all after the colon following the word "libraries," in line 36 of section 2.

(Amendment adopted.)

Whereupon the bill was ordered engrossed and to a third reading.

Mr. ROTHSCILDS (Cook). I wish to call up Senate Bill No. 380 on the order of second reading, and I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 380 in the House, by striking out from section 12, in the bill as printed, all of lines 1 to 9, inclusive, and the word "power," from line 10, and by substituting the following therefor:

"SEC. 12. LOCAL ORDINANCES.] No owner of a motor vehicle or motor bicycle who shall have obtained a certificate from the Secretary of State and paid the registration fee as hereinbefore provided, shall be required by any city, village, town or other municipal corporation within the State other than that within which such owner resides to pay any tax or license fee for the use of such motor vehicle or motor bicycle; and no owner of a motor vehicle, except motor trucks and motor driven commercial vehicles and motor vehicles which are used for public hire, or motor bicycle, who shall have obtained such certificate and paid said fee shall be required by the city, village or town within which he resides (if he resides within a city, village or town), to pay a tax or license fee for the use of such motor vehicle or motor bicycle in excess of the sum of ten dollars per annum for motor vehicles or motor bicycles of thirty-five horse power or less or in excess of the sum of twenty dollars per annum for motor vehicles or motor bicycles of more than thirty-five horse power in case such city, village or town within which he resides shall have a population of 150,000 or over, or in excess of the sum of five dollars per annum for motor vehicles or motor bicycles of thirty-five horse power or less or in excess of the sum of ten dollars per annum for motor vehicles or motor bicycles of more than thirty-five horse power in case such city, village or town within which he resides shall have a population of less than 150,000."

(Amendment adopted.)

Whereupon the bill was ordered engrossed and ordered to a third reading.

Mr. O'ROURKE (Cook). I desire to call up Senate Bill No. 66 on the order of second reading.

Mr. THON (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 66, by striking out of the printed bill as amended, the following, in lines 17, 18, and 19 of section 3: "including therein, also that part of any business which consists of the distribution of raw or manufactured products or merchandise by horse drawn or power vehicles."

(Amendment adopted.)

Whereupon the bill was ordered engrossed and to a third reading.

Mr. O'ROURKE (Cook). Before these amendments are actually passed I want to state that this bill is virtually an agreed bill, that is agreed by representation of those interests who are the laboring interests and the business interests of the State. Now, there was a fair impartial hearing on both sides, if I understand it, by members representing each party, and each amendment put in this bill was unanimously agreed upon and I do not see why this House needs to amend it.

Mr. KASSERMAN (Jasper). I offer the following amendments, and move their adoption:

AMENDMENT No. 3.

Amend Senate Bill No. 66, as printed, by adding in line 14, section 3, after the word "structure," the words, "except as provided in sub-section 8 of this section."

AMENDMENT No. 4.

Amend Senate Bill No. 66, as printed, by adding in line 15, section 3, after the word "work," the words, "except as provided in sub-section 8 of this section."

Mr. SCANLAN (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend Senate Bill No. 66, in House, by inserting after the comma following the word "maintaining," in line 14, of section 3, of the printed bill, the following: "moving."

(Amendment adopted.)

There being no further amendments the bill was ordered engrossed and to a third reading.

Mr. ATWOOD (Ogle). I desire to call up Senate Bill No. 109 on the order of second reading.

Mr. ROTHSCCHILD (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 109, as printed in the House, by striking out all after the word "Provided," in line 10, all of lines 11 to 14, and the words "And, provided, further," in line 15.

Mr. ROTHSCCHILD (Cook). I would like to be heard on this amendment. This bill proposes two things. It proposes to make it possible for newspapers to exchange advertising space for transportation. It proposes secondly to permit the issuance of free or reduced transportation to mail carriers, policemen and members of the fire department. Now, as to the issuance of free transportation to mail carriers, policemen and members of the fire department, I do not suppose there can be any objection at all by any one.

Mr. CURRAN (Cook). Are not policemen and firemen now in uniform allowed to ride free?

Mr. ROTHSCCHILD (Cook). I don't know.

Mr. CURRAN (Cook). You do know. In the city of Chicago they do ride free? AND RIGHT HERE in Springfield they ride free. This is only a subterfuge to get the editors of newspapers free transportation, when they holler from one end of the State to the other against the members of this body receiving free transportation.

Mr. ROTHSCCHILD (Cook). I would like to explain, if I may be permitted, what the bill does, what my amendment does and what is proposed to be done. Possibly we will get through quicker if no questions are asked. As I said there are two things proposed by this bill; one to give newspapers transportation in exchange for newspaper space and the other supposedly to give mail carriers, policemen and members of the fire department free transportation. Now, the two propositions haven't anything to do with one another, and it is possible that some of the members of this House, under the guise of giving free transportation to mail carriers, policemen and members of the fire department, are going to vote in effect to give free transportation to newspaper owners, and so there can be no question about it, I am separating these two amendments and am now offering an amendment which, in effect, will strike out every provision in this bill which will permit the exchange of newspaper space for transportation, and I want to say, Mr. Speaker, that no member of this House except for reasons of personal friendship, will fail to vote with me on this amendment. In effect it gives to the newspapers free transportation. That is the effect of this bill.

(VOICE. No, it don't.)

Mr. ROTHSCCHILD (Cook). Now, Mr. Speaker, some gentleman that holler from the floor is not going to help it any. Let me analyze the situation; then if I am wrong let the gentleman get on the floor and say why I am wrong. Now we are not going to have laws where there is to be any discrimination in the selling of railroad transportation. If these men claim it is an exchange of newspaper space for railroad transportation, then I say to them, why don't they exchange their newspaper space for transportation just the same as commerce is ordinarily carried on. We have a fine medium of exchange that we have always had in this country. We have long since passed the days of barter and exchange; our medium of exchange is money, and if the newspapers want railroad transportation they can buy it for money, and if the railroads want advertising they can buy it for money. And there cannot be any subterfuge as to the value of the as to the value of the advertising space. These men are going to say that they exchanged it for the same amount of space. Now, one of two things; either the newspaper are forcing the railroads to take space from them, or the railroads are taking more space then they need. I want to point out one thing that has to do with the granting of any discrimination, Mr. Speaker, one thing that most people lose sight of when it comes to a question of free transportation or discrimination is this: They think that free transportation, the cost of it, or the discrimination that is granted in favor of one passenger, that is borne by the railroads. Now it is not. The railroads are going to make their same margins of profit whether they give free transportation or not, and every time there is any discrimination in favor of one shipper, or one passenger, or there is free transportation on these lines, the man that pays his fare is paying so much more to take care of this free transportation that is given, and when we passed our public utilities Act we provided in there that there ought not to be any discrimination of any kind; that the granting of passes was abolished in this State, and some of the people that were strongest for the adoption of the Public Utilities Act, of the abolition of the giving of passes, were the very newspapers that are now coming in and asking for a special privilege.

Now some men are going to say that the newspapers ought to publish their time tables in their particular towns. It is a startling fact that the men that have been advancing that argument in connection with this bill are the men that come from towns where there are, about four trains a

day through the town, and every man on the street knows when the trains go through and even if it were necessary that the railroads should publish their time tables, let them publish them in the regular course of trade; let them put their time tables in the paper, if that is a necessity, and pay for it in cash, and when an editor of a newspaper or an employee in connection with that newspaper wants to ride on the train let him pay his transportation just the same as every other citizen in the land. They are the ones that have been talking about discrimination and passes, and they are the first ones to come before this legislature and ask that a discrimination be made in their favor, and this is not the only time they have tried it.

The newspapers had introduced in Congress,—or I should say in advance of that under our Federal Interstate Commerce Law there is the same prohibition against discrimination that there is in our State utilities law, and the newspapers were the first ones that went before Congress against a bill to permit the same thing that this bill proposes to permit to the newspapers, and a hearing was had in the committee on interstate and foreign commerce of the House of Representatives back in 1906. I have read every word of that hearing. There is not one word in this bill, in this whole hearing where the newspapers advanced one argument that they should be permitted this discrimination, except one that they had always had it. They had always had this kind of transportation and now that they had unwittingly permitted a law to be passed to cut off their transportation they thought it ought to be given back to them, and in this hearing they very adroitly and very cleverly kept away from this use of the word “passes” all the way through, but when they were through with the hearing,—I am just going to read one sentence from this hearing before this committee,—when they got through one of those newspaper men when the formal hearing was over said, “And we took away our passes too.”

That is all this bill does. Why, at this time, should anyone come along and advance any argument that there should be an exchange back and forth of newspaper space for railroad transportation. I would like to point out to you men that when you get down to a question of newspaper space even white space it does not cost anything; they can stick an “ad” in any corner of that paper from a newspaper standpoint and when they have sold every bit of advertising space that they can, they can always make space for another advertisement. I object to this form of legislation coming from the newspapers themselves. I think our newspapers should be on a higher moral plane than this. I do not think our newspapers have the right to ask for a special favor at the hands of the legislature. I think it is “pass” legislation of the rankest sort and it is of some importance too, when it comes from the newspapers. Either the newspapers are going to be subservient to the railroads or the railroads are going to be subservient to the newspapers in some degree on a scheme like this. A railroad is going to be fearful all the time unless it goes into some scheme of exchange of space for railroad transportation. The newspapers that are moulding our public opinion ought to be under no obligation of any nature whatsoever to the railroads; They should stand free and untrammelled, ready to give credit where it belongs, but when they are entering into some underhanded scheme like this the public opinion will be greatly impaired. I think it will cripple railroad service. It will cripple the railroads and it will cripple the public. In an instance where there is some severe railroad accident a newspaper that has been given transportation on this sort of an exchange in accordance with this bill, do you think that that newspaper will be as ready to report the accident as it would were it not under some obligation to the railroads for this transportation that has been given?

Now this is the second reading of the bill. The bill is a bad bill in my judgment; I think this amendment should prevail, and I do not think any man should vote against it unless he is going to let his personal feelings for some friend of his, some newspaper editor influence him, and I am calling on every man to lay aside this friendship and to vote against all newspaper passes and vote for this amendment.

Mr. KESSINGER (Kane). The gentleman from Cook (Mr. Rothschild) evidently never ran a country paper, or lived in a country town. He knows very little about the customs or the desires of country people. He says we have a medium of exchange, meaning of course, money. But most of us who live, or ever did live in country towns or cities know that very often the medium of exchange between a country editor and his patrons, is not money. Sometimes it is drygoods, I have known it to be cord wood, and in the case of a railroad under the old custom the medium of exchange was transportation. And what was wrong with that custom? If you have an article, and another man or firm has an article you can trade article for article, or you can sell what you want for money, and then buy what you want for money. Perhaps many editors prefer to get money for advertising, and then pay money for transportation. But when the Public Utilities Commission or this legislature denies a country newspaper man the privilege of trading something he owns—newspaper space—for something the railroad owns—transportation—then we are taking away rights of barter and exchange from the editor that we deny no other business man in the transaction of his business.

As far as the country newspapers becoming subservient to the railroad corporations, that is absolutely untrue. Such a statement libels and slanders to the country press of Illinois. What difference does it make whether a newspaper gets transportation or money for its advertising space? In each case the railroads get what they pay for, and the newspapers are paid for what they give. The statement that country newspapers have great amounts of space that are worth nothing, that advertisements can be "stuck in" as the gentleman from Cook says, shows his ignorance of the newspaper business. Every inch of advertising space in a newspaper is worth just as much money as every other inch. It is the biggest source of revenue to any newspaper, country or city. So much advertising space must be sold, every day or every week, before the newspaper breaks even, and so much more must be sold for the profits, if there are any. And the statement that giving transportation makes country editors the slaves and puppets, the mouthpieces and the political tools of the railroads is the most ridiculous and vicious and misleading statement of all. This is a bill to restore to them the right that every other business man in every other business has now—the right to trade a commodity they have for a commodity they want. This is not a bill to give passes, to give country editors something for nothing. I will leave it to the members of this House who know both country and city newspaper men to decide whether or not country editors ever have, as a class of men, prostituted their profession and bartered away their editorial support for money or for mileage. I will put the honesty and the integrity of the country editor up against the honesty and integrity of any other class of business men in this country. In the fight that has been made in the interests of the common people against certain corporations, that at times, overstep the bounds of law and right the country newspapers, as a rule, have been on the side of the people. Usually you will find the country editors, who in the past got mileage for their advertising space a great deal more loyal to the people of their communities than were the city newspaper owners who received cash for their advertising space.

There is no one nearer the people in the rural communities of our State, and in our smaller cities and towns than the country editors. They protect the interests of their citizens. They boost the towns they live in. They contribute time and energy and money to the upbuilding of their home communities.

The gentleman from Cook sneeringly remarked something about these smaller towns and cities of our State. He said in reply to arguments, advanced for the publication of time tables in the local papers, that usually there were only three or four trains through the town every day, and that everybody knew just when they were coming. And another gentleman added, "yes and all the people go down to the depot to meet every train anyway."

I want to say to these gentlemen that the state of Illinois and this nation need our smaller cities and towns. They are the foundation of our

prosperity and of our civilization. They are what the few great cities we have lived off of. They are the strong fundamental structure upon which we must build our business prosperity, and stable government. Former Ambassador Bryce, the great English economist said that the menace of America was her great cities, and that the stability of American government and the future of American civilization rested upon her small cities and towns and rural communities.

If we want to protect and upbuild the country community, let us vote in favor of the country editors, today, for they are among the staunchest truest, hardest working friends of all of the splendid institutions we have throughout the downstate of the great commonwealth of Illinois.

Mr. BROWNE (LaSalle). It is indeed refreshing to me to know that there is somebody else beside Lee O'Neil Browne that will talk about newspapers in a contrary vein. I have had rather the monopoly on that for some time, and it is refreshing to see that I have made at least one convert. (Applause.) I hope to make more before I get through; but I am not going to try to make them at this time. I cannot agree with the gentleman from Kane (Kessinger) that the only people that have halos, or around and about them mantles of sanctity and wings, are the country newspaper editors. I think there are a few others perhaps, only a few; but there are a few. I think perhaps, however, from a fair and impartial standpoint, the country newspaper and the country editor is not very much more of a menace to the community than the Illinois Legislature. (Applause.) I think they are probably about on a par as a rule, take them by large and by small. There is lots of good in the good newspaper editors as a whole; there is lots of good in the Illinois Legislature, as a whole, but both of them make a lot of mistakes.

Now, when the body known as the Public Utilities Commission came into being, and had its birth and became the favorite child of politics, each one of us rode on passes, and I don't know of anybody that threw them away. I didn't find any of them lying along the railroad track discarded. Most of them used them. Those that had them used them, and those that did not have them and refused them from particular feeling of squeamishness, all the time wished that they could use them and that they did not have that feeling; I think it was a rather universal feeling in the Legislature. Now this body, this august body took the surgeon's knife and scalped and separated us from this transportation. I don't know of anybody that took kindly to it. I don't know of anybody that smiled over it or that felt kindly over it, and I have a distinct recollection of the fact that by reason of legislation at this session, these august gentlemen have had to wait until this session closes before certain little incidentals and traveling expenses will be reimbursed by the appropriation, and I have an idea that it was due largely to the fact that they were unnecessarily holy on that proposition.

At the same time they did that, they separated the country newspaper man from his perquisite of transportation, which he received as he received pumpkins, potatoes, squashes and other things that are necessary for living out in the country, not in the city, but out in the country, and that Mr. Rothschild does not know much about except as he may associate myself and some others with squashes and pumpkins, but they separated the country newspaper man from his perquisite of transportation. He has been suffering under the ban every since. It was his; it was his a good deal more than it was ours. With us, if it was taken at all honestly, it was a courtesy, that is all. We had nothing in the world that we could honestly exchange for it, not a thing. We did not have a thing that we could honestly give in return for it. The newspaper man did. He had newspaper space that belonged to him, that was his, and that he owned, and he could trade it if he wanted to for railroad passes, for pumpkins, or transportation; it belonged to him; and by this ruling of this body he was separated from that.

Now, gentleman I want to call your attention to something that the most of you are not familiar with, probably; I was not until a few minutes ago; I say a few minutes; an hour ago we will say. This august body,—I don't know upon what meat they feed,—but they have grown so

great, like Caesar of old, but they have just issued an edict, a pronouncement to the effect that the jitney busses are within the scope and the purview of their jurisdiction and that they cannot run without procuring a license from this body if they run on streets paralleling a street car line. Think of that. I presume that the next step will be the running of an automobile if it conveys your friends, or my friends along the line, provided they could have gone that same distance on a street car. I don't know where they will stop, but I do know one thing, this looks to me like a common cause between the newspapers, the country newspapers and the Illinois legislature; between the common ordinary people and the common ordinary newspaper man, and I want this amendment put on the table and I want it nailed down and kept there, and that is the place for it. (Applause.)

Mr. ROTHSCCHILD (Cook). Mr. Speaker, and gentlemen, I don't think this discussion should get down into an argument as to whether the small towns or the big cities are the best for the country. That is entirely beside the question. We will admit for the sake of the argument that the down-state small towns are the most valuable for the good of the commonwealth. Now I want to say the gentleman from Kane County (Kessinger) missed the point of the argument. There is no objection whatever to a newspaper exchanging what it has for any commodity on earth. That is not the point. The objectionable feature comes in the proposition of exchanging what it has for anything except money. I am not working this argument out of my own brain. This question was presented to the Supreme Court of the United States. On a ruling of the Interstate Commerce Commission that the newspapers and railroads could not enter into contracts of the nature that this bill would permit and the Supreme Court said that any device of this kind to exchange for space would lead to discrimination; that it was improper; that it was prohibitive by the uniform rules that are prescribed by the Interstate Commerce Act, and that decision I can give to any one that cares to have it.

The gentleman from Kane (Kessinger) also said that this made the newspapers subservient to the corporations. It would do one of two things, it might make newspapers subservient to the corporations, and another thing it might do would be to make the corporations subservient to the newspapers; either one of those two things. Our newspapers should have no prejudice in their opinions. Their opinions on public questions should have nothing to do with their personal interest, and that is why this is bad. Now in regard to the argument of the gentleman from LaSalle (Browne) the situation seems to be that he has made a convert of me and I have not made a convert of him. I didn't think I had converted him to my way of thinking, but now you men are treating this whole subject jocularly let me state that the argument which the gentleman from LaSalle (Browne) advances is right; the minute you grant these passes to newspapers the next step is to grant these passes to legislators. (Applause.)

Mr. BROWNE (LaSalle). I will offer an amendment to that.

Mr. ROTHSCCHILD (Cook). I never had any fear of looking the question square in the face. I didn't want to bring up the argument on that basis, but I was afraid some such amendment as the gentleman is willing to make might carry, and I want to talk down this trading legislation. The thing that has worried me the most is that the next step is that you will grant passes to legislators.

(A VOICE. Why not?)

Mr. ROTHSCCHILD (Cook). Mr. Speaker, I will suggest to these men here in this House that a thing that may be a huge joke on the floor of this House, when it gets out to the general public the people that are affected by it, that are not the beneficiaries, sometimes it assumes a very different aspect, and I am trying to put myself in the same position as the ordinary citizen, looking upon this proposition from the viewpoint of an ordinary citizen, and the ordinary citizen does not think it is proper for a legislator, nor for a newspaper, nor for anyone to accept or receive any discrimination or any favors at the hands of the railroad, and that is the reason why I am opposed to this bill particularly.

Just one more thing, and then I am through, Mr. Speaker. It is said that the country members want this amendment. Now, I don't believe that the country members do want this amendment. I know one country newspaper that does not want it, and I am going to read you an editorial from the Geneseo Republican. It is from this land of squashes and pumpkins that has been mentioned. It is dated May 28th, 1915. This is one of the country newspapers that the gentleman says I was sneering about. I would like to suggest that sneers don't show in the record. If there was any sneer the sneer was not at the newspapers but at the man who would advance an amendment of that kind. I would like to read the editorial.

"The Senate has passed the bill which provides that newspapers may exchange advertising for railroad transportation. This would be a restoring of the old system of granting passes to country newspapers for the House will vote against this bill. The press does not need special publication of rates, time tables, and so forth. It is to be hoped that the privileges."

Now, I think that that is the sentiment of the country newspapers.

Mr. BROWNE (LaSalle). Where is Geneseo? (Laughter.)

(Motion to table prevailed.)

Mr. CURRAN (Cook). I offer an amendment, and move its adoption:

AMENDMENT No. 2.

Amend Senate Bill No. 109, by adding in line 17, of the printed bill, after the word "corporation," the words "or by any railroad or railway corporation," and by eliminating the period after the word "departments," in line 17 and substituting therefor a comma and adding the following words: "and members of the General Assembly."

Mr. KESSINGER (Kane). I move to lay that amendment on the table for the reason that Mr. Browne (LaSalle) said the country newspaper has got something he can trade for transportation, and we haven't.

Mr. BROWNE (LaSalle). It is not proposed by the gentleman from LaSalle, I will say to the Lincolnian gentleman from Elgin, it is not proposed by the gentleman from LaSalle to offer anything in trade for this, or any member of the General Assembly, nor does this compel the railroads to give free transportation or allow them transportation, and no law which did would be good. It simply leaves it as it was and should have been before the Public Utilities Commission unnecessarily put their oars in, so that if the railroad company sees fit to grant the courtesy of free transportation upon their roads to members of the General Assembly in accordance with an old and time honored custom they may do so lawfully. That is all it does. And nobody can find any fault with that unless he is unnecessarily ticklish in and about the region of the cranium.

(Rising vote; motion lost.)

Mr. KESSINGER (Kane). On the adoption of that amendment, I think we have done enough for ourselves today. I voted to pay ourselves mileage this morning because I believed that the State of Illinois that we are working to serve should pay our mileage if anybody does. I would not say one thing about the gentleman from LaSalle (Browne) because he usually does not vote with the railroads, but there might be some men that do, and I believe that we have no right as representatives from our various districts to take one thing from the railroads because we haven't got anything that we can honestly trade, and I ask for a roll call on this because this amendment ought to be defeated, because this will kill the bill which the different newspaper organizations and press of Illinois have endorsed.

Mr. CURRAN (Cook). Mr. Speaker, we are not wishing to trade anything with the railroads. The members of this House know that as long as I have been a member of the legislature I was never known as a railroad corporation man. I have voted for every bill that was ever introduced in this House by the railroad employee against the railroads, (Applause) and any time that I ever accepted a pass from the railroads, which I always did up until the time they were taken away from us by the State Utilities Commission, I never was asked by the railroads or by anyone

else to give my vote for any bill in trade for my passes. Our transportation during this session is given to us up until this House adjourns, and if this bill does become a law it is not compulsory for the railroads to issue passes to us, but there is nothing in there that will prevent them from doing so, and there is nothing in the law today that prevents the railroads from issuing passes to us, but it is simply a rule of that Board downstairs that refused to let the members of the legislature or anyone else get a pass but they came to this General Assembly and asked us to pay their transportation for the last year. Now, if they are entitled to have their transportation paid by the State of Illinois, we should be accorded the privilege of receiving a pass from the railroads for our fare and we would not have to come back to this next legislature and ask them to refund us the money which we were compelled to pay. (Applause.)

THE SPEAKER. The clerk will call the roll on the adoption of the amendment.

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker and gentlemen of the House, it was not my purpose at this time to speak upon this matter. We have had one continual run of a demand for reform. On the part of the newspapers. From one of this State to the other they have been howling about the Illinois legislature being corrupt. They have posed as the bright fountain of truth and purity and they have said that the railroads should not issue passes to the legislature, but they are the first ones to come in and demand it for themselves, as the ultra pure. There may be gentlemen there may be, I hope there are some newspapers in this State that stand out above and beyond approach by passes and by money, but I do not know who they are, and I challenge anybody in this House, and give the name to me of a single newspaper. I want to say that some of the newspapers are run by human beings. The same as are in this legislature and if there are pure I think I can cite a few instances that are not.

Now, then, we should proceed along one line or the other. Either the State officials are entitled to passes or they are not entitled to them, and if they are not, neither are the newspapers. If the State board downstairs is entitled to money for its expenses on the railroad, then the legislature is. I want to tell you that newspapers are influenced by passes and by patronage. I know that in the city of Springfield the editorial columns and the advertising columns of the newspapers are absolutely controlled by the State insurance patronage of the State of Illinois, and I challenge any sponser of the newspapers of Springfield to rise here and deny it, and I will prove it to him. They want to stand around here and reform everybody, but the newspapers don't want to reform themselves. They are down to two propositions in this State. We have had a reform along every line, now the two things that need reform are the newspapers and the pulpit, and I challenge the pulpit or the newspapers, and I will go to the mat with them and show them where they need now as much or more reform than does the Illinois Legislature. Now then, that is one thing to give the passes to the newspapers. It is just as fair to allow the legislature to have them. As one of the gentlemen here said today in times gone by he has had a pass, and yet has voted opposite to the interests of those railroads that gave him the pass. If that was so in one instance, I dare say it was so in all of them. I do not know of a man in all this House that would sell his vote for a railroad pass, for fifty dollars, one hundred dollars, or one thousand dollars. What I want to call attention to is this: it is absolutely inconsistent for the newspapers of this State to criticise the legislature for taking passes and then come around and ask for them for themselves, and it is hypocritical on the part of the House, it is cowardly in the last sense to sit here like craven cowards and vote them to the newspapers and not vote them to yourselves. Stand up and be a man on one side or the other. I vote "aye".

Mr. HUBBARD (Green). (On roll call.) I hope that this amendment will not prevail.

I want to say to the Gentleman from Sangamon (Butler) that he takes a wrong position entirely with reference to the transportation, given

to newspapers in exchange for advertising. I do not look upon that as in any sense of the word a pass, and I cannot see that it would have any influence whatever upon the press of the State by permitting them to have the privilege of exchanging that which they have to give, or have to sell for the space of their paper. It would not place them under as much obligation as it would if they would sell that space for money. So the idea of the newspapers being granted passes is not a correct idea. They are not granted passes, they give and exchange value received. A contract is drawn up with the transportation company for so much space on a paper and so much money, and so many miles of transportation are issued for that space, and when that mileage is used up they get no more unless there is another contract made. I cannot see that that is a pass in any sense of the word. Now let us confine that to the amendment here which brings all the members of the legislature in the purview of the pass.

Mr. BROWNE (LaSalle). May I ask you a question?

Why can't the newspapers today without any law exchange their commodities for transportation?

Mr. HUBBARD (Green). Because the Public Utilities Commission says they cannot.

Mr. BROWNE (LaSalle). No, if they want to do so they can sell their space to the railroad company. The railroad company can then sell them the transportation, and there is no law on earth can stop them.

Mr. HUBBARD (Greene). It is practically the same.

Mr. BROWNE (LaSalle). That is not the idea; they can get a whole lot more transportation by trading for space than they can on a straight money proposition.

Mr. ROTHCHILD (Cook). The amount of advertising space that has been used by the railroads has decreased considerable since they have been prohibited from exchanging transportation for newspaper advertising space. That is a fact.

Mr. HUBBARD (Greene). That may be; I am not ready to dispute that, but I will say in reference to transportation, for passes for members of this body, I think it would place this body in a very bad attitude to adopt this amendment to this bill at this time. Why would you single out members of the legislature? We are public servants as well as all other legislatures. Why not include the judges of the Supreme Court, Circuit Court, the county officials and all the state officials? Why select members of the legislature? I am not opposed to any passes being issued in any manner, shape or form. I believe it is a practice that has been greatly abused and from which has grown perhaps some corruption which otherwise would not have come. Now we are here as representatives of the great State of Illinois and if we are given the privilege of taking passes from the railroads and then bills come up here affecting the railroads, you might be honestly in favor of the measures that would benefit the railroad, or you might be accused of voting in favor of the railroad because of the pass that you hold, and such insinuations, or such conditions should not be permitted. Now, gentlemen, I believe that you are making a grave mistake in singling out members of the legislature alone in this. I believe it is a mistake for the members of the legislature to have this privilege and I sincerely hope that this amendment will not prevail. I vote "no".

(Roll call continued.)

Mr. BIPPUS (Cook). (On roll call.) I am going to vote "aye" on this question not because I am in favor of the amendment, but because I believe that the entire bill should pass as to the members of this House and the newspapers.

(Roll call continued.)

Mr. HUSTON (McDonough). (On roll call.) Mr. Speaker, I would like to explain my vote. I don't wish to take up very much of the time of this House and I don't propose to, but it seems to me it is rather a strange attitude on the part of the General Assembly in regard to this bill. Now it is purely a business proposition. We have in this country today a medium of exchange that is common to all business. It is a measure of value and it is a medium of exchange of value, from one business or person to another. I do not know of any reason why there should

be deviation from the ordinary rule of transaction of this business. The newspaper has space to sell, that is evident, and that is the way he makes his money and that is the way he makes his living; he sells his space. The railroad has transportation to sell. That is practically all that they have to sell, and they sell that at so much per. Now what is to hinder,—why cannot the newspaper man sell the space to the railroad to advertise in his paper and charge him the same as he would charge the merchant, or anybody else for space, and let the newspaper men, when they ride, pay for their transportation the same as the merchant or anybody else. I do not believe in any special legislation of this kind, and I vote "no".

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker, I believe very much as does Mr. Bippus over on the other side. The only way to kill this bill is to adopt this amendment. Now I do not know of any reason why these country newspapers should receive transportation in return for advertising. If they have something to sell let them sell it and if the papers have something the railroads want to buy let them buy it, and as Mr. Rothschild says, there is a medium for transacting that business and there is a standard of exchange in this country, and let them make use of that, just as we have to make use of it; and if they are going to let down the bars and let in free transportation for themselves, why not let everybody, let us in on it too? I vote "aye".

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House, it seems to me that some of the members misunderstand this, for as I understand it now the question under consideration now is the amendment of the gentleman from Cook (Curran) that the members on the road be granted passes, that is, to that effect; that the railroads be not prohibited from granting them if they want to.

Members of this General Assembly I am going to give these two little stories as an argument for the position I take. Your actions today remind me of the two stories in our old school book. First you voted yourselves this mileage, next you raised the salary to \$3500, and now you are, in effect, passing the law so you may have passes.

It reminds me of the story of the boy that went into the pantry to get some sweets and goodies, and he got his hand in there all right and he wanted so much that when he went to take it out he pulled and pulled and could not get it out, his hand was so full. He could have got it out with two thousand, but he got so much in his hand that he could not get it out and finally his mamma came and gave him a thorough spanking. Now, be careful.

The other one is in the same old school book, I remember the story in the school book of the fox that found a hole in the hen house and he got in very nicely. He went in all right and he ate one or two chickens, and he could have got out all right, but he kept on eating chickens, and he kept trying the hole and he could get out, but he could not quit, the chickens were so good. He would smack his lips and go at it again. Just like you. You take one thing and smack your lips and take another and smack your lips and go at it again. The fox kept on eating until the farmer came and saw what he had done and killed the fox. That is exactly the position you are taking today. You are eating so much of this that you will get so big that you will never get out. This proposition is not a question of newspapers, either for or against them. I vote "no".

(Roll call continued.)

Mr. KESSINGER (Kane). (On roll call.) I am going to explain my vote in just a word, and before that I want to apologize to the gentleman from Cook (Mr. Curran) because I had no intention in the remark I made a while ago to reflect in any way upon any vote that he cast.

I want to answer the gentleman from Cook, Mr. Rothschild. He said that since the railroads had been stopped from exchanging transportation for advertising space that their advertising had decreased. Now that is not true. It is true that the advertising has disappeared from the country newspapers, but they have taken the money and spent it with the larger city newspapers and the magazines. Now the present day tendency is

from the country to the city and if that tendency is followed out to its ultimate conclusion it will mean that the country business man will no longer have a business, because the large city stores and mail order houses will have it and it means that the country school and country church and the country editor will go out of business and there will be spots all over the middle west where they used to have thriving little towns, and the reason I am voting against the amendment is that it will hinder the success of this bill and this country editor and newspaper and these institutions that build up our rural communities. We will vote "no" on this amendment, and then when this bill comes up for final action we will vote "yes" and let the editor trade what he has got for the transportation. I vote "no".

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) Mr. Speaker and gentlemen of the House, I am sorry that I will have to vote against the adoption of this amendment. I am sorry that I cannot vote with my friends here, because I believe the amendment will end in the defeat of the proposition. The House should not forget that the country newspaper has only his advertising space and the subscriptions to live on, to exist on. It is the only thing he has to exchange for this transportation. He makes it a matter of business, and if he sold so many dollars worth of space for so many dollars worth of transportation, it is wrong to think,—as the gentleman from Sangamon (Butler) said,—it is a pass. It is wrong to suppose that they are getting passes for advertising, or free passes, as you might say. It is the only means they have,—their advertising space,—to earn money with which to buy transportation. They can frequently exchange advertising space for transportation when they could not exchange it for anything else. This is not true with the city papers. They have to use every energy they have in disposing of their wares to exist and in this proposition they are simply disposing of what they have to offer for money. I do not think that the gentlemen with whom I voted this morning for this mileage for so many trips and charged me with being in opposition to their issues or their desires in this case. I am sorry that this amendment has come up. I believe that each man should have his just compensation for what he has expended in coming here. We have voted for it as a deliberated body, we have done it because we believed it proper to do it, and it has been done and I say it is no discredit to the House or the members in doing it; they were entitled to it; we did it as a business proposition to ourselves. Why not give the country newspaper an opportunity to do the same thing with his wares? He offers his advertising space for transportation. I am sorry as I said, that I have to take an opposition to my friends on this proposition. As I say I believed it to be puerile, I believe it to be undignified for this body to do that and consequently I vote "no".

(Roll call continued.)

Mr. SHURTLEFF (McHenry). (On roll call.) Mr. Speaker and gentlemen of the House, just a word. I do not like the particular form that this amendment is drafted in. It leaves it optional with the railroads to furnish transportation to the members of the General Assembly or not as they see fit. I do not agree with the gentleman that it is absolutely impossible to draft a law by which the members of this body could have transportation. There has been considerable trouble over the free transportation question all the session, and for good reason. It is not fair and it is not right for one member to come to this body and pay out, we will say \$300 for transportation, and another member come here and perform equal service and pay nothing. That is not equal and it is not fair and it is not right. The railroads receive their charters from the State of Illinois; they receive it subject to all the laws and regulations that the legislature may pass. I believe it is possible to draft an amendment under and by which the railroads will be compelled to carry the members of this body while engaged in duties for the State free, and make it a constitutional Act, at least I think it ought to be attempted, and for that reason I vote for this amendment, hoping that it will pass, and in conference with the Senate some kind of an amendment or bill may be drafted along this line so that

the next Legislature will not be troubled from its beginning to its end over the question of transportation.

I vote "aye" on the amendment. (Applause.)

(Roll call concluded.)

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. GRAHAM (Mercer). I desire to call up Senate Bill No. 198 on the order of second reading.

Mr. BROWNE (LaSalle). I would like to know what this bill does.

Mr. GRAHAM (Mercer). It is an amendment to the Township Organization Act. The only section of it and the only change it makes from the present act is that where a township is wholly within an incorporated city or village that the township authorities or the electors can, if they want to, use a part of their road and bridge funds for the building of bridges in that township, or the city.

THE SPEAKER. Are there any amendments; if not the bill is ordered engrossed and to a third reading.

Mr. RICHARDSON (Christian). I desire to call up Senate Bill No. 362 on the order of second reading.

Mr. BROWNE (LaSalle). I object.

THE SPEAKER. Objections are heard.

Mr. RICHARDSON (Christian). I move under Rule 12 that we proceed with the consideration of this bill.

Mr. BROWNE (LaSalle). I object to the calling up of this bill at this time, because it is one of the least important bills on the calendar and because it is a bill that never ought to pass in this House. It ought not to receive any preference at this time. Every member of the House has bills that he wants taken up and the only way to do it is to take them up in the regular order.

Mr. PIERSON (Cook). I move that this bill be heard on the order of second reading at this time.

I would ask that I be allowed a moment to explain this bill. This is known as the injunction and abatement bill. It is a bill that increases the chancery power of courts to restrain the use of real estate for houses of prostitution, and it has been so amended that it is a safe and wise bill. It is approved by both real estate boards of the city of Chicago, where this bill will most apply if enacted. I consider it a bill which has the highest moral properties of any bill before this House and this is a bill upon which men must go upon record upon the moral proposition. I insist that this bill is just as important, if not more important than any other bill upon this calendar.

Mr. BROWNE (LaSalle). I regret very much that it devolves upon me to make this objection, especially to this kind of a bill. I realize full well the mass of criticism that is visited upon anybody that dares to voice his honest convictions along these lines. I recognize the fact that it is not policy and that the very few that have the nerve to raise an objection will be criticized, but I am not playing politics and I am not playing policy, and when I find a bill that I think is rotten, when I find a bill that I think is not in the interest of the commonwealth, I have got the guts to stand up on this floor and say so whether it applies to all reformers upon this floor or whether it don't, and it would be a good deal better for Illinois if there was a lot more of the same kind.

Now this bill if it only did what you say, it would not be objected to here. It would not be so bad. That would be a legitimate and a laudible purpose. But I will tell you what it does. Here is a man that owns a piece of property, a property in which all the money that he has in the world is invested. Maybe it is a woman that owns it, property that has been left to her by her husband. Somebody, either a professional reformer who has to find these things in order to hold his or her job, or somebody, some neighbor that has it in for the owner of the property, concludes that there are people in that building that are not right that a part of that building is used for immoral purposes and forthwith they can file a bill asking for

an injunction to prevent the house from being used for any purpose for a period of one year. Now then, it does not make any difference if they don't make good. It does not make any difference if they fail, if it were shown that it was purely a mistake, that house has got a bad name placed upon it.

Furthermore, if they are successful in getting enough evidence to warrant an injunction, that injunction is granted without bond.

Mr. PIERSON (Cook). The bill has been amended in that respect that the bond is required.

Mr. BROWNE (LaSalle). What bond?

Mr. PIERSON (Cook). It is in the language of the bill.

Mr. BROWNE (LaSalle). How much of a bond?

Mr. PIERSON (Cook). Just the same as in any other chancery proceeding.

Mr. BROWNE (LaSalle). No, I say it is left discretionary to issue an injunction without a bond.

Mr. PIERSON (Cook). That is not so.

Mr. BROWNE (LaSalle). I say, furthermore, that this bill, while it may have a legitimate purpose, at the same time the bill as drawn will be used as an instrument of harm for the property owners.

You say the real estate board is for it; I don't know whether they are or not. I have heard of the bar association being for something and when you come to find out the bar association wasn't for it at all. I don't believe it is a good bill, and that is the reason that I have opposed it. I insist that this motion ought not to obtain.

Mr. WILSON (Adams). I believe that unless this motion prevails it will substantially kill this bill. Now, it is very evident that this is really a very important bill, otherwise the gentleman from LaSalle (Browne) would not show so much energy in discussing the bill.

Mr. BROWNE (LaSalle). No; if you were in my place you would not dare to get on the floor, you would not dare to get on the floor, you would sit there.

Mr. WILSON (Adams). Another evidence from the gentleman from LaSalle (Browne) that he thinks this is an important bill, the entire objection and the manner that he made it.

Now, I will proceed, if I will be permitted to do so. I want to say that the gentleman from LaSalle consistently opposes this kind of legislation. There was a bill offered in the House, and I want you to take this whole thing together, there was a bill offered in the House by Representative Gardner of Cook County which provided for the purpose of giving the girls a chance to reform that they might be imprisoned in particular cases and sent to houses of shelter. Now, the gentleman from LaSalle (Browne) moved to amend that bill so as to strike out all houses of prostitution which would have resulted in the protection of houses of prostitution to the disadvantage of the girls who were street walkers and in that way there was protection there.

Now, then, the gentleman from LaSalle (Browne), tried to kill that bill by offering an amendment which was in the interest of the houses of prostitution of the State of Illinois as against street walkers who were doing business on the street to the disadvantage of the houses of prostitution. Now then the gentleman from LaSalle opposed that bill on what ground? On the ground that these girls by an inhuman court would be sent to some jail and so he opposed the punishment of the girls themselves. Now, this is another remedy. It is a remedy that is not directed at the girls themselves, but is directed at the evil, it is directed at the man or the woman higher up, and so we find the gentleman from LaSalle with a great deal of unction and with a great deal of fervor advocating against this bill here and saying that it is a bad bill. It is the thing which will most effectively abate the evil. Now, this law recognizes, and it has been demonstrated in the city of Chicago and other places that segregated vice is not necessary in our cities or in any other places. It is not necessary to have any red light district, it is not necessary to protect that sort of thing and there are a good many young men in the country who have said that while they thought they had at certain periods to satisfy their lust, under

the old conditions, under the new conditions they find it is not necessary. And we find in the city of Chicago and other places where they have been scattered and there is no regular district of that sort and they have to hunt a long time to find a house of this sort that it has been productive of good.

Now, what does this bill do? It merely declares that houses of assassination, houses of assignation, or a house of prostitution is a nuisance. That is the only thing it does. I would like to know what greater nuisance is there in modern civilization than the scarlet woman who inhabits a house of this sort calling in all the men and other people of that sort from the street. It will be admitted in law, any court would say that an institution of that sort is a nuisance. That is the only thing that is sought by that bill. It is declared to be a nuisance.

It is not something peculiar to Illinois, but a bill of this sort, this particular bill, has been adopted by a good many states in the Union. So we find, and I think it will be admitted, that a place of this sort is a nuisance. Why isn't it the most humane way. Nobody is committed to the penitentiary, nobody is committed to jail, nobody is fined under this bill. This is not a criminal proceeding. This is a chancery proceeding and anyone who has any reason to believe that a place of this sort is being maintained can go into a court and file his bill and then if the facts are proven to the satisfaction of the chancellor, then the place is abated. Now, what greater advantage is that over a fine. One who is fined goes his way and the place also goes on its evil way, and it may be that one who is imprisoned, the same thing obtains.

If the existence of the nuisance is established the court shall enter an order that it must be no longer maintained for that purpose but must be abated, and I want to tell you that that puts a quietus upon the business of that place from that time on. I want to say this, it is no disadvantage. Once in a while you will find that a landlord does get in a tenant who is a little off color. I think many landlords have done that thing. But this is not directed against that sort of thing, and if the court then declares this business to be a nuisance, declares it shall be no longer occupied as a house of prostitution, then if that thing is continued the defendant would be in contempt of court and they know very well what that would be, that he would be haled into court, that he would be punished by imprisonment or any other punishment that the court should wish to inflict.

I want to say, gentleman, that this is an important bill and if this motion does not prevail to suspend the rules, this bill can not receive a hearing at the hands of this House, and anyone who votes against this motion in opposition is against this bill, and can not make any other opposition.

Mr. BROWNE (LaSalle). I rise to a question of personal privilege. I want to say for the information of the gentleman from Adams (Wilson) or anyone may believe anything of the sort, that I hold no brief for houses of prostitution, or local option association or Legislative Voters League or any organization of any such character. I want to say to him that any time that a man in a legislative assembly or elsewhere sees fit to become personal because somebody entertains views at variance with his upon a matter, it is not indicative of a very wide scope of mentality. Men differ upon all subjects and the fact that I may differ with him along those lines is no indication that my views, my ideals, do not flow from a pure source and are not inspired from as pure motives as those which he entertains or assumes to entertain. The gentleman knows that my position on No. 164 was in the interest of humanity and I so stated it, that I didn't feel that incarceration in a county jail or workhouse was a good place for girls to be cured of disease. I know what a county jail is, I know the treatment that is necessarily accorded there, and that it is no place for a woman to be sent. And I didn't favor houses of prostitution in the interest of houses of prostitution as opposed to street walkers, as the gentleman would indicate. It is a pretty broad statement to make. It reminds me of Will Carlton's words that some men were born for great things, and some for small, and some—why, it is not recorded why they were born at all. (Applause.)

I want to say that I am opposed to this bill in the interest of people that own property, and that may be blackmailed, held up and damaged and injured by this bill, and if that is wrong, take it and make the most of it.

Mr. LYLE (Cook). I am heartily in accord with what the gentleman from Quincy (Wilson) said, as to the first part of his speech. Now, I agree with him on this bill and I disagree with the gentleman from LaSalle in the first objection that he made that the State's attorney or a private citizen could go in and start a proceeding in court, which the bill does not provide. Here is what the bill provides; it says that: "The State's attorney or any citizen of the county in which such a nuisance exists, may maintain a bill in equity, in the name of the People of the State of Illinois, perpetually to enjoin all persons from maintaining or permitting such nuisance, and to abate the same, and to enjoin the use of such building, or apartment, or such place for any purpose, for a period of one year. Upon the filing of a verified petition therefor, in any court of competent jurisdiction, the court in term time, or a judge in vacation, if satisfied that the nuisance complained of exists, shall allow a temporary writ of injunction with bond, unless the petition is filed by the State's attorney, in such amounts as the court may determine, enjoining the defendant from maintaining any such nuisance within the jurisdiction of the court issuing such writ: *Provided*, that no such injunction shall issue except on behalf of an owner or agent, unless it be made to appear to the satisfaction of the court that the owner or agent of such building or apartment or of such place, knew, or had been personally served with notice signed by the petitioner, that such building or apartment or such place, specifically describing the same, was being so used." So you can't go in unless notice has been served on the property owner against whom your proceeding commences. So that does away with his first objection.

Now, this bill is a law in nineteen other states in the Union. Nineteen states have seen fit to enact this law. The last state was the state of Indiana on the fifth day of last March. The state of Iowa some six years ago was the first state to enact this law, and because the speaker did not sign the bill it was held invalid. The law was re-enacted unanimously by the Senate and the House and became a law and is now a law. In not a single one of these nineteen states, and letters of inquiry were sent to all of them, and from not a single one has the word come back that the law has been used as a scheme for blackmail.

Now, here are editorials from practically every newspaper in the city of Chicago, the Examiner, the American, the Journal, the Post and the Chicago Tribune, and I just want to call your attention as to what the American says:

"A TEST OF DECENCY—WATCH THE VOTE ON THE ABATEMENT ACT—EVERY LEGISLATOR WHO WISHES HIS MOTHER, SISTER OR WIFE TO BE PROUD OF HIM WILL GALLANTLY FIGHT TO PASS THIS MEASURE.

"The measure now pending in the Illinois Legislature enabling the State's attorney or any citizen to enjoin the owners, agents and occupants of any place used for immoral purposes should be passed without delay.

"The proposed law is drastic, but it exactly meets the necessities of all Illinois cities.

"It is well calculated to aid in the suppression of crime because it strikes at the places where criminals are commonly incubated and protected.

"It will powerfully reinforce the Harrison law in stopping the traffic habit-forming drugs.

"It will go far to abolish the vilest phenomenon of our times—white slavery.

"It will materially aid in purifying elections in our larger cities, where every such resort is a colony of merchantable votes.

"It will help protect decent tradesmen and property owners who often find their business injured or their property depreciated by the presence in their neighborhood of disorderly houses.

"It will have its good effect as a preservative of the public health.

"It is in line with the best and most advanced ideas of police legislation, which wisely aims at prevention of crime as the first thing to be done.

"The preventive idea comes very naturally. For a long time medical people have been increasingly discovering that the effective way of securing health is to clean up and disinfect the places where disease germs are bred. 'Clean up' is the latest word in medical science.

"To those who have attentively read the recent report of the Chicago Committee on Crime no further evidence is necessary to prove that all sorts of crimes and delinquencies are constantly bred and propagated chiefly through the metropolitan plague spots—the disorderly houses.

"The pending bill, while drastic, is entirely fair.

"It provides for a deliberate proceeding in equity in a court of record where all the facts in each case may be heard and every proper defense produced.

"The injunction and abatement treatment proposed affords a much better remedy than the present law, which practically leaves the treatment of disorderly houses to be determined by the police and the wrong-doers to be prosecuted in fitful raids which have no permanent effect.

"But the chief merit of the proposed law is that it goes after the man higher up!

"Under the present statutes as actually enforced, only the wretched 'inmates,' the poor, dopy and helpless victims of organized vice, are arrested. The result usually is the 'boss' pays the fine, the 'inmate' goes back to the vile job and everything continues as before.

"Under the proposed law the State's attorney or, in his default, any citizen can file a bill for an injunction which will call the owner or agent into court and if the evidence justifies it the disorderly premises may be closed for a period of one year.

"A number of states already have in operation laws substantially the same as the proposed Illinois law and reports of their effects are uniformly favorable.

"The bill should pass and every member of the Legislature who wishes to favor decent social conditions and good government should vote for it."

And right here I want to say this, that this bill was objected to by the property owners, it was objected to by the county real estate board, and conferences were held and the Chicago Real Estate Board and the Cook County Real Estate Board, and the Association of Commerce of Chicago, and various other associations and organization to the extent of some twenty-eight, which I have here listed, including the city council of Chicago, at whose request I introduced practically this same bill, they have all agreed that this was a good bill and that it ought to be passed.

The Senate passed this bill, I think by a vote of thirty-two to nothing. This is a good step in the right direction and I believe that it should prevail.

Mr. MOORE (Henry). Mr. Speaker and Gentlemen of this Assembly: There are times when one does not care to discuss a bill of this nature before an assembly, but there comes a time when one should rise head and shoulders above that feeling for the purpose of discussing these things in the light as we see them, and to analyze some of these bills which are being brought before this Assembly in their true light and their true nature. Now, in regard to such an analysis, and I am not in very much of an analytical frame of mind today, in searching for the principle which covers this bill, we will find we have two kinds of vice, one which comes from love and affection and the other might not be or might be, and we also have two kinds of vice. One is ordinary vice and the other is commercialized vice.

Now we also have two kinds of reformers; we have commercialized reform and we have the ordinary reformer, the reformer who reforms through from love and affection and the other might not be or might be, and we have the kind that is working only to get his ten thousand a year, and you will find, gentlemen, you must keep out the gentlemen in this House that are seeking and fighting for such reform, and then you must keep out the commercialized reform.

Now, as I said about this bill, what are these bills to act upon. On

what is that vice operating, and on what are those two kinds of reform seeking to operate? On the girls of our country. They start upon the pathway of life and as they approach the period of adolescence they seek love and affection and with perhaps no one to safeguard their step and some influence may tempt them to slip. Then someone may say some cruel words about them. They go on, the future is far away. If the voice of scandal, perhaps of the sewing circle or the tea room, goes against these young ladies, and they are perhaps good young ladies and they are entitled to the benefit of the doubt, because there has many a good one slipped. Now she looks upon the future. It is present, it is like a wall before her. She has no place to go. Her parents, perhaps her brother or her sister, have found some error in her and they look down upon her, not because they feel hurt, but perchance she looks upon herself and feels that they do look down upon her and she is not given the help that she needs. She seeks to leave her home, and with no way of obtaining a livelihood she comes perhaps into a large city like Chicago, Peoria, or some of the other cities of the State of Illinois, and she is up against that future that at one time appeared so far away. She is up against the wall of adversity, she looks upon herself as an outcast. There is no one to love, no one to cherish, and no one to say even a kind word to her.

In the Judiciary Committee the other day one of these pompous reformers stood before the committee with a chart upon the wall, and I put the question to him, what is this bill for, and he said it is to get the pimp, the panderer, the cadet that seeks a place to ply his wares and pray on these innocent or these fallen girls, call them either way you like. He is trying to get the pimp, the panderer and the cadet by a bill like that. It is a long ways around Robin Hood's barn, thinks I, and I call his attention there, this bill says, so far as the evidence on the general hearing is concerned, I says, here comes a woman driven away from home. Evidence of the general reputation of such building or apartment or of such place and of those resorting thereto, shall be admissible for the purpose of proving the existence of such nuisance. And it will be on evidence like that secured by Funkhouser, the dirty whelp that he is, who comes in and then sneaks away that these proceedings will be had.

But getting back to the question, gentlemen, as I said to the Judiciary Committee members, there is no place then for these girls to lay their heads, what are you going to do with them? With a facetious turn of mind and with a smile he says we will be the better off without some of them.

Now, as I was going to say, there is no place for these people to go under the provisions of that bill, and it is not as one of the gentlemen who talked in favor of this bill would lead you to believe that this bill would kill out the houses of prostitution, but it says they shall be enjoined from using that building for any other purpose for the space of one year. Now, how is that going to get the pimp and the panderer? He can't show how it gets the pimp or the panderer. The only reason that the pimp or the panderer exists is because this girl wants someone she can cherish, someone she can reach out to and call her own, someone that may perhaps between times beat her, but he is someone that she can cherish. There is some way of getting at them, but I don't believe this bill, gentlemen, is the way to do it, and I don't believe this bill ought to have a place on the calendar or any other calendar.

Mr. PIERSON (Cook). I asked that this rule be applied because I consider this bill one of the most important here and for the reason that we must meet this proposition now or on some other day, and we may as well meet it now as any other time.

I trust I may be permitted this slight violation of the rules to respond to some of the things that have been said here. In the first place, I have no quarrel with the gentlemen who disagree with me. Furthermore, I don't have the honor to specially represent the Fisherman of Gallilee, but I know that if the Fisherman of Gallilee was here, a member of this House, how he would vote on this motion.

I was not in favor of this bill when it came in. It was an instrumentality of blackmail as I believed. I am in favor of it now, because it

has been so modified that it is not an instrumentality of blackmail at all. It simply adds to the jurisdiction of the chancery courts, simply makes their power a little greater than it is today. Today this precise bill can be applied and the precise order sought can be obtained, providing the complaining party has special damages alleged in his bill and can prove it.

I don't care to talk longer. I have in my hand the written and signed denial of the statement that has been made here that the Chicago Real Estate Board and the Cook County Real Estate Board are not in favor of this bill. Here are letters written and signed by the respective presidents of those boards.

Gentlemen, I will not take your time longer. I want to know whether or not there are 77 men here who are willing to stand for this question and whether or not we shall go on as we have been in the suppression of prostitution, whether we shall have that remedy.

(Roll called.)

Mr. LIPSHULCH (Cook). (On roll call.) I want to take up just a little of the time of this House. I believe that this bill is a good bill. I believe that a bill of this kind has a place in this House and ought to be carefully considered, but as it is written now, I am of the opinion that there are some features that are not just exactly as they ought to be.

The first thing, I believe it is unjust to the man who owns the building to provide that he can not rent his house for any purpose for a period of one year.

Another thing is the provision concerning the dismissing of the case for want of prosecution, and the bill goes on further that if the court is of the opinion that such proceeding ought not to be dismissed it may overrule the State's attorney and still continue this case.

Furthermore, there is one other point, it allows the substitution of one citizen for another. That is wrong.

There is another thing in this bill—

Mr. YOUNG (Cook). I rise to a point of order. This is not a discussion of the merits of the bill, but whether this bill should be taken up on the order of second reading.

Mr. LIPSHULCH (Cook). If the gentleman had not interrupted me I would have been through. There is one more point and I am through, it says that no person shall be excused from answering interrogatories under oath on the ground that an answer may tend to criminate him or subject him to a penalty or forfeiture. This, in my mind, is contrary to one of the most fundamental principles in our constitutional law, and I am opposed to any bill that will rob a man of that constitutional right.

But, I do not seek to kill this bill this way, and for this reason, Mr. Speaker, I vote "aye."

(Roll call concluded.)

(Motion prevailed.)

Whereupon, the House proceeded upon the order of second reading for the purpose of considering Senate Bill No. 362.

Mr. BRUCE (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 362, by adding after the word "petitioner," in line 15, section 2, of the printed bill, the words: "*And, provided, that such notice has been served upon such owner of such agent of such building or apartment or place at least 5 days prior thereto.*"

Mr. RICHARDSON (Christian). I move to lay that amendment on the table.

Mr. BRUCE (Cook). I offer this amendment after consulting with one of the members of the House who introduced the House bill, the companion bill to this Senate bill, and it is with his consent and approval that I offer this amendment. He has no objections to it.

The only purpose of this amendment is to forestall any possibility of any owner of a building being served with notice at nine o'clock and being haled into court in the afternoon. This will provide that notice be served

at least five days prior upon the owner of the building, giving him an opportunity to that extent to prepare for the hearing.

Mr. LYLE (Cook). I think it is a good amendment and it meets with my approval.

Mr. RICHARDSON (Christian). I withdraw my objection.

(Amendment adopted.)

Mr. ROE (Fayette). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend Senate Bill No. 362, printed bill, in section 2, line 5, by striking out the words in line five (5), section two (2), the words: "for a period of one year."

Mr. ROE (Fayette). Mr. Speaker and Gentlemen of the House: In section two, in line five, you will find these words. First, we will read section two: "The State's attorney or any citizen of the county in which such a nuisance exists, may maintain a bill in equity, in the name of the People of the State of Illinois, perpetually to enjoin all persons from maintaining or permitting such nuisance, and to abate the same, and to enjoin the use of such building, or apartment, or such place for any purpose, for a period of one year. Upon the filing of a verified petition therefor, in any court of competent jurisdiction, the court in term time, or a judge in vacation, if satisfied that the nuisance complained of exists, shall allow a temporary writ of injunction, with bond, unless the petition is filed by the State's attorney, in such amount as the court may determine, enjoining the defendant from maintaining any such nuisance within the jurisdiction of the court issuing such writ."

Now, I take it, gentlemen, that a hearing upon this kind of a petition, a petition of this nature, will be taken before a court of chancery, it could come no place else. He takes the petition, he takes the facts and he takes the evidence, and I think we are going beyond what we should do when we take from the judge the power to say how long a nuisance shall be abated. I say to you that it should be left to that judge to say how long that injunction shall exist. I say to you that we are going too far when we say to any man or to any court, if you have the facts and circumstances before you, that you have got to grant an injunction for a period of one year.

The gentlemen will say he can come in under section 8 and be relieved of that injunction. Are you going to take many a man and many a woman, as has been said here, and say to her that you have got to go now that this injunction is issued, whether it is right or wrong, and you have got to go and employ an attorney to get this relief from that injunction. You are taking that provision away from the man and I say it is wrong.

Mr. PIERSON (Cook). I move that the amendment lie on the table.

(Amendment tabled.)

Mr. LIPSHULCH (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend Senate Bill No. 362, by striking out the words in line 11, section 4: "no person shall be excused from," and all of lines 12, 13, 14, 15, 16, and 17.

THE SPEAKER. I will ask the gentleman from McHenry to take the chair. (Applause.)

The Honorable Edward D. Shurtleff, Acting Speaker.

Mr. PIERSON (Cook). I move that the amendment lie upon the table.

(Amendment tabled.)

Mr. LIPSHULCH (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend Senate Bill No. 362, by striking out the words in line 5, section 3, after the word "nuisance," the words "of the bill," and all of lines 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18.

Mr. PIERSON (Cook). I move to lay the amendment on the table.
(Amendment tabled.)

Mr. BRINKMAN (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 5.

Amend section one of the printed Senate Bill No. 362, by striking out after the word "owner," in line five, the word "agents."

Mr. BRINKMAN (Cook). This bill contemplates an action in chancery and that is all it amounts to. The agents who have charge of the property in a good many cases have no money on hand to defend the suit, and in lots of cases, most of the cases are not responsible for the tenants who are in the property, and I don't think it is right to make an agent a party to the suit where it may cost him from \$50 to \$150 to defend it. The remedy is in the bill against the owners and the tenants and I think the agents ought to be excused from the bill.

Mr. LYLE (Cook). May I say that it is, as a rule, not the owners of the building but the agents who lease this property for immoral purposes. There were hundreds of cases investigated in the city of Chicago and it came out in the newspapers that well-to-do citizens had their property leased for immoral purposes and the blame was on the agents. While I think the agents are the ones who ought to be legislated against possibly a little more strictly than the owners because it is the agents themselves that want to get the higher prices. I think that amendment ought to be laid on the table and I move that the amendment be laid upon the table.

Mr. PIERSON (Cook). If this amendment prevails you may as well amend this amendment that if the owner goes to Europe, this bill shall be ineffective, because if it is adopted they will leave the jurisdiction of the State and then the bill is ineffective. The amendment ought to lie upon the table.

(Amendment tabled.)

Mr. BRINKMAN (Cook). I withdraw the other amendments.

(Amendments withdrawn.)

Mr. BROWNE (LaSalle). I offer the following amendment and move its adoption:

AMENDMENT No. 6.

Amend Senate Bill No. 362, in the House, by adding a section to be known as section 12, to read as follows:

"SEC. 12. This Act shall be in force only after the adoption by a referendum vote of the people of the State of Illinois, at a submission of the Act to the voters at the next general election; and it shall require a majority of all those voting on the question at said election in favor of said Act, to adopt this Act."

Mr. BROWNE (LaSalle). Now, lets be fair about this. Lets throw aside for a moment any personality and any feelings that are not absolutely sincere. Lets deal with this on a common sense basis, just the same as you would with any ordinary proposition and not one that you are afraid to touch in any way except one for fear of hurting yourselves. Lets look it in the face courageously.

In my private opinion, and I am entitled to that, the most humble citizen of this country is entitled to that, in my private opinion, there are not twenty votes on the floor of this House for this bill as it stands, if they voted as they would like to vote, and if the record didn't show. Now then. You are all the time on this class of legislation and the people that come here on this line of legislation are all the time, in committee and in the House, led by this banner and parading this legend, we represent the people, we are in the interest of reform as desired by the majority of the people of this State. If you don't represent the views of the majority, then you don't represent the people. If you don't represent the majority of the people of the State then you are representing the minority and you are attempting to control the views and ideas of the majority.

Now then, all this amendment does is to do what you are claiming you want to do, find out whether or not the people of this State are with you, find out whether the people of this State at the next general election will O. K. this bill. That is fair, isn't it? Any man that wants to be fair will say aye to that. Any man that is afraid of the votes of the people and afraid of the verdict of the next election will say no, but if you want to be fair, if you want to find out whether the people are with you or not then you will adopt that amendment.

You say it is an important bill. All right. If it is an important bill, lets give the people a chance to say whether they want it or not. You have been dwelling upon this bill for a great many years and this won't do any harm if you wait a little longer and ascertain before you ask the members of this House to commit themselves to it, whether the people want it or not.

Lets be fair. It is a fair proposition, and this amendment ought to be adopted.

Mr. HUBBARD (Greene). Mr. Speaker and Gentlemen of the House: I wish that I could believe that the gentleman from LaSalle (Browne) was sincere in his appeal to this House to be fair. Gentlemen of this House, I stood here on the floor of this House and offered a similar amendment to the so-called deep waterway bill and I appealed to the gentlemen on the floor of this House to be fair and submit the proposition to the vote of the people of this State. The gentleman from LaSalle stood here on the floor of this House and said that it was going to kill the bill. Now, I have the same reason for thinking that he is presenting this proposition here or this amendment to kill the bill. I do not think that he is sincere.

Mr. BROWNE (LaSalle). No; because the other proposition has already been submitted to the people and carried by about six to one.

Mr. HUBBARD (Greene). Now, gentlemen, lets be fair on this matter and lets meet him on the same grounds which he presented here when he voted against the amendment which I offered to submit to the vote of the people, a bill which affected every taxpayer of the State and which I claim was in direct violation of the Constitution and the vote of the people. Lets listen to this and be fair.

Mr. PIERSON (Cook). I want to ask the gentleman from LaSalle what would be on the ballot at the next election if this proposed amendment were adopted, shall courts of chancery have the power to enjoin the maintenance of houses of prostitution?

Mr. BROWNE (LaSalle). Not at all. "Shall a certain act entitled an act, so and so" giving the title of the act just as you have got it, "be enacted into a law." That is what would be upon the ballot, the same as it would be in any case.

(Amendment tabled.)

Mr. MOORE (Henry). I offer the following amendment and move its adoption:

AMENDMENT No. 7.

Amend Senate Bill No. 362, by striking out in line one of section two, the words: "or any citizen."

Mr. LYLE (Cook). This practically destroys the whole bill. This bill provides that any citizen may go in and maintain this action, and if you strike it out it leaves in the hands of the State's attorney what he already had at the time the law was enacted, and I think if you want to vote for such an amendment to the bill it might just as well be to strike out the enacting clause.

Mr. MOORE (Henry). Why would that kill the whole bill?

Mr. LYLE (Cook). Because this provides that a citizen may go in and maintain an action in chancery to suppress a house of prostitution and that law is already on the statute books, but this adds to it, that any citizen may go in and maintain this action.

Mr. MOORE (Henry). It seems to me that this phrase of the bill that any citizen may take up these matters only tends to neighborhood clothes line quarrels and fighting in that neighborhood. If it comes to a neighborhood proposition, and I think it should be eliminated from the bill. The only object is to prevent the effects of these neighborhood quarrels.

Mr. LYLE (Cook). I move that the amendment lay upon the table.
(Amendment tabled.)

ACTING SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up House Bill 963 on the order of second reading. This bill makes an appropriation to the University of Illinois of \$5,000,000, payable out of any moneys in the State treasury to be set apart for the use and maintenance of the University of Illinois.

Mr. IGOE (Cook). Mr. Speaker, I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 963, as printed, by striking out all of line 14½ in section one, commencing with the word "*Provided*," and all of lines 15, 15½ and 16.

Mr. IGOE (Cook). Mr. Speaker, this amendment contains the proviso that no part of this money shall be used for the building and grounds formerly known as the College of Physicians & Surgeons, in Chicago, Illinois, and now used by said University. In other words, it prohibits the University from expending any portion of the sum for the purpose of bettering the condition of their medical school in Chicago. Now this is a subject that has been up before the people of the State for the past fifteen years. It has been up before that. This school was originally made a part of the University at the suggestion of Governor Altgeld; it has had the endorsements of Governor Yates, Governor Deneen and Governor Dunne; and now they come along and seek to prevent the University from maintaining that school in its present state in the city of Chicago. I will state that there is something like \$5,000,000 appropriated for the University of Illinois, and Cook County contributes about 43 per cent of that sum. This proviso was put in there over the protest of Dr. James of the University, and every member of the alumni of that school in Chicago; it was put in there for the purpose of doing something—or rather preventing something that the University desires to do, and that is to maintain and to equip and to keep a high class, or a first class medical school in the city of Chicago, where it would be close to and related to the great hospitals that are located in that city, so that their students may have adequate facilities for studying medicine and thereby become proficient in the learning of their profession and go out into the world competent to practice their profession.

Now, two years ago this medical school was the subject of much debate in this House, and at that time the graduates of that medical school went out all over this State and they collected something like \$56,000 in cash. These men went out and collected that sum and bought up the stock of the corporation that controlled that school and they presented that stock to the University, so that the University today has the grounds and it has the buildings, but they are subject to a mortgage for \$76,000, and subject to bond issues of something like \$169,000, and the total indebtedness was \$245,000. Now since that time, out of the tuition of the students that have paid off two interest items of \$10,000 each; there is now due in the next year \$56,000. Now, it is proposed, out of the tuition of the students to make another payment on that \$56,000 loan, and have the mortgage extended so that in the future the entire mortgage can be liquidated; but if you put through this bill on that proviso, it will mean that the University cannot spend a cent up there; it will mean that the holder of the mortgage will know the situation of the University and they will proceed to foreclose the mortgage, and the University of Illinois will be robbed of the medical school in Chicago, and it will be put out of business for all time to come.

Now, it comes right down to this simple proposition: if you people who believe in the University of Illinois and believe it should be a real university with departments, and a university wherein the young men of this State can be educated in every call of life, why then support this motion that seeks to take out of this bill that proviso, which was put in there to put out of business the medical department of the University of Illinois in the city of Chicago. I move that this amendment to the bill be adopted.

Mr. CURRAN (Cook). Mr. Speaker and Gentlemen: Now, there is nobody opposed to the University of Illinois coming up to Chicago and starting a medical school, but we do oppose the University of Illinois coming up there and teaching one branch of medicine. There are other schools of medicine in the city of Chicago. We have good schools—the Northwestern University, the Homeopathic and the Eclectic. All those are medical colleges run by private concerns; they are private institutions, and I for one, never did believe in the State of Illinois competing with private institutions; if I did so believe, I would belong to the socialist party, because they are the only ones that advocate the State entering into private business.

Another thing I oppose is handing the University of Illinois \$5,000,000 and letting the gentleman who is the Czar of the little town of Urbana, spend that money as he sees fit. I believe that the gentleman should itemize his bills, just as the majority of the men on the floor of this House will agree with me, that every elective or appointive officer of the State must itemize his accounts; but they come to this body and they ask appropriations for the University of Illinois, and the only reason why the gentlemen here do not oppose it, is because they are moral cowards; they are afraid to cast their vote in the House here and go on record as making the University of Illinois itemize all of their bills and accounts. Other institutions have to do it. In private conversation they tell you Professor James ought to be made to do it, and still they come in here and they vote year after year to let this gentleman spend the money as he sees fit, and I hope the majority in this Legislature will be here long enough to make the University of Illinois tell the Legislature and the members of it what they do with the money. (Applause.)

Mr. LIPSHULCH (Cook). Mr. Speaker, I want to occupy the time of this House just a few minutes, and I want to say to the members of this House that there are a very few bills left in this House at this session that I am interested in and I will not inflict many more speeches on the members of this House.

I want to first repudiate the statement made by the gentleman from Cook (Curran), and he knows I am his friend, and I have been his friend during this session when he needed my vote; I was not a coward, and any man who votes against his opinion now is not a coward just because he happens to differ with him on this particular subject, and I am surprised that the gentleman from Cook (Curran) should make a statement of this kind. And as to Mr. Curran's objection to the State going in competition with private interests, I just wish to call his attention to our public school, and no man would dream of going back to the private school system.

Now as to the University of Illinois absorbing \$5,000,000 or a little more, I want to say to you that there is no price that you can possibly pay for education that is not cheap. Education is the cheapest possible commodity on the market, no matter what price you pay for it. I hope the time will soon come when the State will require no fee from anyone—and that any citizen or his children will in the future enjoy an education in any branch of learning free of all charge.

Now, as to this particular branch of the University and what Dr. James has accomplished for the State of Illinois, after he took hold of this particular school; you gentlemen know as well as I do that it was a mere university on paper, more or less, and in a comparatively few years that he has had charge of the University he has raised it to the standard where it is as good as any in the United States, and I am going to ask you a question; if this House today was to vote the University a Department of Medicine, where would you locate it?

Mr. GORMAN (Peoria). In Peoria.

Mr. LIPSHULCH (Cook). In Chicago, because you have the largest and best clinical facilities in Chicago—larger and better than any other city in the world. Now is the question, what part of Chicago? Why, where it is now, because we have the Cook County Hospital, the West Side Hospital, the Presbyterian Hospital, etc., in the vicinity of which all these schools are located. Now let us see whether we have a bargain or not.

From what some of these gentlemen have said, there is an indebtedness of something like \$225,000. Now that particular Department of Medicine has in its library books that are absolutely priceless and which cannot be obtained in any other place, and the Medical Department of the University has been pronounced by competent authorities as one of the foremost schools in this country. Now as to the amount of money we will have to spend, \$225,000, when you come to equip a school and build it, will go a very little distance, and you gentlemen who have been here for years know what it takes to build a school and equip it. Now what are we buying outside of the equipment, the library, the building and the grounds? I will tell you what you are buying, gentlemen; this school, by pronounced and sincere endeavors in the past twenty years has raised an alumni who have graduated from that school and who are now located everywhere in the United States; men who have made good in their profession; men who are today authors of books and professors of various branches of the study that they have followed. You can spend \$20,000,000 today for a school and build it of marble and onyx, or of gold and silver, if you please, but you can't buy the work that has been accomplished by this school in the past twenty years. That is the thing you are buying. You are not buying the buildings only, and I hope that you gentlemen will see justice done, and strike out the amendment. (Applause.)

Mr. MADSEN (Cook). Mr. Speaker and Gentlemen of the House: If every one who is a supporter of the University of Illinois was a socialist, as suggested by the gentleman from Cook (Mr. Curran), I believe my party would be the largest in the State. There are a great many people in the State of Illinois who take pride in institutions of this kind and like to see them grow and develop, and I believe every gentleman in this House should be in favor of allowing the University to use this money as they deem wise; they are in touch with the situation and know how that money should be expended. Now I am quite sure that we all want this institution to be as great as possible in the department of medicine as well as in other departments. Why shouldn't we teach the boys of the State of Illinois the science of medicine as well as any other science? Now, it can be done in the city of Chicago and I don't see why you should not be in favor of maintaining that college there. I went down to Champaign this year, and two years ago, and I was glad that they had an institution of that kind in Champaign, and I was proud of the fact that the people of Chicago contributed 43 per cent of the money to maintain that institution. I don't believe you folks from down State will begrudge us the measly little medical school we have up there; let us all do what we can for this State University and make it the greatest institution in the world as regards the medical department as well as any other department. (Applause.)

Mr. TICE (Menard). Mr. Speaker and gentlemen, I happen to be a member of the sub-committee representing the Appropriations Committee of this House, delegated to visit the University of Illinois and to pass upon the requirements of that institution, and to recommend back to the main Appropriation Committee our judgment and our opinion as to whether or not they should be permitted the amount they asked for; or, in other words, whether there should be appropriated the amount which this mill tax would appropriate to the institution. Your sub-committee spent two full days at the University of Illinois, and in addition to the time spent in the immediate investigation of the institution, we spent more than one week in discussing and trying to arrive at the best possible conclusion as to what to recommend to the General Assembly for their action on this question. After many consultations of the committee and after having met with the board of trustees and the representatives of that board, and after having discussed the question with the president of the University and the various heads of departments, we recommended the bill which you have before you and which is now up for your consideration. You will notice that in this bill this appropriation has been placed at \$5,000,000. This is something like \$165,000 or \$169,000 short of the full amount which would be produced by the one mill tax. You will further notice that this bill is an itemized bill in that the appropriation of the \$5,000,000 is divided into seven different items, covering all the requirements and the purposes for which this money is to

be expended; in each item is detailed the various individual purposes for which that particular item shall be expended. I will not take your time to enter into a discussion of the subdivisions of the various seven divisions of the bill. Suffice it to say that in my judgment it covers well and thoroughly, and covers so well and thoroughly and specifically what the board of trustees and the officials of the University will be and are required under the provisions of this bill to expend, that it is plainly shown how the money here designated is to be spent—for one particular purpose and not for any other purpose.

Now, in regard to any portion of this money being used for the College of Physicians and Surgeons, or the Medical School in Chicago—perhaps some of you older members may remember that two years ago I opposed the University of Illinois taking up this school in Chicago, and those who remember it, remember well that only a very small vote on the floor of this House held that same opinion. I was sustained in my opinion by many men in the State of Illinois, whose judgment and whose knowledge of the situation, I thought, warranted me at that time in taking the position which I did; but the General Assembly of the State of Illinois two years ago voted to accept this school of medicine, as they did, and since that time it has been a part of the University of Illinois and placed in the hands of those whom we have placed in control and authorized to act for us in everything pertaining to this University, and it is now an integral part of the University of Illinois, and I am glad to say it is one of the good parts of the institution.

Not more than two weeks ago it was my privilege to meet with a number of physicians of Illinois—men who are not graduates of that college which was at one time known as the College of Physicians and Surgeons, but practicing physicians in the State, who said to me that the school as now operated under President James and the board of trustees, was one of the best medical schools, not only in Illinois, but in the whole central west. (Applause.) They said to me that Illinois ought to maintain this school. They said that they believed and knew that it was well worth any reasonable appropriation which this General Assembly might make. Those of you who were here two years ago will remember Dr. Robertson, who is now the head of the health department of the city of Chicago under the present administration. Only two weeks ago I talked to that gentleman in Springfield, and he said to me, “Mr. Tice, they beat us out two years ago, but this medical school has now become a part of the University of Illinois, and we ought to support it loyally.” I said, “Doctor, that is my opinion, and so far as I am concerned, with the evidence that I have and from the knowledge that I have gained through my interviews with the officials of this institution, and through the knowledge that has come to me from outside sources, and from the knowledge and opinion that has been recommended to me by men who two years ago opposed this proposition, it is now under a management and a system that is superior to most medical schools.” At the head of this institution is one of the most capable men in the United States. I say to you that it is the duty of every one of us to maintain this department as it is our duty to maintain every other department of this great institution. This institution ranks as one of the greatest universities in all of the United States, and I want to say to you, gentlemen, that this department brought up to the standard which it has reached, is an honor to the State of Illinois and is an honor to the University of Illinois, and there should be nothing incorporated in this bill which will hinder its growth or impede or retard its progress in any way, or which will in any way tie the hands of those who have its administration in their power. And, gentlemen, I hope that the motion of Mr. Igoe from Cook will prevail and that we will eliminate this proviso and permit this Medical Department of the University of Illinois to go through and become equal to every other department of this school, which is one of the best in the United States.

Mr. HUBBARD (Greene). The sub-committee's report didn't have this in it.

Mr. TICE (Menard). The gentleman from Greene (Hubbard) is correct and the sub-committee are unanimous in supporting this bill.

Mr. R. E. WILSON (Cook). Mr. Speaker and gentlemen of the

House, I happened to be a member of this Appropriation Committee when the University Bill for \$5,000,000 was discussed, and when the sub-committee, of which the gentleman from Menard was chairman, made his report. We asked for an itemized statement. The best they had to offer was that \$2,000,000 was for buildings and \$3,000,000 was for salaries, maintenance, etc., and while the full committee did not consider this much of a detailed statement, it was the best information we could receive, and they included, in that report, the maintenance of the Medical School in Chicago, to which objection was made and an amendment offered "providing that no part of this fund shall be used for the purchase of buildings and grounds formerly used as a medical college in the city of Chicago." This amendment carried by a vote of 16 to 7, if I remember rightly.

Now, I was a member of this House eight years ago when the bill to allow the University to take over this same school at a cost of \$376,000 was up in the House, and in a discussion against this proposition, one of the members from the republican side informed the House that they were getting a gold brick, and when the bill reached Governor Deneen, he vetoed the same.

Now, this building was formerly an old high school and is of the old style with the large halls and is in no wise fit for an institution of this kind. In endeavoring to learn what the State paid out in connection with this institution, we were told by the chairman of the sub-committee that the State paid out \$10,000 in interest and that it would cost about \$235,000 or \$245,000 more to take this institution over.

Now, Mr. Speaker and gentlemen of the House, if this was a gold brick eight years ago, it certainly has not improved any since and is still a "white elephant" and with this information at hand, which was all the Appropriation Committee received (and this was not very much), they amended this bill, as it is now, and I feel that the amendment should stay in this bill.

(Viva voce vote taken. Amendment adopted.)

Mr. ROE (Fayette). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill 963, in line 36, page 2, of the printed bill, by adding after the word "emergencies," the following: "to pay all claims, doctor bills and hospital bills of employees and students for injuries so received from and after the passage of this Act."

Mr. ROE (Fayette). Mr. Speaker, just a word; now I don't think the University of Illinois has any better authority on the floor of this House than I have.

Now the purpose of this amendment is this: that at every turn of the Legislature we have come over here and we have introduced in this House bills that are referred to the Appropriations Committee for personal injuries, for injuries to an arm, or a leg, or a foot, and for damages, and we have asked for an appropriation from the State of Illinois. Now, there is a fund of \$500,000—and this asks for \$5,000,000 for this institution, and I believe that a part of this \$5,000,000 should be used for the payment of those injuries. That is my position. Now I fixed this amendment in this respect: It doesn't apply to any cases that may happen before this time, but it simply applies to injuries that may occur from and after the passage of this bill. Now, I think this is a matter of economy to the State of Illinois and that this should be adopted for this reason. I want to say to you that I believe the trustees of the University of Illinois are better able and know more about the conditions and are better able to investigate things that might occur over there; they are in a better position to take those matters up and discuss them and to say what should be the proper amount to be allowed, if anything.

Now those claims that are legitimate, they will care for, and those claims that are not legitimate, they will not be taken care of, and the employees over there will be more careful in operating the machinery and the construction, etc., and in all the places they are put. There is nothing

wrong about this. Here is \$5,000,000 that is left to the one mill tax, and we have had this up at every session of the General Assembly, we have had five or six statements coming in here asking as high as \$10,000 for an individual. Now, who is better able to know how much should be paid to each one of those receiving an injury than the people who have charge of the University. I am not in a position to know, but I think there are ample means and ample funds to take care of this matter and to shoulder the responsibility, and to appropriate \$5,000,000 for this proposition and then they come in again and ask for an appropriation for several thousand more for injuries that might arise, and that they should be taken care of out of this fund.

Mr. SMEJKAL (Cook). I move the adoption of the amendment.

Mr. TICE (Menard). There is no disposition on the part of the University authorities to shirk any responsibility that properly devolves on the institution because of accidents to any one employed in the University. I want to say to the members of the House, as chairman of that sub-committee that the members of the sub-committee believe that the University of Illinois should pay from its funds any damages or for any injuries that occur to anyone employed by the institution.

Mr. ROE (Fayette). That is for injuries that occur from and after the passage of this Act.

Mr. TICE (Menard). Yes.

There is now pending in the courts a claim for the death of a man employed by the University. That case is now pending in the courts, and it is dependent upon the Workingmen's Compensation Act. Then their status will be clearly established. Until that time, in the case of every employe, the exact status of the University is not clear. Now, I believe it would be a very dangerous thing, and I believe it would be a thing that this General Assembly should not do, to amend this bill now in the manner in which this amendment suggests. The University of Illinois should be fair in the case now pending, but I can see that the adjudication of the case might be prejudicial to the University if the amendment be adopted. It is only a matter of a few months until this case will have been settled, and then the University will know just exactly their status. Up to this time the board of trustees has not had the authority to pass upon these claims, or to attempt to settle them, and that is one reason—or perhaps the great reason, and the only possible reason why we have been confronted with measures before this General Assembly, asking for appropriations to meet claims for personal injuries. I believe it would be wise for this House to vote down this amendment and let the status be clearly established without any complication by acts of ours which are contained in these amendments, and I hope, Mr. Speaker, that the amendment will not prevail and that we will give the University clearly and rightfully the power to define their position in this matter, then we will know that they will meet such claims for personal damages that any injured person may claim.

Mr. ROE (Fayette). Now, the gentleman from Menard (Tice) makes an argument in regard to this matter of the amendment. The amendment absolutely provides that it does not apply to any case in any court at this time, or for any injuries that have occurred before the passage of this Act. Now why should we inculcate into this amendment, I would like to know, this "bunc" in regard to the Workingmen's Compensation Law. This won't settle these things. That is all the reason why it should be in this bill. Then they should have the right to vote out under the law, as directed by the General Assembly, this proposition.

In regard to this matter being in the court and coming up for trial that has nothing to do with this amendment, because this embraces injuries which may occur after the passage of this Act. That is all the more reason why it should be adopted.

Mr. SMEJKAL (Cook). I move that the amendment offered by the gentleman from Fayette (Roe) lie upon the table.

(Rising vote taken.)

(Amendment tabled.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Whereupon, the House proceeded to the order of hearing of bill on second reading, and the following bills were ordered engrossed and to a third reading, without debate: House Bills Nos. 975, 374, 937, and 89.

Mr. SHURTLEFF (McHenry). I would like the unanimous consent of the House to introduce two bills, and I just want to say one word about one of these bills. The second bill, No. 982, I would like to have that referred to the Committee on Deep Waterway. This bill is introduced at the request of Lyman E. Cooley. I wish to say that the bill is not my bill and it is a bill which I do not agree in the subject matter of it, but Mr. Lyman E. Cooley has been with the waterway program for a great many years and he has a good idea in regard to the deep waterway proposition, and this he has put into the form of a bill and has requested that it be introduced in this House for the purpose of information. He is an engineer, and I desire to say that I introduced the bill at the request of Mr. Cooley merely for the information of the House. I do not agree with many parts of the bill, but it is presented for the purpose of the information of the House.

THE SPEAKER. The bill is referred to the Committee on Waterways and also to the Committee on Appropriations.

Mr. O'ROURKE (Cook). Mr. Speaker, I desire to call back House Bill No. 516 to second reading for the purpose of amendment.

THE SPEAKER. Are there any objections? If not the bill is recalled to second reading for the purpose of amendment.

Mr. O'ROURKE (Cook). I offer this amendment and I move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 516, in line 4, of section 9, of the printed bill, after the comma following the word "inhabitants," by inserting the following: "situated in any county of the third class, which district or districts are separated from the residue of the high school district by any sanitary district canal."

AMENDMENT No. 2.

Amend House Bill No. 516, in line 8, of section 9, of the printed bill, by inserting after the word "districts," the following: "which seeks to withdraw as herein provided."

AMENDMENT No. 3.

Amend House Bill No. 516, in line 9, of section 9, of the printed bill, by striking out the word "same," and the word "as," and all after the word "provided," in lines 9 and 10, of the same section, and add the words "by statute."

AMENDMENT No. 4.

Amend House Bill No. 516, in line 11, of the printed bill, by striking out the words "required by section one (1) thereof, and insert in lieu thereof the words: "herein provided."

AMENDMENT No. 5.

Amend House Bill No. 516, after line 14, of the printed bill, by adding the following: "*Provided*, that such portion of the township high school as may withdraw under the provisions thereof, shall remain liable to pay its proportionate part of any lawful outstanding bond issue."

Mr. O'ROURKE (Cook). They are agreed amendments by all parties. It is simply an amendment to the School Bill, in the High School District, and applies only to one township in Cook County.

(Amendment adopted.)

Mr. DALTON (Kane). I desire to call up House Bill No. 153 on second reading.

THE SPEAKER. Are there any amendments? If not the bill will be engrossed and ordered to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill 975 on the order of second reading.

Mr. PURDUN (Clark). Mr. Speaker. I desire to protest against the advancing of this bill to third reading. No member of the House has received a copy of the printed bill, therefore, I want to enter a protest against its advance. I don't suppose I will get very far with this protest, but I desire to call the attention of the House to the fact that I made every effort to obtain a copy of this bill without success, and I understand the same is true with other members.

THE SPEAKER. The clerk will read the bill. The clerk informs me that they have been printed.

(Bill read the second time.)

THE SPEAKER. Are there any committee amendments; are there any House amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. LEECH (Lee). I move you, Mr. Speaker, that the House do now adjourn until 9:00 o'clock tomorrow morning.

(Motion carried.)

Whereupon, the House adjourned until 9:00 o'clock a. m., Thursday, June 3, 1915.

THURSDAY, JUNE 3, 1915.

9:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Mulcahy (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's desk, all without debate.

Mr. HICKS (Winnebago). I desire to call up House Bill 268 on the order of third reading.

My attention, Mr. Speaker, and gentlemen of the House, was called to restrictions on corporations in this State in the matter of building buildings for the purpose of renting them, when I was a member of the board of directors of the Rockford Chamber of Commerce. We had a meeting one day at which it was proposed that several of the men who constituted the board and financially able would put up their money to secure a building, a factory building, for the purpose of housing the small industries in the city of Rockford. It was unanimously decided by the board that they would do this, but they ran up against the proposition that the Supreme Court of this State had laid down the law that the corporation could not own a building for the purpose of renting it. In order to remove this restraint this bill has been drafted. It permits a corporation to organize for the purpose of erecting a single building for the purpose of renting it and it goes no further.

Mr. GORMAN (Peoria). A companion bill, so to speak, was introduced in this House four years ago and it met the same fate that a number of bills met and it was not reached along toward the conclusion of the session. It provides the number of feet that a corporation can own of land for that purpose and if they don't exercise the right of building as described in the bill, they have to dispose of the property. It means the building of buildings and putting to work a lot of men who are now unemployed. It is a good bill and I hope it will get your unanimous support.

(Roll called.)

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker, I have given this bill a good deal of thought in an endeavor to believe that it was right and that I ought to vote for it. I have not been successful up to today. One would think, to read this bill as it stands, as was suggested by a number of gentlemen here this morning, that it was a re-reading of the old Allen Bill. This gives to a corporation the right to own 80,000 square feet of land on which to erect a building. There is nothing to prevent another corporation from owning the next 80,000 square feet, and another corporation from owning the next adjoining 80,000 square feet, and another corporation from owning the next adjoining 80,000 square feet, and a holding corporation taking care of the whole business and making it a community of interests. It is the old corporation bill all over again, that has been killed so many times in this House, only more delicately phrased and more artistically gotten up, and its real purposes more scientifically concealed. It is the same old friend and anybody that votes for it is voting for corporations to hold and use such real estate as they want. That is what it means, and I vote "no."

(Roll call continued.)

Mr. HICKS (Winnebago). (On roll call.) Mr. Speaker and gentlemen of the House: I wish to say that I have made a very careful investigation of the law of every state in the United States on this proposition and I wish to say further that the State of Illinois and the state of Wes Virginia are the only two states in this Union that will prohibit a corporation from doing the very thing that is permitted by this will; that in the state of New York there is absolutely no prohibition of any corporation owning and controlling real estate. But this bill is restricted to a single building, a single corporation.

I want to say that because a corporation cannot organize in my town and in yours to build an office building it is retarding the development of the town and that it is a mistake, a serious mistake, to hold back the development of all the growing cities in this State by refusing to permit a corporation to organize to build an office building or a factory for the purpose of renting it.

Mr. BROWNE (LaSalle). May I be permitted to ask the gentleman a question?

Mr. HICKS (Winnebago). Yes.

Mr. BROWNE (LaSalle). Even though it might be a benefit, as you suggest, in your town, it does not prevent in other places, especially large cities, what I have suggested, does it?

Mr. HICKS (Winnebago). I will tell you, Mr. Browne, what it will do in larger cities. In the city of Chicago, in the loop district in the city of Chicago, property values have grown to such an enormous extent that no ordinary mortal can hope to own a foot of loop property. You know that, you gentlemen from Chicago who have knowledge of values in the loop.

(A VOICE. They own it.)

Mr. HICKS (Winnebago). I want to say to you that in the last five years the Marshall Field estate have increased their holdings in the loop \$10,800,000. Why? Simply because when a piece of property goes on the market there are only a very few people who have the financial ability to buy it. Now make this the law and you will open the door for the ordinary man to combine his money with his next door neighbor and form a corporation and buy one of those buildings for the purpose of renting it. As the law now stands, if it stands the way it is now for the next twenty years, inside of that time the entire loop will be owned by a few, a very few large estates in Chicago.

Mr. BROWNE (LaSalle). May I suggest this to you, that if your law passes there will not be anybody own any of it but a few corporations.

Mr. HICKS (Winnebago). Who owns the corporations, Mr. Browne?

Mr. BROWNE (LaSalle). I don't know who owns them.

Mr. HICKS (Winnebago). You and I might own a share. I want to say this, that every city in this State has been built up by the small corporations and not by the big estates in the city of Chicago or Cook County.

This is a good bill and it ought to pass, and I vote "aye."

Mr. TICE (Menard). Mr. Speaker, may I ask a question, please. Isn't it possible under the provisions of this bill for corporations and holding corporations to come in and own sufficient property that they could control a city like Decatur or Springfield or Peoria practically?

Mr. HICKS (Winnebago). Why I will say, in answer to the gentleman from Menard, that it is possible for those same men to turn around and for another corporation to buy another building next door, and so on, infinitum, but it is not probable. It has not been done in New York; it has not been done in Ohio; it has not been done in Minnesota and it has not been done in any state in this Union where the doors are wide open.

In this State, Mr. Speaker and gentlemen, the law is that one corporation cannot own stock in another corporation and there would be absolutely no danger along the line that the gentleman suggests. I vote "aye."

(Roll call continued.)

Mr. SCANLAN (LaSalle). (On roll call.) Mr. Speaker, I want to explain my vote. This bill, in my judgment, is needed by all the small cities of the State. For instance, in my town they needed a hotel some years ago. No one individual caring to build a hotel there, the citizens organized a corporation for the purpose of building and operating the hotel.

Now they could only get a charter for that purpose under the present law, but it was not the intention of that corporation to operate the hotel. They did build it, yes. They did lease it. That lease is not worth anything. It is simply violating the law.

Now this bill, if enacted into a law, would give an opportunity to the cities to organize some kind of building or institution that is needed, like a hospital, or hotel, or collesium, or something of that kind, and I think we need it in the State of Illinois, especially in the smaller cities. I think it is a good bill and I vote "aye."

(Roll call continued.)

Mr. WILSON (Adams). Mr. Speaker, I want to say a word. I am not interested in this bill one way or the other, but I think this bill came before the House in previous sessions and I say I have always voted for it. It is a matter of indifference to me whether it passes or not. But I want to say one thing, that really an explanation of my vote. In view of the statement made that if this bill was passed it would be possible for a holding corporation to be created which would centralize the control of more than 80,000 square feet of land in a city. Now if I thought this bill would do that I would not vote for it, but under the laws of the State of Illinois you cannot even have preferred stock, that is to say, there is no provision in the law whereby an Illinois corporation can have preferred stock, and it has been held as a general proposition that one corporation cannot hold stock in another corporation. There is one limitation to this rule. In the case of the Richlieu Hotel Company against the Columbian Exposition, which was either in the Appellate Court or the Supreme Court reports, I forget which, the Richlieu Hotel Company had made a subscription to the capital stock of the Columbian Exposition and it sought to evade the payment of that subscription and the court held there that in view of the fact that the subscription to the capital stock of the Columbian Exposition might indirectly help the Richlieu Hotel Company, that it could make a subscription in that way, but only in a limited way, on the principle that I have stated, and therefore the complaint made against this bill, that it would authorize or permit one corporation to be interested in others, who would form a holding company for such corporations, I believe is absolutely unfounded. I do not see any objection to this bill so far as I am concerned, so I vote "aye."

(Roll call continued.)

Mr. HICKS (Winnebago). (On roll call.) Mr. Speaker, I move that further consideration of this bill be postponed.

Mr. BROWNE (LaSalle). I move to lay the motion on the table. May I inquire from the gentleman if he desires to amend the bill; is that the purpose? If that is the purpose, to amend the bill, I will withdraw my motion, if you are honest in your desire.

Mr. HICKS (Winnebago). Yes; I wish to make an amendment. I think the majority of the members of this House would vote for it if they understood it.

Mr. BROWNE (LaSalle). Then I insist upon my motion unless it is for the purpose of amendment.

(Rising vote taken; motion to table amendment lost.)

Further consideration of the bill postponed.

Mr. FRANKHAUSER (Cook). Mr. Speaker, I desire to recall House Bill No. 899 from the order of third reading to the order of second reading for the purpose of amendment.

THE SPEAKER. The chair desires to say just a word before putting the question on this resolution. I am being importuned many times a day by a great many members of this House asking that their bills be called up and given consideration. We should have a full membership here tomorrow, Friday, and have a full day's session, as the session is now drawing to a close. Some members of this House have whispered around that the speaker is anxious to close up the business of this House and adjourn at an early date. The chair desires to state that he will stay here as long as the House desires to remain and transact business. The speaker has no personal interest for or against any bill pending in this House, and will stay here and transact business as long as the interest of the people

and the State demand it. There are enough bills on the speaker's personal calendar now to keep the House in session until October 1st, and so far as the speaker is concerned he has no personal concern when the House adjourns, but he does desire to facilitate the disposal of bills of members and a desire to accommodate all members of this House who have bills that they are interested in, but unless the members stay here and transact business the bills cannot be taken up. Again I say, tomorrow we should have a full day's session, all day, as the House, if it concurs in this Senate resolution will adjourn tomorrow until next Tuesday morning at 9 o'clock. (Applause.)

The clerk will read the resolution.

Mr. FRANKHAUSER (Cook). Mr. Speaker, and gentlemen of the House: House Bill No. 899 is what has been known as the Home Rule Bill. The purpose of bringing it before the House at this time is to place this bill before the House in the same position it was when it first came here; that is it will apply only to cities having a population of 200,000 or more. I do not believe, Mr. Speaker, that it is necessary for me to explain what has been done, and under what conditions, and why because every member of this House is familiar with this bill. I only ask for the privilege of recalling it for the purpose of amendment.

Mr. GORMAN (Peoria). I have no objections, nor do I intend to offer any objections to the request, but I see that you admit at this time that the job as done last Wednesday, that you were telling us about what a good job it was; I believe it was said by some of the able men of this House what a good job was being performed in that connection in this State, and now you come back and ask that it be undone. I am always willing to be charitable and offer forgiveness to people when they commit a great error and are sorry for it, and it is a great pleasure to permit a second hearing for the purpose of amendment.

Mr. BROWNE (LaSalle). I want to suggest that I was one of the parties referred to that helped to put the bill in its present shape. I think that the shape in which it was put is good, is satisfactory. I have not changed my mind, only I would like to go a little bit further than we went at that time, so that the gentleman's remarks do not apply to me, but I am not going to offer any objection to this surgical operation at this time, because I feel that the general sentiment down the State, as voiced on the floor of this House to me by members against what was done. Now, I feel that way about it and I don't want to stand in the way of giving to Chicago what she wants, provided that the city does not want what I thought it did.

THE SPEAKER. If there are no objections House Bill No. 899 will be recalled to the order of second reading for the purpose of amendment.

Mr. FRANKHAUSER (Cook). I offer the following amendment and move its adoption:

Mr. BROWNE (LaSalle). I desire before that amendment is made to offer the gentleman this suggestion—it may be good and it may be bad, but it will not do any harm to hear it: When you commence to attempt to amend this amended bill in this way you are liable to make some slip that will leave it in a condition that you don't want, whereas if you take your original printed bill, as it was before you amended it the other day, and offer it as a substitute bill here, as an amendment, then you are certain of what you are doing.

Mr. FRANKHAUSER (Cook). Mr. Speaker, there might be this objection raised that there were one or two amendments offered to the bill the other day that will now stand, and one of these amendments particularly is in regard to the stock yards, and also in regard to the interurban lines. Now those amendments will not be disturbed by these amendments.

Mr. BROWNE (LaSalle). You can offer these amendments again as an amendment if you follow the course suggested by the speaker.

THE SPEAKER. The chair would suggest that the gentleman indicate the amendments you want to strike out and that the other amendments remain.

Motion to reconsider vote by which amendments Nos. 1, 2, 3, 4, and 5 to House Bill No. 899 prevailed.

(Motion to table amendments prevailed.)

Mr. LE PAGE (St. Clair). I offer the following amendment and move its adoption:

AMENDMENT No. 10.

Amend the title of House Bill No. 899, by striking out in said title all of said title after the word "Act," and inserting in lieu thereof the following: "to provide for the regulation of public utilities in all cities of the State of Illinois having a population of 65,000 or more or may hereafter have a population of 65,000 or more."

Mr. FRANKHAUSER (Cook). If I understand the amendment correctly I do not think the gentleman would insist upon it in the way it is presented. Mr. Speaker, that would only amend the title of the act and not the bill. I do not think the gentleman would insist upon his amendment in that way.

(Amendment lost.)

Mr. HUBBARD (Greene). I offer the following amendment and move its adoption:

AMENDMENT No. 11.

Amend House Bill No. 899, by striking out the enacting clause.

Mr. HUBBARD (Greene). Mr. Speaker, and Gentlemen of the House: It seems to me that at this stage of this legislative proceeding that we might as well determine now whether we are going to do anything further with this bill, or spend a lot of time on it and not accomplish anything. Now, Mr. Speaker, I was a member of this committee two years ago and I stood for state-wide regulation of public utilities, and I stand there today. I do not believe that we should make any exception of Cook County or Chicago any more than to make an exception of any other city in this State, and I will give you my reasons for it. I believe in all regulations of the public utilities, in matters affecting public utilities and the people connected with the public utilities; I believe they should be tried before an absolutely impartial court and that the public utilities and in a large measure the people themselves cannot have when it is left to the aldermen of the different cities.

Mr. McCORMICK (Cook). Do you believe that the present Utilities Commission is an able and impartial court?

Mr. HUBBARD (Greene). I don't know that the present Public Utilities Commission is as able a body as it should be, but that is not the fault of the law. I don't care to cast any reflection upon the Governor in his appointments, and I am not prepared to say that the Public Utilities Commission do not measure up to what they ought to be, but the fact that the gentleman from Cook believes that the Public Utilities Commission is not competent should not vitiate against the law itself. Now gentlemen, I believe I can show you that Chicago itself is not in favor of home rule. I can show you that when this matter was left to a vote of the people of Chicago that 19 wards out of 35 gave a total of 18,000 votes against home rule.

Mr. McCORMICK (Cook). What did the others do?

Mr. HUBBARD (Greene). I don't know that, but I know that nineteen wards out of thirty-five gave a total of 18,000 against home rule. I will say to you further gentlemen of this House, that we are confronted now with a situation in reference to home rule that if Chicago is given home rule then it is good-bye to the State of Illinois for any relief which we may need down State as they will have what they want, and we know what Chicago will do when they get what they want. Now, I want to show you gentlemen the feeling in Chicago. They come down here practically a unanimity for home rule, and when they go back to Chicago and take it up before the council in Chicago they cannot agree themselves on what kind of home rule they want to have. Now, I want to read to you, gentlemen, from the Chicago Daily News of April 27th:

"Ald. Merriam immediately moved to amend by prohibiting the aldermen from soliciting jobs for their constituents from public utilities corporations.

Ald. Merriam declared that the time had come for the council to take a stand and give the members of the Legislature some evidence of good faith in appealing for home rule.

ALD. MERRIAM EXPLAINS.

"The members of the State Board of Public Utilities are not allowed to solicit any favors from corporations under their control, and if this council wishes to take such control from the State Board it should be willing to accept the same prohibition," said Ald. Merriam.

"Ald. Sitis declared that the proposed amendment would work an injustice to aldermen who represented wards populated with poor people and he said that he did not feel that he was stultifying himself when he wrote letters recommending any of his constituents for positions with public service corporations.

"Ald. Krause became so vehement in denouncing those who opposed the Merriam amendment that a number of spectators began to hiss. Turning definitely to the galleries, Ald. Krause shouted: 'Hiss on; you snakes of iniquity.'

"The amendment was lost by a vote of 35 to 33. Ald. Merriam then said that he would return to the attack every year until he succeeded in getting the council on record."

Now, then, I have the proceedings of the council. Here is a resolution which Alderman Merriam presented, and I want to ask you whether you think Chicago should have home rule when they would turn down such a proposition as this, such a resolution as this.

"Resolution No. 57: 'No member of this council shall solicit, either for himself or for any other person, employment with any railroad or public service corporation operating in the city of Chicago. Alderman Merriam moved to adopt the foregoing amendment. The motion was lost by "yeas" and "nays" as follows: —' and gentlemen if you will take the "yea" and "nay" vote and see the names of the gentlemen who voted against that resolution you can readily understand why the aldermen of Chicago, and politicians of Chicago want to get home rule back into the council of Chicago. Now, gentlemen, I want to say something more in reference to this bill. I want to say to you that my opinion is that if this bill passes now in its present form you are going to handicap capital in this State in a way that it has never been handicapped before. The present law provides that there shall be no discrimination whatever in the granting of rebates or in the freight rates. Why is it that this bill is so strangely silent on that question? Not a word in this new bill comes out that is in defense of this.

Mr. McCORMICK (Cook). In what respect do you expect rebates to be granted under the present bill if there is no prohibition?

Mr. HUBBARD (Greene). Rebate on freight rates.

Mr. McCORMICK (Cook). All freight remain under the Utilities Commission, if the gentleman will study the bill.

Mr. HUBBARD (Greene). What about gas rates, Mr. McCormick?

Mr. McCORMICK (Cook). Those are prohibited by ordinance today in Chicago. The gentleman would know it if he informed himself a little.

Mr. FRANKHAUSER (Cook). If the gentleman will permit me I would like to inform him. It simply relates the handling of transportation of freight and is not within this bill.

Mr. HUBBARD (Greene). How about the electric railways?

Mr. FRANKHAUSER (Cook). The electric railways within the city of Chicago are, the interurban lines are not.

Mr. HUBBARD (Greene). This bill has been taken through so many courses and so many amendments.

Mr. FRANKHAUSER (Cook). It has never gone through any courses or any processes before this House.

Mr. HUBBARD (Greene). Well, I am very glad if that bill does eliminate these rebates, but I still hold this bill should be defeated in its present form. The defeat of that resolution in Chicago to me is evidence of why Chicago should not have home rule.

Mr. BURNS (Cook). Did you ever sign your name to a letter of introduction for any poor fellow who wanted a job or work.

Mr. HUBBARD (Greene). Yes, and I would be in favor of even applying—

Mr. BURNS (Cook). That is all that the aldermen of Chicago ever did.

Mr. HUBBARD (Greene). Oh, no; you know better than that, Mr. Burns.

Mr. BURNS (Cook). I do not.

Mr. HUBBARD (Greene). I would like to say a word that would apply to members of the Legislature, that not a member of this Legislature should solicit employment for anybody. I have seen the effects of that on the floor of this House, in this session, where members who have held positions under the Governor and Secretary of State have voted against their honest convictions because they were under obligations to the Governor of the State of Illinois for positions they held, and I would like to see it apply to us as well as to the aldermen.

Mr. IGOE (Cook). I think it might be well to suggest to the gentleman from Greene (Hubbard) that so far as the aldermen of Chicago are concerned, the only thing he knows about it is what someone told him about it or something he read about it.

Mr. HUBBARD (Greene). How do you get your information, Mr. Igoe?

Mr. IGOE (Cook). From living up in Chicago and meeting the aldermen and seeing what they do. That is how I get mine. How do you get yours?

Mr. HUBBARD (Greene). You don't get any information by reading, I can tell that by the way you talk.

Mr. IGOE (Cook). I don't have to go to get my congressman to write a speech and come up here and read it for three hours before the House.

Mr. HUBBARD (Greene). It would be a little better if you would get yours written for you.

Mr. GORMAN (Peoria). I regret very much that there should be any condition of anger around on this little harmless proposition this morning. I was once an alderman myself, and even aldermen are human. They are, I think, the same kind of aldermen in Chicago; of course not as good a quality as we have down State.

Now, getting serious for a minute, I want to say that my position has not changed at all, gentlemen. This question of home rule as exhibited here last Wednesday—it is certainly a misnomer—as I told my friend, the gentleman from Cook, and he and I are the best of friends, and our difference is only a difference of opinion, that the purpose of the amendments offered was for one purpose, and that was to get votes for the support of the bill. Now it is ascertained by the representatives of the people down the State that they do not want this Act that was handed out here last Wednesday; they do not want it at home, and I want to say to you, that in Peoria, the present Mayor of Peoria, Mayor Woodruff, who by the way is serving his fifth term, elected last time by over 7,000 plurality, was before this committee, not the Utilities Commission, the Utility Committee, some four years ago, and made an investigation of the wants and wishes of the people throughout the State on this question of State regulation of public utilities. He appeared before that committee, as members of the Council did, and they said, "Gentlemen, we would welcome and we do welcome State regulation of public utilities, and we feel that they have got too big for us to be able to cope with." I saw him when I was home last week and inquired of him and discussed the proposition of home rule, as it is called, and he said, "My position relative to the public utilities has not changed one iota. I think we should have what we have got, and should have a continuance of it."

Now, who is it that is crying so much about home rule? A friend of mine suggested, Darwin. I want to say this, gentlemen, and I say this with all good feeling toward the aldermen of Chicago,—I have met a number of them and I have learned to like them; they are nice fellows, capable officials,—but I want to say to you that the only people that are down in this Legislature asking for home rule for Chicago are the city officials of Chicago. You don't hear anything about the people being down here asking for it. I thought last Wednesday when this real good job of surgery was

done here by some four or five of the most eminent members of this body, the most eminent surgeons we have. I thought they prepared a bill for us that nobody could afford to go home and meet their constituents and say, "I voted against the proposition of giving you the right to have some say-so in your own home affairs." But we went home and we came back, and all of our people at home said, "Gentlemen, leave the present law as it is. Now, it has only been a year and a half or two, not quite a year and a half the first of July, and the work that this commission has done has certainly been a creditable work. I showed the other day to my friend from Cook, Mr. McCormick, some figures showing the earnings and the expenses and so forth in answer to an argument he used at the time that this public utilities law was talked of that it had become so expensive that the people of the State would become disgusted with it. I want to say that we have not given it a trial, and if there is one thing—it has done many things—in the brief time I have to talk I cannot cover,—that is the railroads having to come to this Utility Commission and get permission before it can issue any bonds or any stock,—that one thing has won its approval for years. They have prevented the issuing of inflated values on railroad stock and making it impossible for them to earn money on investments that are never made.

Now, gentlemen, in all fairness, this Public Utility Commission and the Public Utilities Committee Law should be given a fair try-out and a fair trial, and a year and a half time is not sufficient to do it. They are not any more than getting in working order, in working condition; it was a new work and they had to meet conditions as conditions presented themselves, and I say this, that if two years hence the State Public Utilities Commission and the State Utility Law have proved a failure, then by the act of this body repeal that law, but be fair, and I want to say at this time, gentlemen, that some of the strongest advocates of this law two years ago are some of the gentlemen, understand, that are opposed to it at this time. Now, I am not afraid in regard to going home and feeling that I have displeased the people at home by saying to them that by my actions here on this home rule question that they are not able to conduct their own affairs.

Mr. DONADUE (McLean). Would you vote to strike out the enacting clause of this bill?

Mr. GORMAN (Peoria). Yes, yes, I will. I realize how reference was made good-naturedly, and other references not so good-naturedly, on last Wednesday relative to the position that the gentleman from Peoria is not occupying in this session. He is a very bad boy. He is against everything that is right and for everything that is wrong. Well, I want to say to you that on this question, gentlemen, the question we are now discussing here, I have not changed my position at this time from the position that I always occupied on these questions; and I want to say that maybe some of the gentlemen have heard rumors of this report,—and bear in mind I am not speaking with authority, gentlemen, nor to be so quoted,—but I see by the press, and I feel that he would be doing that which he would be justified in doing,—the press have said that if any such bill as the proposed bill as it was amended last Wednesday was enacted in this House into a law that the Governor would veto it. Now, possibly that warning has gone out, and some of the proponents of this bill are acting on a rumor of what the position of His Excellency might be. But I do say, gentlemen, in all fairness, and I am not going to make any reflections on the inability of the Chicago aldermen who handled their affairs up there, but just from the standpoint of the work of this State Public Utilities Commission, I say, give them a trial. Give them an opportunity to demonstrate to you what they can do, and I do feel that we ought to leave this bill as it is proposed to do, strike out the enacting clause, leave the Public Utilities Law just as it is, let the Commission go ahead with its good work, and if the next session of the legislature finds it has proved a failure, repeal the laws, and I will—I was going to say, be with you, but I don't know whether I will or not. I have received a number of warnings that I cannot come back, but I want to say to you at this time that if I take a notion to come back, I will be with you.

Mr. HAMLIN (Cook). Will the gentleman yield to a question?

Mr. GORMAN (Peoria). Yes, certainly.

Mr. HAMLIN (Cook). You made the statement a few moments ago to the effect that the people of Chicago were not in favor of this bill. Upon what do you make your statement, what is the basis for your statements?

Mr. GORMAN (Peoria). I don't recollect that I said the people of Chicago were not being heard with reference to their wishes on this matter.

Mr. HAMLIN (Cook). You stated that the public officials were in favor of this bill and inferredly that the people of Chicago were not in favor of this bill.

Mr. GORMAN (Peoria). In reply to your question: On a number of questions of public policy that were submitted to the voters of Chicago, this great cry that the papers of Chicago and the officials of Chicago have been sending up was only responded to by a majority of about 8,000, and at the same time other questions were replied to by an hundred thousand.

Mr. HAMLIN (Cook). I don't think that you have answered my question.

Mr. GORMAN (Peoria). I have answered your question, that I based my judgment on the opinion of the people of the city of Chicago, that I got my information from the papers of Chicago. I would judge that I was to believe all the officials of Chicago have told us, and the press of Chicago relative to the great demands on this question, that the vote would have been unanimous.

Mr. McCORMICK (Cook). Is the gentleman from Peoria through?

Mr. GORMAN (Peoria). I am; I am completely exhausted.

Mr. McCORMICK (Cook). My friend from Peoria sheds crocodilian tears over the calamities which we would bring upon ourselves.

Now, Mr. Speaker, unless the people of Chicago are for this measure it can never become a law. The gentleman knows that by a referendum they must elect to come under its provisions. The members of this House in charge of this bill sought as best they could to determine the views of a majority of the members of the House from outside of Cook County in so far as the fulfillment of what they considered to be their wishes and agreed to an amendment to this bill when last it was upon second reading, and since that time a number of them, a large number of them, have changed their views, so this bill was called up today for amendment.

Now, this matter of striking out the enacting clause has been before this House and once decided. And again, that part of the argument of the gentleman from Greene (Hubbard); but the way to reach that is not by striking out the enacting clause, but to amend the bill to provide that no alderman shall solicit a job.

Mr. HUBBARD (Greene). Why didn't you offer that amendment?

Mr. McCORMICK (Cook). The matter was not brought to my attention.

Mr. HUBBARD (Greene). It is time enough now. I will offer the amendment if you will give me the opportunity.

Mr. McCORMICK (Cook). Now, gentlemen, it does not behoove us to criticize the conduct of the business of the City Council of Chicago or any other City Council in the state of Illinois.

Mr. Speaker, this question was submitted to the people of Chicago in a referendum and at a time when in overwhelming numbers they were voting no in considerable numbers on the little ballot, when the statewide subway amendment, you might call it, was submitted and voted upon in that election to which the gentleman from Greene (Hubbard), the people by positive affirmative majority voted for home rule in the regulation of utilities.

Now, a moment and I have done, Mr. Speaker. This is not the time, nor is this the House in which to kill this bill. If this bill is to be killed, let it go over there where they make ready the guillotine for measures sought by the people. Let it go over there where they have their knives ready to beat the bill. Let them do it to death; let them do it, but let not us do it here in the House of the people.

Mr. GORMAN (Peoria). Will you give way to a question?

Mr. McCORMICK (Cook). Certainly.

Mr. GORMAN (Peoria). You made reference to the fact that at the time the question was voted on there were a number of questions; in other

words, the people were voting "no" on all questions; that is your explanation of why the vote on this question? Is that right?

Mr. McCORMICK (Cook). I would suggest that at a time when a great plurality was being cast on other propositions, it was surprising that this should have been adopted.

Mr. GORMAN (Peoria). Well, I was mistaken. I understood that it was a rainy day.

Mr. DONAHUE (McLean). This, gentlemen, is a bill which is very important to every member who represents a country district. This bill, as it passed on third reading the other day, as far as I can learn, met the absolute approval of the people of my district, excepting a few petty corporations. They were the only ones in the entire district that objected to the bill as it passed a third reading of the House—little petty telephone companies, gas companies, and little electric light companies. They were the ones. You talk about the people; the gentleman from Peoria (Gorman) talked about the people. Now, these little petty corporations are the people in his conception. They are not the people as I look at it. I say, gentlemen, every city, town and village in this State is entitled to home rule. This bill will not go into effect, or would not go into effect, in any city, town or village as it passed as third reading the other day without the consent of the people of that city, town or village; the public utilities law would still remain in force.

Now, why change that bill and make it and leave the public utilities in force throughout the state excepting in the city of Chicago? Aren't the people of country towns and villages just as able to tell for themselves whether they wish to control the public utilities as the people of Chicago?

I say, gentleman, this bill is absolutely wrong on principle. Now, who controls the Public Utilities Commission? We will get men appointed to that position from the city of Chicago that will come down and tell us what we shall pay our telephone company, and gas company, what rates we shall pay the electric light company. It is absolutely wrong, and I say, gentlemen, that any man that will vote for the present bill is unfit to represent this side of the House. He is absolutely unfit to represent a country constituency, and I say, gentlemen, this bill ought to be defeated. It is wrong on principle, wrong in every shape. It is wrong and contrary to the principles of democracy; it is wrong and contrary to the principles of republicanism. I say we should not stand for this bill for a moment, and we should call it back to second reading and give the people the right to govern themselves. We ought not to stand for it a minute. It is a bad bill; it does not represent the views of the people in the country, and I am for the striking out of the enacting clause.

Mr. FRANKHAUSER (Cook). I want to move to table the motion to strike out the enacting clause.

Mr. SMEJKAL (Cook). I ask unanimous consent at this time to take up a vital proposition.

THE SPEAKER. Are there any objections at this time to this bill going over at this time until the chairman of the Appropriation Committee can call up a bill that should be considered immediately?

Whereupon, further consideration of House Bill No. 899 was postponed temporarily for the purpose of taking up House Bill No. 882.

Mr. SMEJKAL (Cook). I was informed that Senate Bill No. 459 was the same as House Bill 882, but on comparing them last night, I find that there is a slight difference in that the words "in accordance with House Joint Resolution No. 20" have been left off the Senate Bill. I think that we ought to pass the House Bill. The Speaker takes the position that it would not be fair to him to certify the Senate Bill and I am going to ask now that the House take up No. 882.

(Roll called.)

Mr. McCORMICK (Cook). (On roll call.) I had not intended to vote for this bill, because after this bill passed yesterday, the House voted for passes, but I have talked with some of my friends, and in answer to their arguments I have reconsidered my decision. I think we made a mistake yesterday in voting for passes and in voting for \$3,500, but in spite of that I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 103 and the "nays" 29; the bill having received the required two-thirds vote is declared passed, and the clerk will report the title of the bill.

Whereupon the house resumed the consideration of House Bill 899.

Mr. FRANKHAUSER (Cook). I move that we proceed now to further consideration of House Bill 899.

Mr. SHURTLEFF (McHenry). I would like to inquire of the maker of this bill, it has been through so many forms of amendments, whether it applies to anything other than the city of Chicago, as it is now drawn?

Mr. FRANKHAUSER (Cook). It does not.

Mr. SHURTLEFF (McHenry). I would like to inquire if it is the purpose of the promoters of this bill that it should now or at any other time apply to any other city or incorporated village in the State of Illinois, other than the city of Chicago?

Mr. FRANKHAUSER (Cook). Well, that would depend upon what some subsequent legislature would do, I presume.

Mr. SHURTLEFF (McHenry). I mean the bill as it is now drafted, without further amendment?

Mr. FRANKHAUSER (Cook). Whether it could apply to any other city or village in Illinois?

Mr. SHURTLEFF (McHenry). Yes, sir.

Mr. FRANKHAUSER (Cook). It would not.

Mr. SHURTLEFF (McHenry). Is it the purpose of this bill to provide home rule for any other village or city except Chicago?

Mr. FRANKHAUSER (Cook). It is not.

Mr. SHURTLEFF (McHenry). This bill is simply a home rule bill for Chicago and nothing else?

Mr. FRANKHAUSER (Cook). That is all.

Mr. SHURTLEFF (McHenry). That is the idea of the bill, is it?

Mr. FRANKHAUSER (Cook). That is the idea.

(Roll called.)

Mr. BASEL (Fulton). (On roll call.) I have not taken up but a few minutes time since I have been in this House, have given every member a courteous hearing. I can not understand what has occurred since one week ago yesterday in regard to the feelings of the members on this important bill.

It seems to me that it is absolutely necessary for a town, city or village to be controlled by a public utility commission consisting of three, four or five men. How does it come that the city of Chicago, started from the little cabins in the swamps and the marshes on the banks of Lake Michigan, has grown until today it counts its inhabitants by the millions, until today it has the most magnificent homes and beautiful mansions, with its facilities, its corporations and its enterprises, with its grand boulevards and parks, with its schools and churches towering to the sky, with its wonderful possibilities, a city the largest of the State of Illinois, as large as any state in the Union, a city known and honored by every civilized nation on the face of the globe, and it has grown until it has reached this magnificent position.

Gentlemen, how can it be that it has accomplished all this without great help and support from that great Public Utilities Commission? Until 1913, according to the statement made by Mr. Frankhauser, from Cook, the people from the public utilities received over \$89,000,000. Gentlemen, I can not understand why it is that this city has grown so magnificent, and that the hundreds of small towns and hamlets of the State of Illinois can not today have the same opportunity to grow without going into the courts and asking authority to conserve, to control and run its business.

You men that are opposed to a home rule bill, go home and tell your people that you came to the court and asked for the passage of this. I want home rule for every town, city and village, but what has been good for Chicago in its infancy and its youth is good for every town in the State, and I vote "aye" in striking out the enacting clause until we can all be on an equal footing.

(Roll call continued.)

Mr. BROWNE (La Salle). (On roll call.) I believe that I can appreciate to the fullest and sympathize with the feelings and position of the gentlemen who are moving to strike out the enacting clause of this bill. And if I believed for a single moment, or rather, if I didn't know absolutely that the bill as it was framed last week and which gave to the cities down the State home rule if they wanted it, would have been vetoed by the Chief Executive of this State, I would never vote for a bill or help a bill that didn't contain those provisions, and perhaps you will say that I ought not to anyhow for the reason that of course I understand that if we don't get home rule the down-state section of Illinois now, we never will get it during my time or yours. I have been here a long while and I know how quickly gratitude fades. It fades as quickly and as easily as the dew upon the flower in the morning, and it is gone, and I know if the down-state section of Illinois wants home rule in the hereafter, if Chicago gets it today, I know that Chicago will have forgotten all that Illinois did, and I know that it will be immaterial to them whether the down-state section gets it or not, and they will be indifferent to the proposition. I say that with no desire to offend anybody upon this floor, but simply what has been taught to me, what has been injected into my system by experience in this House.

And, gentlemen, I am placed in a peculiar position. I want home rule, optional home rule for down the state. I was sincere last week and the week before in fighting for those propositions in this bill. I didn't want to force it upon any municipality, but I did want to give them the boon and the privilege of reaching out and taking that proposition by a referendum vote if they wanted it. I am still there; I am still as insistent as I was and neither have I been hammered by my district upon the proposition. I have received one telegram and no letters, and the one telegram is from a firm that represents more corporations in my county than all the other lawyers combined, and not a democrat in it. I received one telephone message. Now then, the telephone message was through a friend of mine. He understood that the bill absolutely saddled upon the down-state section of this State home rule, whether they wanted it or not, and it was not optional. He understood it that way, and when I explained to him that it didn't do anything of the kind, he said, "It has been misrepresented to me."

Now, that is the trouble, gentlemen. You have asked the cause for this change of sentiment in this House, and I say to you that if you vote contrary to your views today it is only because this sentiment on the floor of this House has so changed that it would be something like going against a brick wall to insist on what what voted on last week.

Now, then, why that change? I will explain it to you. The Public Utilities Commission and every corporation official in the State of Illinois, big and little, even down to the office boy, has been busy since last week sending out letters and communications to everybody that could reach a representative, telling them that this bill gave to the people down the State home rule and abolished the Public Utilities Commission; that it saddled it upon them and without any vote. They did that deliberately. They did that maliciously. They did it to bring about just what they have brought about. I expected it in part, but I didn't expect the result that has come.

I read last week, gentlemen, on Friday on the train going home, two editorials, one in the Chicago Tribune, which was a lamentation over the strait, or the low state to which the legislature had fallen, because it hadn't followed the wise edict of that paper; and in the Chicago Herald an editorial which branded this House as of the angleworm variety, a bunch of angleworms, indicative of backbone, indicative of the genus *Spinus Shrimp*, and that was the substance of that editorial. I was incensed at it and I intended today, or rather yesterday or Tuesday, when I came back to take that editorial and rise to a question of personal privilege upon the floor of this House and resent it, but now I have changed my mind. I don't go as far as the editorial did, but I can't get up here and deny it in the way that I want to do it, and believe what I say, so I have changed my mind, and I have not risen to that point of personal privilege.

Gentlemen, I want to call your attention to an article today in the Illinois State Register.

"The jitney bus business received a telling blow yesterday when Judge

Owen P. Thompson of the State Public Utilities Commission, in an informal ruling, declared that jitney busses should be under the jurisdiction of the Public Utilities Commission, and that it would be necessary for them to have a certificate of necessity and convenience from the Commission.

"Judge Thompson gave his decision after hearing oral arguments in the complaint of the Jacksonville Street Railway Company against the L. F. O'Donnell Transfer Company, which operates several jitney busses in that city. The railway concern wanted the O'Donnell concern to comply with the utilities act, and contended that in every way such conveyances came under the jurisdiction of the commission.

COMPETITION WITH STREET RAILWAYS.

"Judge Thompson suggested that certificates of convenience and necessity for jitney bus lines not be granted where the intention is to compete with street railway lines upon the same routes. He also held that regulation by the commission did not prevent further regulation by city ordinance.

"The ruling was informal and will no doubt be ratified by the entire commission at a later date. The ruling is thought to strike a severe blow at the jitney bus business all over the State, and may eventually mean its end.

"It will be necessary for all operators of such busses to obtain certificates from the commission, and they first must incorporate under the state laws and then come to the commission with the proper credentials, showing the city is willing for them to operate.

"This will, no doubt, do away with the operation of 'jitneys' by individual owners who come out only during the rush hours of Saturday and Sunday. It will require regular established service under rules agreed to by the Utilities Commission."

Take it in my little city during fair week, the people come out with an automobile here and there and they run it to accommodate the public to and from the fair grounds during the race week and during the county fair, two of them. Now they will have to incorporate, gentlemen, before they can do that, and one man would have an awful time incorporating. Some men I think ought to be incorporated, but the law don't permit it. Now, just think of the situation that this is to prevent some poor devil from picking up a few nickels. Why? Because it infringes upon the sacred and inalienable rights of some public utility. That is the way the Public Utilities Commission is operated. It is not that, it is a commission to protect the corporations. That is what it is, and that is how it is made up, and that is how it is operated. Your Act is not in favor of the common people; that Act is not in favor of the poor devil; that Act is to protect the big concerns against the loss of a few nickels. It is a shame, a damnable shame that a commission should issue an edict of that kind, and it is those things, gentlemen, that have saturated me and filled my soul with disgust, whenever you speak of the Public Utilities Commission. They have dealt in tiny, they have dealt in small things, they have dealt in things inimical to the common people ever since the thing has been created, and I would like this morning the privilege and the opportunity of voting, not to do the surgery that the gentleman from Peoria (Gorman) suggested, but to go alone and unaided and perform the surgical act that would draw the curtain of oblivion upon them.

Now, nevertheless we are placed, gentlemen who are from down the State, in this position, we are placed in this position. The gentlemen of Chicago, the great metropolis by the lake, want to be freed from this incubus. They want to unsaddle from its neck this "old man of the sea" proposition. It is asking us to help do it. You want to unsaddle it from yourselves, some of you, that are brave enough to say so and vote that way and feeling as you do that if you want to get rid of it, it means, I ought to be willing to help my neighbor get rid of it if I can. In some things that the majority of the men upon the floor of this House from down the State are opposed to propositions of giving home rule even optionally down-state so as to tie our hands. I think I ought not, and you ought not to visit the results and the contamination of that upon the heads of innocent people.

who are seeking to get rid of it. In other words, simply because a minority of the people down the State will not stand for throwing off this thing for down the State, you should not try to keep it upon the necks of people of the city of Chicago when they are against it and want to get rid of it.

Gentlemen, every corporation in the State of Illinois, every corporation from the railroads down, they are offering up prayers now that this bill will be defeated and this enacting clause stricken out. They are on their knees, corporations that have any such thing, and they are saying prayers, praying that it will be lost by the vote of this House. They want a public utilities commission, because, as I told you, one man said in a hearing before the committee, we can make a better bargain with the Public Utilities Commission than we can with the council, and evidently they can, but I say that it is something that all the corporations are for, something that every corporation is crying out for and insisting upon.

Gentlemen, I wish that you could have voted on this bill today, or rather that you could have left it on third reading and voted on it just as it was. The change that has come over this House the last week has made that impossible, and now it is solely and simply a question of whether you are willing to give Chicago home rule and rid them of a thing that you hate yourselves and want to get rid of or not. I know of no reason why I should visit my indignation and the result of my disgust, my nausea upon the people of Chicago. I know of no reason why I should do that. I feel that it would be an act upon my part fraught not only with nothing of intelligence, nothing of fairness, but it would be one fraught with even worse sentiments than that, and if I vote to strike out this enacting clause I have deprived that city of something I would like to have my city have. It would not be right; I can't see it that way, and although I am bitterly opposed to this thing as you are I cannot vote to strike out this enacting clause, and I must vote "no."

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) I have got to leave to doctor up my throat, and I ask unanimous consent to vote "no" at this time.

(Roll call continued.)

Mr. BURRET (Champaign). (On roll call.) I have tried in my weak way to analyze the remarks of the gentleman who just spoke on the bill. I believe that the down-state people are as much disgusted with some of the things mentioned as men could possibly be, especially the reference to the decision in regard to the jitney busses, and there are many other things. When the gentleman says in the first sentences that it will be impossible for the down-state to get legislation if Chicago once has home rule, I believe that he told the truth. I believe that every man who represented a corporation who was down here yesterday was asking me to vote against this bill. You will find this morning since they know that those amendments were to be taken out that they are absolutely satisfied now that the bill should go as home rule for Chicago. I am not thoroughly in sympathy with every city council having the operation of the public utilities so far as that is concerned. After this you will see that the Utilities Commission will be controlled by those corporations regardless of the wishes of the people, and for that reason hoping that there will come a time when the men who voted for this bill last year will have an opportunity to wipe it off the statute books. I am for home rule, but I believe that Illinois is my home, not any particular part of it. I therefore vote "aye."

(Roll call continued.)

Mr. FRANKHAUSER (Cook). (On roll call.) I do not want to take up but a minute of the time of this House. I do not believe that the time has arrived when a member from Chicago should apologize or explain that he resides in that city. Every member of this House living in Chicago is proud of it. Chicago is no mean city. Chicago, the second city in the Union, is only asking here for something that it believes it is entitled to, something that it deserves. It is almost impossible to comprehend, and you don't comprehend without some little investigation what the government of Chicago means and what the council up there contend with, how far-reaching it is and what it includes with a city of over 2,000,000 people. Do you know, gentlemen, that Chicago has 999 miles of street railways? That it carries

every day 3,060,000 passengers. It adds every year 25 miles of track. And do you know that the elevated railways of Chicago have 162 miles of track and that they carry every day 525,000 passengers? Now, you can upon reflecting readily see the physical impossibility of a State commission consisting of five members, I don't care how extensive their machinery, it is impossible for such a commission to regulate such a tremendous industry as is represented in the city of Chicago.

I just want to give one illustration and then I am through. Last year after the completion of one of the fine school buildings located at Cornell and Thorndale, a building costing thousands and hundreds of thousands of dollars, for some reason some one thought that an elevated station ought to be placed at Thorndale. That station would be just sixteen feet from that school building, the width of the alley. The people of that neighborhood protested. They could not go to the aldermen of the Twenty-fifth ward, who knew the situation, aldermen who traveled past there twice every day in the year; they had nothing to say as to where that station should be located, and they came down to the State Public Utilities Commission, in part composed of members from down the state, and laid their grievance before that commission. The result was that that station was ordered at Thorndale, where now, every day in the school year, every minute and a half or two minutes, coming from each direction, five car trains are stopping within sixteen feet of that school house. The people were dissatisfied and they appealed—where? To Sangamon County; that was the only place where they could have their differences settled in a court, 160 miles from their own city. They had to come to a court that knew more about the conditions than the State Utilities Commission. That was last December, and that case is undecided now.

Now, I only give that as an illustration of the State Utilities Commission for the city of Chicago. Now, I want to say this one word: There is not a man of this House that is as proud of the city of Chicago, there is not a man here of the State of Illinois that don't point with pride to his own city and to his own great city. They come up there and they enjoy the privileges they have there, and you are trying to keep from the city of Chicago something that you don't want and if you keep it from the city of Chicago, you will the sooner be able to rid yourselves of it. Now, I appeal to you men whether it is a logical and a reasonable position for you to take. It may be that you down the state are not in need of it as we are. I know this, that in the last few days the sentiment here has changed. Last week there were members in this House that were for home rule. I don't know why, but today they are changed. Now, I think, gentlemen, that if you want to perform that operation then vote for this bill that means so much for the city of Chicago. I vote "no."

Mr. MOORE (Henry). I would like to explain my vote on this proposition because I may not be consistent when this bill is called for third reading. My vote may not be consistent with my vote this morning. I have stood in this house for several special sessions and one general session, previous to this, and I have seen the third House out-general the second House several times in that short experience, and this is another time in which the same thing is sought to be accomplished now, to out general this House. I have campaigned through my district for the Legislature, to the General Assembly, and what do I meet with?

Any meritorious measure for Cook county or the city of Chicago received my humble support, and received the support not only of my vote upon the floor, but what little talking I could do with some of my immediate friends. Now, we come here with a proposition that is important to the city of Chicago and it is no less important for the people of the country. I have had this to contend with in my district, that I was with the Chicago fellows all the time. It has been said, be against Moore; he is with the Chicago crowd; be against Moore. Now, I am with Chicago and for Chicago, and I think Chicago should receive all the courtesy and receive all the business encouragement that you could possibly give the city of Chicago, even greater.

Now, it is not necessary for me to go with encomiums to Chicago, but

the agents that seek to control their home, they claim, are not adequately controlled by the Public Utilities Commission; that they wish to control their affairs.

Now the third House is saying get this proposition through; is saying to some of you gentlemen from Chicago why you never can get your bill through this House. When you cut out that proposition the country fellows are opposed to it. Yesterday from thirty to forty representatives from my district were down here against this bill, representing the people of my district, and I am with the people of my district, also. Now, some of the rest of the gentlemen here may have met some of those representatives that came down here to see me and they may have been told that the people of the country do not want this bill.

Now, I say the gist of the proposition is this, and the motion on the floor of this House to strike out the enacting clause, that the members from the city of Chicago voted to strike out these amendments and the country members claim that the country will never get this thing if they give it to Chicago. The members who are so desirous of this proposition, they don't care to see that bill killed and they vote to kill these amendments, and that makes the country members angry and they say, we will strike out the enacting clause and the purpose of the third house has been accomplished.

Now, for the purpose of keeping this bill upon the floor of the House, for the purpose of getting it back again from third reading to second reading for the purpose of amending this proposition and taking it in the country and getting it back upon the floor of the House, and I therefore vote "no."

(Roll call continued.)

Mr. WOOD (Wayne). (On roll call.) I was against the Public Utilities Commission two years ago, and I disbelieved then and I disbelieve now in the construction of the law. I believe then and I believe now that the men who have their money and their interest in the village, city or town should understand better the needs and the requirements of that city than a commission appointed in any way or by anybody. But that law prevails; it carried, it prevails now, and as long as it does prevail I believe that the Commission should be in full force and power all over the State of Illinois. I am not able to understand why Chicago, and I take pride in Chicago as the greatest city of our state, but I can not see why Chicago with her great public utilities, with her hundreds of miles of street railways and the gentleman, Mr. Frankhauser, told us, should not be under the control of the Public Utilities Commission as well as the little town of Mount Vernon or Plainfield down in my district, and until, gentlemen, that Commission is done away with, and I state to this House frankly that I am ready to cast my vote to do away with the Public Utilities Commission at any time, until it is done away with I think it should exercise its functions all over the entire State. For that reason I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 54 and the "nays" 66 and the motion to strike out the enacting clause is lost.

Mr. HUBBARD (Greene). I offer the following amendment and move its adoption.

AMENDMENT No. 12.

Amend House Bill No. 899, by adding after section No. 2, the following section, to be known as section No. 2 (a):

'No member of the city council of any city in which the electors have by referendum elected to come under the provisions of this Act, shall solicit, either for himself or for any other person, employment with any public service corporation operating in said city.'

Mr. BURNS (Cook). Possibly some of the members from down the State might believe that this amendment tends to help the people of the city of Chicago, and possibly the gentleman who proposed this amendment and the gentleman who sits as an alderman of the city of Chicago are not thoroughly acquainted with the entire district of the city of Chicago. In the district from which I was elected there are 32 different tongues spoken.

Most of these people when they come here have passed the age in which they will or have been able to master the English language so that they can go out and by themselves obtain employment. I want to say to you gentlemen from down the State, and particularly the proposer of this amendment, that were he to come to the home of the alderman of the 19th ward of the city of Chicago and see six nights in the week from 50 to 150 men pleading with him to obtain employment as a common laborer in which they could not help themselves on account of their lack of knowledge, and were he to go in the morning to the other alderman of the 19th ward and see from 50 to 150 poor fellows coming to him and asking for assistance that they might obtain employment, surely you gentlemen would see that this amendment should not prevail. I want to say to you gentlemen that the gentleman who proposed this comes from a district and a ward in which there are practically no men earning their living by the sweat of their brow, but in the poor districts of the city of Chicago the only assistance that the poor man has in getting a position is to get a letter of introduction to some of the men. They don't know the men and the business men of the district have their time taken up so that they can not afford to have their time taken up. So they go to the little father, the alderman of the ward, whom they know personally and to whom they can go personally and tell their troubles, and gentlemen, I want to tell you that this amendment should not prevail and it should be voted down.

The district inhabited by the poorer class of people, the laboring class of people, in the city of Chicago, and extending over a vast territory and their only assistance in obtaining a position is that they get a letter of introduction to some of the prominent men, some of the employers of labor in the various corporations.

Mr. HUBBARD (Greene). I can not see that that amendment affects in any way the purport of the bill for home rule in Chicago, and I do think that we are attempting to be of a great benefit to the home rule bill and especially to the aldermen from Chicago.

Now, to hear the gentleman speak, you would think that the aldermen were the only gentlemen in Chicago that could get employment for the people. Now, why should the aldermen have any more power with the public utilities than anybody else? Why should his recommendation for a job carry any more weight than that of these employment agencies that the State is maintaining and paying for in Chicago and to whom those men can go. That is the intent and purpose of the amendment and I believe it to be a good one and that it should pass for the protection of the aldermen, to remove them from that stigma and it can not injure the bill in any way, and I offer in all sincerity and I believe it should pass.

Mr. CURRAN (Cook). If this amendment is adopted now, would you vote for this bill?

Mr. HUBBARD (Greene). No, sir.

Mr. CURRAN (Cook). Why didn't you include the Public Utilities Commission?

Mr. HUBBARD (Greene). That is already included in the present act; the present law prohibits them from doing anything of the kind.

Mr. LYLE (Cook). There is not a reputable, honest alderman in the city of Chicago who would oppose this amendment, not a single one. You could canvass the aldermen and they will tell you that the burdens are considerable. Go down to the meetings of the City Council and see lined up along the benches there the poor boobs who are being strung along like a shoe string by aldermen who can not get jobs for them. Now listen, why in the world should an alderman use influence upon a local public utility, such as the gas company; no reason why he should be permitted to send a man to the gas company with a letter asking for employment. Don't you know that the more men he has on the pay roll, don't you know the more obligation he is under to that public utility corporation? Why, some of the biggest scandals that have been exposed in the city of Chicago have come about by reason of the fact that aldermen have had the payrolls of the public utilities padded with the henchmen, and some of the ward aldermen in Chicago have lived and gone back to the council from year to year simply by the votes of those men whom they have kept on the payroll of the public

utility corporations. This amendment is a good amendment and it ought to be adopted.

Mr. MADSEN (Cook). I want to say in reply to the gentleman from Cook (Mr. Burns), who has so eloquently pleaded the cause of the people in Chicago, I want to call his attention to the fact that this arrangement does not create any more jobs for the poor people in Chicago. It does enable the aldermen in the city of Chicago to create a little political machine in their wards so that they can get re-elected and for that reason there are some aldermen in the city of Chicago who, I am sorry to say, want to have this power, and you will notice that the aldermen who get the jobs from those corporations are the ones that cast their ballots for the corporations upon the floor of the City Council. It is a bad proposition and it ought to be done away with and done away with quickly and I hope the amendment will pass.

Mr. LIPSCHULCH (Cook). Mr. Speaker. It surely is an uncalled-for aspersion on the character of the alderman who in my estimation, as a rule, are men of unquestioned reputation, or men who at any rate are respected in their respective communities as are the gentlemen who support this amendment.

This is a government composed of men whom the people have chosen from amongst themselves and for the sole purpose to conduct *all* of *their* business. The procuring of employment for one's constituency is absolutely legitimate, and in mind ought to be made mandatory when possible and in cases where it is necessary. I don't know why some people, when speaking of government, will persist in separating it from the people's affairs and place it shrine-like in a glass case with a sign over it, "Please don't touch it, it is for the benefit of those elected only." I don't see where a corporation, for instance, should think an official objected to them because they gave some people work who happen to live in a particular section for the time being; tomorrow, gentlemen, this very same person may live in a different district, and therefore the alderman who got him the job in the first instance would no longer be in control of the same. Again it occurs to me that the whole thing resolves itself in a question of supply and demand—someone has work to do, and the next one has service and is looking for the job—the official happily being in a position to know both, brings them together, and then and there the transaction ends. I am sure that the gentleman from Cook (Mr. Madsen) has never tried to help a man in a practical way—he, like all the rest of his kind, offers the unfortunate a book on perverted philosophy and says you need work, you are hungry, your family is in distress; read the book and you will find out whose fault it is. But they who do their duty bravely will be man enough to kill this amendment.

Mr. DEYOUNG (Cook). In the commission form of municipal government Act, which applies only to cities having a population less than 200,000, it is provided that "No mayor, commissioner, officer, assistant or employee shall request, accept or receive, directly or indirectly, from any person, firm or corporation owning, operating or leasing within or partly within the territorial limits of said city or village * * * any street railway, gas works * * * or other public service utility operating under any grant or franchise, license or right * * * any employment for hire or otherwise, or any frank, free ticket, pass or other service either for himself, family, relatives or any other persons."

Why if this is a salutary provision in the small municipality of the State to put these men above suspicion, why then isn't it a good provision for the city of Chicago. If the aldermen of that city want to be above suspicion, why not adopt the amendment? I think the amendment is a good one.

Mr. BURNS (Cook). Mr. Speaker, I want to say to the gentleman who said that no honest alderman would make an appeal to the people for assistance, that if he believes that any of the men who do make that appeal are dishonest, then his place as a public spirited citizen of the city of Chicago is to produce the evidence to the effect that he is dishonest to the authorities.

I want to say to the other gentleman that this good and kind father knows just what part of the city and in what sections of the city those

various improvements are made and the good and kind father knows where to send them. They have their interests at heart and they know just when and where to send the poor of their district in order to obtain employment. There is little if any of the positions of the public utilities of Chicago that are obtained by the aldermen except those of the common laborer, the majority of whom come from the foreign countries and the majority of them lack the knowledge of the various sections of the city as to where and how they could get there and they know of no other one except to go to the little city father of the ward in which they live.

I tell you, gentlemen, I have seen this debated pro and con in the City Council and the men who have favored getting employment for the poor of the city of Chicago are up to the standard of those who are against it. And to the gentleman when he says there is no honest alderman that asks that employment, I challenge him to say that he believes that any one of them are dishonest. He knows there is a place for that and it comes with little grace from him, representing, as he does, one of the so-called reform organizations of the city of Chicago, to challenge on the floor of this House the honesty of any representative of the city of Chicago. There is a time and a place for that and you know it and you dare not go into the City Council or before the people of the city of Chicago and do that, because you know you can not back it up, and you haven't the ability and you know it.

Mr. GORMAN (Peoria). I believe that all aldermen are honest. I was an alderman myself once, and I had to be assistant father. Reference has been made by the gentleman from Cook, Mr. DeYoung, in regard to the commission form of government, in as much as I am partly responsible for the law, having something to do with the passage of that law, to be consistent, I certainly must support this amendment.

Mr. O'ROURKE (Cook). My colleague has referred to the commission form of government in the city in which he and I live, and the sworn statements of the candidates for commissioners in our city shows that the minimum amount of money expended for political purposes at the last election, and there was more money spent for automobile hire than at any election ever held in that city, and who paid the bills? Who paid the bills?

Mr. BUTLER (Sangamon). Mr. Speaker. Those who are supporting this amendment belong to that class of gentlemen who are sincere enough—

Mr. BROWNE (LaSalle). May I interrupt you just a moment? In view of the lateness of the hour, I move you that this House do now adjourn, and that further debate on this bill be postponed until 2:30 p. m.

(Motion prevailed.)

Whereupon, the House recessed until 2:30 o'clock p. m.

Two-thirty o'clock p. m., reconvened.

The Speaker in the chair.

THE SPEAKER. The pending question is the amendment offered by the gentleman from Greene (Hubbard) to House Bill 899.

Mr. ROTHSCCHILD (Cook). The pending amendment makes it impossible for any alderman to ask for employment for any man in his district from a public utility corporation. The discussion this morning took the form as to whether there was some question as to the honesty of the aldermen of the city of Chicago. I do not think any of us are questioning the honesty of the aldermen on any proposition, as we all agree that they are honest. It is the same with a judge. I am sure that the aldermen of the city of Chicago are not asking for home rule of their public utilities in order that they may be able to get jobs for their constituents. I am not questioning the work done by the aldermen in the poorer districts of Chicago in trying to find work for their constituents, but I do not think it is proper that the aldermen should find work for them with the public utility corporation when the aldermen are the judge of the utility. In our present Act there is the same prohibition against the members of the Public Utilities Commission as in the amendment. I refer to section 4.

I don't think we want to stand here today and discuss whether the aldermen in Chicago are honest or not, as they are honest. It is a question

whether you will permit the judge to be in this kind of a relationship, and I think the amendment is a good one and will help the passage of this bill.

Mr. CURRAN (Cook). Mr. Speaker and Gentlemen of the House: I don't hold with Mr. Rothschild and Mr. Lyle. They come from a silk stocking district in Chicago, where they have no poor people living in it, or men who have to depend upon them to get a job, but we who live in the poorer parts of Chicago, where the laboring men are, have many and many requests made to us to help those poor fellows to secure positions with the different corporations. Any man who holds an elective position in the State, no matter what his position is, has some influence with private and corporate corporations, and I think it is wrong to put into this bill any such clause as is now proposed, prohibiting any elective officer from trying to get his friends a position with any corporation. I think you should vote down this amendment. The people that live in the districts of these gentlemen pay \$50 and \$60 a month rent, while in our neighborhood they pay \$8 and \$10 a month rent, and they can hardly pay that. They are not asking for any position from corporations, except to do good, hard labor, and it would be wrong to deprive these poor fellows of the right to have a friend to speak for them.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House: I offer this as an amendment to Amendment No. 12.

Amend Amendment No. 12, by adding at the beginning thereof the words: "no member of the General Assembly and,"

(Amendment to amendment adopted.)

THE SPEAKER. The question is on the adoption of the amendment as amended.

Mr. SANTRY (Cook). I move to table the amendment as amended.

(VOICES. Roll call.)

THE SPEAKER. Do you desire a roll call on the motion to lie on the table, or a direct vote on the amendment as amended?

Mr. HUBBARD (Greene). Withdraw your motion to lay on the table, and have a straight vote on the amendment.

Mr. SANTRY (Cook). All right.

(Motion to table withdrawn.)

THE SPEAKER. The question now is on the motion to adopt the amendment as amended, and on that question the clerk will call the roll.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House: I desire to explain my vote. I have very little to say upon this proposition, except that I am seriously of the opinion that the amendment was offered for the purpose of killing the bill. I think that is so. I think I am warranted in that belief and my amendment to the amendment was offered in the way of accentuating the ridiculousness and the impossibility of the original amendment as it now is, and it is no worse than it was before, except it is emphasized a little, and I vote "aye."

Mr. WILSON (Adams). Mr. Speaker, as I understand it the amendment to the amendment prohibits any member of the Legislature from being employed by any public utility company in any city that adopts the Act.

Mr. BROWNE (LaSalle). Yes, or asking for a job any time during the two years of his incumbency in office.

Mr. HOLADAY (Vermilion). It just applies to Chicago.

Mr. BROWNE (LaSalle). No, no. I don't want them to starve any more than I want to starve myself.

Mr. HOLADAY (Vermilion). You are not hurting us any.

(Roll call continued.)

Mr. BURNS (Cook). (On roll call.) Mr. Speaker and gentlemen of the House: One of the principal objections to this amendment is that the representatives of the city government of Chicago have for years been trying to break up a system of peonage in the poorer districts. These poor fellows who get a job often pay toll to the men who secure jobs for them to the extent of 50 cents a day in some cases. They have dominated the poor fellow who cannot talk the English language and these fellows can talk it and they secure jobs for these poor fellows and they must pay for them if they receive \$1 a day 25 cents to the man who secures the job, 50 cents

if they get a dollar and a half a day, and on up until they pay a dollar a day for a job that pays them three dollars a day. I think this is a good amendment, and I vote "aye."

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker and gentlemen of the House. There is a class of reformers in this State who are not content to help the individual, and nothing less than the entire universe will satisfy them and their power in legislating for the "Dear People." Any time they rise to their feet it is for the universe and for the entire people of the State of Illinois. They speak about "the great common people," and "we must do something for them"; but when that class of people are brought into contact with one of these members of the great common people, one of the great common, suffering humanity, the minute you bring them into that contact they seem to lose all their virtue and they become something that is to be despised, neglected and left alone.

The legislators and reformers who can pour forth great volumes of sympathy for the people at large, cannot find it in their heart to be bothered by the individual who needs a job, or a dollar to buy his next meal with. I am against this amendment for the reason that it is along the line of civil service. That is, when a man is once elected to office he should remove himself from all contact with the individual and shut his eyes and offer up a holy prayer for the universe at large and the entire country.

I want to say to you that one of the chief jobs of a politician is to go down and hear the complaints of his constituents and know the conditions of his ward or his district. In no other way will he get into his heart and into his system the right way to legislate for the great common people that they are always talking about, but can never see the individual as one of the great common lot. There is nobody in the world that knows the conditions better than the alderman of the ward, and there is no reason in the world why he should not take care of the great suffering humanity in an honorable way and secure employment for them wherever he can get it, and I want to tell you that the man that has secured jobs for a lot of the people in his ward and who goes down and knows what they need and who they are and how they are suffering, can represent that ward better than the man that is so far above the common individual that he can only think of them in great classes and masses.

Therefore, I want to say that it is a wrong theory in legislation to try and remove the politician from the importunities of his constituents of his constituents when they are based on what that constituency needs. I do not know how they can better represent their constituents than by putting bread and butter in their mouths and shelter over their heads. Therefore, I vote "aye."

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) Mr. Speaker and gentlemen of the House. This matter has reached the stage of absurdity, and to adopt this amendment would be doing an injustice to ourselves. I do not know how you gentlemen are who practice law, how you feel about it, but I am not making enough money down here to keep my family in ease and affluence, and when I go home after this session adjourns and some corporation wants to employ me I think I ought to have the right to take that employment, but this amendment would prohibit it, and I think that this amendment is an absurdity, and I vote "no."

(Roll call continued.)

Mr. HOLADAY (Vermilion). (On roll call.) Mr. Speaker and gentlemen of the House. This bill, as I understand it, with the amendments, that were taken up this morning, only applies to the city of Chicago. In other words, there is only one city in this State that can by a referendum vote take itself out from under the operation of the public utilities law. I presume that the gentleman from LaSalle (Browne), who has represented Cook County today, knows what they want in Cook County, and as his amendment does not affect the down-state, I am glad to support his amendment and I hope that it will not be tabled, and I therefore vote "no."

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) I regret that I can not

agree with the gentleman from LaSalle (Browne) in his idea of the scope that the Public Utilities Commission should have, but I do not like to rest under the charge that this amendment was introduced as a mere joke. There is nothing at all to my amendment that anybody could object to or that would hurt the bill in any way. I think possibly the amendment offered by the gentleman from LaSalle (Browne) was offered to help kill this bill and that will apply only to the city of Chicago, as that is the one city that can come under the purview of this bill. Putting in the word "Legislator" will only apply to the Legislators living in Chicago, and I hope that this bill will carry. I think that the amendment should prevail, and I think it is a good one. It is practically the words of the statute as to the commission form of government. I vote "no."

(Roll call continued.)

THE SPEAKER. On this question the "ayes" are 73, and the "nays" 44, and the amendment is tabled.

Mr. PURDUNN (Clark). I move that the House reconsider its action in adopting Amendment No. 8 to this bill. This leaves out the stockyards. If there is any corporation that needs regulation more than the stockyards, I don't know what it is.

(Rising vote taken to reconsider Amendment No. 8; motion prevailed.)

Mr. PURDUNN (Clark). I move that Amendment No. 8 lie on the table.

Mr. HUSTON (McDonough). There is some question as to whether the stockyards under the present law is controlled by the Public Utilities Commission.

Mr. THOMASON (Clay). I think they would not come under the operation of this law, but I think they should come under the provisions of this Act.

Mr. PURDUNN (Clark). If this amendment is laid on the table they would come under the provisions of this Act.

Mr. DONAHUE (McLean). I think they ought to go under the State control. It is the people in the country that are interested in the stockyards.

Mr. FOSTER (Schuyler). I understand that the speaker of this House is somewhat informed regarding the present law, as to its effect on the stockyards. I would like as a matter of information to have the speaker explain the situation.

THE SPEAKER. I don't think the speaker is very much interested. I understood that this amendment was to be offered this afternoon in order to get a rise out of the speaker. The speaker has never denied that he lived in the stockyards district and is proud of it, and is proud of the stockyards, and it is one of the large industries of the State of Illinois. It ought not to be sandbagged any more than anything else ought to be sandbagged and the speaker don't care whether this amendment passes or not.

Mr. FOSTER (Schuyler). I didn't understand or know that anything of that sort had ever been mentioned. My colleague, Mr. Groves, has asked as a matter of information this morning regarding it, and I expected he would speak to the speaker about it and I simply asked for information without any reflection on the speaker or any member of this House.

Mr. FRANKHAUSER (Cook). It was the policy of the framers of this bill and those who offered it here that the stockyards should not be included. The city of Chicago under its police power has all the power that is required and necessary to regulate the stockyards. The question whether they charge so much demurrage for a car that is not loaded or unloaded within so many hours is not a question that concerns the city of Chicago, as you will see by a moments reflection. The stock that comes into the stockyards comes direct from the farmers or producers. It is neither shipped nor consumed in the city of Chicago and Chicago has nothing to do with regulating the price that is paid for an animal or the price for which it is sold. The policy is to leave the stockyards out of this measure. I do not think that the gentleman who offered the amendment would consider that there is any necessity to include them under this bill.

Mr. PURDUNN (Clark). I get my information from the country districts and not from the stockyards.

Mr. BROWNE (LaSalle). I think the sole question is whether the stockyards is a public utility, and the best informed gentlemen in the House here,

so far as I have been able to learn are of the opinion that the stockyards are not a public utility within the purview of the Public Utility Act. With that amendment in the bill or with it out of the bill it would matter very little. When you put that amendment in the bill, if it is a public utility, you have placed it under the Public Utility Act. If it is not a public utility by specifying it by name you may have removed it from the control of the city council and still not put it under the Public Utility Act, and then it is no place.

THE SPEAKER. Those who follow public affairs know there has been a question between the Public Utilities Commission and the Interstate Commission regarding the stockyards in Chicago, which is owned by the Junction Railway, which is under the Interstate Commerce Commission control. It doesn't matter whether this amendment is in the bill or out of the bill.

Mr. PURDUNN (Clark). You made a statement that the amendment would be offered to get a rise out of the speaker, I presume you mean me.

THE SPEAKER. No, I did not. I said an amendment was to be offered to take a rise out of the speaker.

Mr. PURDUNN (Clark). Did you attribute that remark to me.

THE SPEAKER. No, if I did I would say so.

Mr. PURDUNN (Clark). I voted for you for speaker and I have never caused you any embarrassment that I know of. If I cannot offer an amendment in reference to the Chicago Stockyards, what am I here for?

THE SPEAKER. You can offer any amendment you wish and the speaker will recognize you.

Mr. PURDUNN (Clark). I don't think it was proper to make a statement of that kind if it referred to me. I had no such idea in mind.

Rising vote taken. Amendment tabled.

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. W. J. GRAHAM (Mercer). I desire to call up House Bill No. 130 on the order of third reading.

Gentlemen, this is an amendment of one section of the Revenue Act. It simply inserts two words in section 29 of the Revenue Act. The present section provides that the assessment lists each year shall be published in some paper published in the township. The courts in this State have recently held that "publish" means to distribute from the post office and does not mean that the paper must be printed in the township. The insertion is the two words "printed and" to make the law read that the paper shall be "printed and published in the township." In some parts of the State it has seemed to be the custom of some publishers to get out several little newspapers and send them around and have them distributed at various post offices, calling them this paper, or that paper, when they are published or printed in some place else and under that ruling that would be a publication in the township and would prohibit the paper that is published in the county from getting that. The idea as originally intended was that the preference should be given to a newspaper printed and published in the township because that is where the paper pays taxes, and this bill is intended to make the law mean what it was originally intended to, it simply inserts two words.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 100 and the "nays" nothing. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. W. J. GRAHAM (Mercer). I desire to call up House Bill No. 529 on the order of third reading.

This is a companion bill to the last bill that on account of the fact that the delinquent list that is required to be published annually is another Act, it was necessary to make it in two bills, and this simply makes the same change in the matter of the publication of the delinquent list that is made in the other list of assessable property, and afterwards printed.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 91 and the "nays" are nothing. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. DEVINE (Lee). I desire to call up House Bill 887 on the order of third reading.

Mr. Speaker and Gentlemen of the House, this bill merely corrects an error in section 61 of the Tice Act. I called the attention of the State Highway Commission to a discrepancy in that paragraph and this bill was drawn by them to remedy that error. It simply makes the section plainer with reference to issuing bonds to build bridges in a township where they cannot be built under the ordinary tax levy.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 95 and the "nays" nothing. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I desire to call up House Bill No. 164 under Rule 12 on the order of third reading.

Mr. BROWNE (LaSalle). To which I object, Mr. Speaker, on the ground that it is a bill that does not demand immediate attention; a bill that does not necessarily demand attention at the hands of this House at all, which should not take precedence over other bills on the calendar. I am satisfied with a division unless the speaker wants the roll.

(Rising vote taken; motion prevailed; rule suspended.)

Mr. BROWNE (LaSalle). Mr. Speaker, I want to call your attention to something that may not have been noticed in this bill at this time. I merely do it as a suggestion to the people that are the proponents of the bill. The printed bill, the title, reads as follows: "For an Act to amend an Act entitled, 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874, in force July 1, 1874, by adding thereto additional sections to be known as sections 57a-1."

Then in section 1, "be amended by adding thereto additional section to be known as section 57a-1, follows: "In other words, the title purports to add that plural which cannot be less than two sections under any circumstances, where, as a matter of fact, the bill only adds one section. Now, I have looked at the original bill, or the bill that is now in the hands of the clerk as it comes from the engrossing clerk, and I find that it contains in the title the word "sections" in both places, but that the "s" has been scratched out with a knife. Now, this printed bill is the one that we had before us. It is a replica of the original bill that is filed in this House. Now, then, the title is not indicative of the bill.

Mr. LYLE (Cook). I want to say to my democratic friends over there that I propose for just a few moments to address myself to the republican friends here, who I think need it possibly a little more than you, and I want to present to you some facts, not theories, but facts. A man once said, You can argue down theories, but when you meet facts you cannot go around them or under them or over them, so I am going to give you some facts to show you this law is wrong in theory; it is wrong in practice, and then I am going to cite you some law to show you that it intends to do indirectly what has already been done in the law in the State of Illinois and by the city of Chicago. The provisions of the law are this, though my friend, Mr. Gardner, seems to want to have you understand differently: That any inmate of a house of ill fame shall be fined not exceeding \$200 and costs, or imprisoned in the county jail or house of correction for a period of not more than one year, or both. Now, that says nothing about a shelter house, a home or a farm or a colony for the reformation of prostitutes. There are not any homes, there are not any shelters, or farms or colonies under municipal management in the State of Illinois. It has just one that is tentatively in existence in the city of Chicago. Now, where is this law applicable. I will tell you, you gentlemen from down State. It is applicable in 102 counties in Illinois. It is applicable in 3,102 cities and towns and it applies to every nook and corner of Illinois, not excepting any single smallest hamlet. Now, it applies over in East St. Louis, in Danville, it applies right here in Springfield, it applies over in Quincy, at Joliet and Taylorville, in every city and town in this State, and what is going to be the result? I will tell you what will be the result. In 3,114 towns and cities where there are 3,114 jails or calaboses it will open the doors so that prostitutes can be taken in there on the supposition that they will be re-

formed, and you know and I know, and any man with calf sense and one eye could see that it will open this jail—often times they are insanitary—furnish that place for the reformation of women; you know it and I know it. Less than five years ago the most thorough investigation that has ever been made of these conditions was conducted, the most thorough investigation that has ever been made in this country or abroad. Now, what was the result? The most careful, the most conservative report was gotten out, and here is what that report says, in four lines, in reference to this system of fining girls and sending them to jail, and this is what this will mean. Instead of being imprisoned they should be placed on probation, or under the care of an intelligent, systematic and sympathetic physician in connection with the court. Listen to this, on page 47: "It is the man, not the woman problem which we face today." That is the result of this vice investigation that covered some twelve or fifteen months of investigation in this country and abroad. It is the result of every investigating committee that has carried on and conducted investigations in the United States. I have gone through the files. I have looked at the reports of these investigating committees, and in every single one they condemned the system of fining and imprisoning proceedings as wrong from start to finish and a flat failure when it comes to reforming these girls, and to stamping out venereal diseases. On March 22 the city council of Chicago published this report, the report of the city council committee on crime in the city of Chicago, and in that investigation, which lasted 11 months, the concentrated essence of that report is against fining and sending prostitutes to jail. It is wrong, absolutely wrong, from start to finish. There is not a member in this House but who believes in getting at the bottom and at the root of vice and crime. You believe in getting at the fountain head and source of everything that is wrong. Where do you find the cesspools which breed the germs of vice? You find them in the houses of ill fame and along with it are bred the germs of venereal diseases. They go hand in hand, they feed and fatten on the same slime. That is the condition, and whenever you go to increase the penalty, put the girls in jail and allow the proprietor and allow the patrons to go, allow the house to continue, then you only allow the cesspool to stay and stagnate and breed more germs for venereal disease, and you are only digging up the ravages when you send these girls out into a shelter, which no other city than the city of Chicago is likely to have; it cannot afford it.

Now, to make a long story short, when the police of Chicago, or of the city of Springfield, for instance, when they want to make a clean-up, what do they do? I will tell you. They do what they have done in a case which I can give you as an illustration. A young fellow twenty-three years old came to me with tears in his eyes. He says, "Two months ago my baby died." He said, "Three months ago my wife left home, and left me with that little baby, and I could not care for it. I had to work and earn a living. She went down to the red-light district." His wife was nineteen years old. I went down with that young man and saw that young girl sitting there at a table with her chin in her hands, looking sad and despondent, and her husband went over and tapped her on the shoulder, and said, "Baby, are you willing to come home? I will take you back." And would it have been right to arrest that girl in a raid and send her out to a shelter and to a house?

Why, a young Italian boy whose sister was taken away, and had been gone twelve days, came to me. He says, "I know where my sister is. I want you to go with me and get her." I went down there with him, and we got that little girl, and we took her back. She was only seventeen years of age. Suppose that house had been raided; suppose she had been taken into court and sent out and kept a year? Why, that little girl is now married, and a mother of children. Is it right? I say it is wrong, absolutely wrong, and there is not a right thing about it; from start to finish it is wrong.

Now, let me tell you something. According to a sort of semi-historical, mythical illustration, they came to eat roast pork in this way. A shed burned down and roasted a pig, and they smelled roast pig, and they liked it; they liked the roast pig, and they just kept burning sheds and burning

them down in order to get roast pig. You see the point. This is wrong. Whenever you want to dig up a stump in your garden you want to dig down at the roots of it and not plow around it. The thing to do is to get at the roots of this thing, to get at the proprietor, and patrons; they are the ones to legislate, and the trend of this legislation is wrong.

Now, I have not made a canvas of this House against this bill. I have not said to any man except those who came to me and asked me my opinion on the bill, what I thought about it; but I say to you now that this legislation is half-baked legislation; it is ill-digested legislation. I know the history of it from beginning to end, and I am not impugning the motives of anyone who advocates the bill. I would not want to keep anyone from bettering the condition of any living person; I would not want to keep anyone out of a good position if it was possible for me to help them. But this is wrong. It is born and conceived in the mind of someone, in my opinion, who would like to do something big, and regardless, absolutely regardless of what they were doing to other portions of the State, they are willing to come and advocate this legislation.

To the down-state members, let me say to you this, that 102 counties, with 3,114 jails—you have got jails and penal institutions—here is what the situation is: I have not seen one of those jails converted into a farm colony or a house of shelter. You know it would take too much money to do it; you know you cannot afford to build separate buildings, and that is what it means. You know it is impossible, absolutely, and you know that these jails are unfit places in which to reform these girls. Now, listen; I am going to show you that this law is not needed. I am going to show you that we have already got a law on the statute books at this very present time, enacted by the Legislature, and I want to read to you first from chapter 24 of the Cities, Villages and Towns. Now, chapter 24, in the Cities and Villages Act—here is what the Legislature empowers the cities to do: To make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease. Now, turn over here to chapter 126 a, the State Board of Health, and I want to read to you: The State Board of Health shall have general supervision of the interests of the health and lives of the people. Now, listen to this, gentlemen. They shall have supreme authority in matters of quarantine and may declare and enforce quarantine where none exists. What does that mean? That means that finally that venereal diseases like smallpox, diphtheria, yellow fever, consumption, and all those contagious diseases may be quarantined; it means that the inspectors of the State of Illinois, or the municipality of Chicago can step in and quarantine every girl and can quarantine the places and take these girls to houses, a pest house, and keep them there and treat them. Now, listen to this: To enforce all rules and regulations that may be adopted by the State Board of Health. Now, it shall be the duty of the State Board of Health to investigate into the cause of dangerously contagious or infectious disease, especially when existing in epidemic form, and to take means to restrict and suppress the same. What does that mean? That means that they can send their inspector into these places, and whenever they find a girl who is infected with a venereal disease they can quarantine that girl; they can take her out of that place; they can send her over to the pest house and keep her there, and then when she gets well and is cured, if she shows any symptoms of reform, there are plenty of good places for her to be taken and cared for.

Mr. HUBBARD (Greene). Will you yield to a question? Has that statute ever been construed so liberally as you construe it?

Mr. LYLE (Cook). Why, the law is there. I did not make the law, the legislature made the law. One contagious disease is no different from another, and if smallpox is contagious, why isn't venereal disease contagious, when the city of Chicago and the State of Illinois has a right to go after contagious diseases and quarantine them?

Mr. HUBBARD (Greene). That statute has never been construed to mean that.

Mr. LYLE (Cook). Well now, I will tell you—You are trying to pick out a small point probably that would let down the effect of my argument. I say you have a right to quarantine wherever there is contagious disease,

and they have a right to take these girls, if they are infected with venereal disease and quarantine them and hold them under the police power of the State. It is wrong; it should not be.

Now, let me say this to you. You may go ahead, you gentlemen who are friends of mine and who believe as I do on these matters, you gentlemen who have seen fit to be my friends during this session of the Legislature: I don't ask you to vote for me; I don't ask you to vote against this bill because Lyle is opposed to it; vote against it because it is wrong. Now, I have stated to you the law, and my duty is ended, and I will not yield in my position on this matter to any man. I have sacrificed; when I had opportunity to have other law practice; I have chosen this kind of law that would protect the man who is down in the gutter, that would protect the girl, the white slaver; I have chosen to spend a considerable portion of my time helping fallen women and men and the down in the ditch, and the down in the gutter, and I say to you, I take the stand against this bill because it is wrong; I know it is wrong. Several of you friends of mine have come to me and said: "Lyle, you might affect your political career by opposing this bill." Listen, my record on this question has been made a long time ago and the people of my district are with me regardless of the article that was published in the paper a few days ago, and a gentleman came to me and said he was sorry that he wrote it. Listen, the people know where I stand on this proposition and they know that Lyle would not be down in the Legislature opposing this bill unless he thought it was wrong and believed it from the bottom of his heart. Now, I am in favor of this bill if you will also put with it—but you voted down those amendments—if you would put with it a law increasing the penalty upon the proprietor and upon the patron. Now, this is all I have to say. Gentlemen, I am through. I hope you will vote against this bill.

Mr. G. H. WILSON (Adams). I want to take two minutes, possibly three. First as to the point made by the gentleman from LaSalle in regard to the plural instead of the singular. Chapter 131 of the Statutes. Section one, says: "Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular."

Now, then in regard to the objection of the gentleman from Cook (Lyle). He makes the objection that he is opposed to imprisoning these girls. In reply to his objection I want to read from a section of Bill No, 381, introduced by the gentleman from Cook County (Lyle), which is verbatim, ad liberatum, ad literatum.

Mr. LYLE (Cook). Read it, read it all, be fair.

Mr. WILSON (Adams). It reads: "Whoever, is an inmate of a house of assignation or place for the practice of fornication or prostitution or lewdness, or who shall solicit prostitution in any street, alley park or other places in any city, village or incorporated town in this State shall be fined not to exceed \$200 or imprisoned in the county jail or house of correction for a period of not more than one year, or both. So that absolutely disposes of all the arguments of the gentleman from Cook (Lyle).

Now, then, one thing more I want to say. All through the State of Illinois we have what are called houses of correction. In the city of Quincy is maintained a house of correction and Chapter 67 of the Statutes provides that any county board may make a contract with any city in the county, and I think it does not even have to be in the county, and have all misdemeanors, those who are sent for punishment for misdemeanor sent to the house of correction. That is the statute on the house of correction. And section 12 of that statute provides expressly for a house of shelter. "It shall be lawful for the inspectors of any such house of correction to establish in connection with the same a department thereof, to be called a house of shelter, for the more complete reformation and education of females."

So you find they have not only in Cook County, where they have a great many improvements in this day of Latter Day Saints, but they have some of these improvements down-State, and we have a house of correction down-State where they have houses of shelter.

Now, I do not believe it really was necessary to argue this question at all. I have high esteem for my friend from Cook County (Mr. Lyle), who

has been a great worker along these lines, but the gentleman feels a little discouraged on account of the fact that a meritorious feature in one of his bills, or one of his bills with a meritorious feature in it was not reported out, but I contend, gentlemen, that that is not a reason why we should defeat this bill, which is reported out. I am in favor of taking half a loaf when you cannot get a whole loaf.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House: I will endeavor not to annoy you too long in explanation of my vote. I always take a man as I find him; that is a fairly safe rule to go by, not as I have heard he was, nor as I have read that he was, but as I find him. I always take a bill in the Legislature as I find it, not as somebody interested in it tells me what it is. This bill is short. It does not need a lawyer to understand it. Let us see what it is. You have been told that it is a bill in the interests of suffering humanity. It is a bill to enable poor unfortunate women afflicted with venereal diseases, diseases contracted in the immoral practices of the underworld to be healed and cured in houses of shelter. You are told that not only on the floor of the House, but you are told that by the people that are here earning a salary promoting this bill. "Whoever is an inmate of a house of ill-fame or assignation, or a place for the practice of fornication or prostitution, or lewdness"—now I will leave out a little there because it is already the law and there is no necessity of reading it—"whoever is an inmate of a house of ill-fame or assignation, or place for the practice of fornication or prostitution or lewdness, shall be fined not exceeding \$200, or imprisoned in the county jail or house of correction for a period of not more than one year, or both." Do you see any of the elements of humanity in that? Where are they? Isn't that poor unfortunate devil that has fallen, that poor unfortunate girl that has gone down and become a bit of drift wood, a piece of flotsam upon the tide of life, without rudder, sail, or anything else; isn't she placed with any other petty criminal, the pickpocket, the man that commits larceny, the criminal all along the line? Isn't she placed with him, and isn't she pointed to as a criminal; isn't she fined not to exceed \$200, or imprisoned in the county jail not to exceed one year? If there is a distinction, gentlemen, between the one and this poor unfortunate, show it to me. It is not there. I ask you to show me where in that you find the house of shelter? I ask, in that, where you find any attempt or inclination of an attempt at curing or healing? I ask, in that, where you find one single thing, except punishment and branding of the criminal? You cannot do it.

Mr. BROWN (Cook). Mr. Browne, don't you think it would be better that way than to make it possible for pimps to go around and get them out of jail every time they are put in, and put them right back where they were again?

Mr. BROWNE (LaSalle). I will answer you in this way. If you will present a bill in this House that is honest, that is square, that is just what they profess it to be, that carries its label on the outside of the bottle, and that says, "Any girl, any inmate of any house of ill-fame that is infected with disease or in need of treatment, that shall be taken by the authorities and sequestered or sent to a shelter, there to be kept with or without her consent until she is cured," I am with you. But I say to you that when you arrest some poor, unfortunate girl, and they are not all bad—they are not all bad—the Fisherman of Galilee that the gentleman from Henry (Moore) referred to yesterday, found some before your time, or mine, that were not all bad. There is an element of goodness in everybody, and if you search deep enough down in the soul of even a prostitute, you will find the whiteness and the sweetness that came from the home where she was born. Now, you are not going to help her. You are not going to cure her venereal trouble. You are not going to make of her a wife, a mother or a member of society by putting her in the county jail in the care of those who have become calloused by experience, by long custom of handling criminals. You are not going to bring it about by putting her in there in their care and leaving her there. You cannot do it. They do not treat people in the county jails for those things; there is no warrant or authority for it; it would be a joke if you were to ask for it; and you know it and

I know it. And you are sending her in there among the criminals, the self-confessed criminals, among the rats and what you call the pimps, and so forth, to rot and maybe to die. Send her to a shelter. Why, it makes me sick to see any honest person come parading a bill of this kind under an assumed disguise like this. I know it is very unpopular; I recognize the fact that I would probably stand better in the public print; I would stand better probably in the eyes of numerous whited sepulchers and beautiful hypocrites were I to bridle my tongue and say, "This is a good bill in the interests of God's down-fallen. Let's do all we can for the poor unfortunates and send them to Hell." I know that. I realize it; I realize it, but I could not sit still and see a bill of this kind pass in that way under that disguise. It is rotten. It is bad, I say. I will show you that it is not even that honest. Does it say, "Whosoever is found in the house of ill-fame in a diseased condition shall be taken?" Not on your life. Then, supposing that you take the inmate that is not diseased and that does not need any care, and that is not in need of a physician, and you send her to jail? Is that for purposes of shelter and care, and treatment? Is that what it is for? No. I recognize the fact that this bill is going to pass, gentlemen. I know that neither I nor a dozen more like me could stop it; I know that. But I also know that it is not going to pass because of its merits; I also know that it is not going to pass because the people on this floor believe that sending a poor, unfortunate girl to a county jail is going to cure her of a venereal disease; I know that, and I know that it is going to pass because there are not "guts" enough on the floor of this House to vote against a bill of that kind and beat it, and that is the only reason. And I am not going to sit here and be a member of a movement of that kind, whether it brands me or whether it does not brand me. I venture the assertion right now, and my life has been a pretty open one, that my life along those lines will average up a whole lot cleaner and a whole lot purer, and a whole lot better than the average. I have got no interest one way or the other, except the interest that I feel in humanity and against a thing of that kind that is permitted, not in the interests of humanity, but you keep a job. Every reformer that comes down here and lobbies does it in the light of the press; does it in the light of the public press, and if he or she can get their pictures and an article or two every week or so in the public prints, laudatory, why their names are made; they can keep their jobs; they can keep being elevated in their jobs and draw more salary. That is what it is for. They are professional reformers, trafficking upon the sorrows and woes of others. That is what it means, too. I do not know what there is over in Adams County by way of a shelter; I don't know a thing about it. I am willing to let conditions be as they are. The gentleman should know whether he does or not; but I do know that if Adams County has a shelter for people of this kind, where they are sent under these circumstances, it is one of two counties in the State, or three at the most, that has, and there are 102 counties in this State, and the counties are not going to build shelters, and they are not going to build hospitals for this purpose. You know that, and I know it. And neither have they any authority to send these people to the ordinary hospital, and they will not do it, and they cannot do it; and the judge that passes on this, the judge that passes sentence or that hears matters of this kind when they come up before him, as I stated to you before, will either stultify himself and refuse to do his duty under the law, if this is passed, or else he will send these poor unfortunates to the county jail. That will be the end of it, and if that is right, all right, O. K. I cannot see it that way. I may be wrong, but that is the way I am constructed, and I hope that I will never live long enough so that that much of humanity will leak out of me, that I cannot see it in that way, and Mr. Speaker, I vote "no."

(Roll call continued.)

Mr. BURRELL (Champaign). (On roll call.) Mr. Speaker and gentlemen of the House, I hope to be as calm as I can under the circumstances and in speaking about the bill I wish to try to speak absolutely to the merits of this bill, and what it means. This and one other are probably the only ones I have been asked to say a single word on, and I want to reply to something that was said by my friend, Mr. Lyle, in regard to the duties or powers

of the State Board of Health. His analysis of the question is one that has been tried for some time to be decided by the various medical societies and some of the medical people of the State, and it would certainly be very illuminating to them to know that it had been as recently decided, that all venereal diseases are of a condition that could be quarantined. I wish it was true, and a great many men wish that it was true, and a great many sorrowing homes wish that it had been true a long time ago, and I believe that if we follow constructive legislation, rather than remedial legislation for a little while we will get to the point where we will consider venereal disease an epidemic, the same as we do scarlet fever, and we will quarantine it, and we ought to do it, and when we do that there will not be much need for such as this, but in regard to this particular bill, I am just as sorry for the person of the underworld as my friend from LaSalle (Browne), and I want to say to you gentlemen that when you come into the hospital and find, as I have done, that 90 per cent of the laparotomies done for women in the State of Illinois today, and I am not exaggerating when I say that 90 per cent of those cases are the result, directly or indirectly, of such diseases as are probably bred more in these peculiar institutions than anywhere else. Not only that, but there is a question that is deeper than that. Did you notice in the recent press the decrease of the birth rate in France? You will find that in this country there is a condition confronting us, that of race suicide, that is going to be alarming in the next century, and it is time that men, who are thinking men, were doing something to prevent the conditions that bring about that condition and will bring it about.

Now, as regards the matter of confining and imprisoning of persons of that kind, I happen to have been a physician in such an institution and I know that all of them are equipped with apartments for women separate from the men.

The question was raised that this does not mean a home of shelter—the bill does not. Your criminal law does not mention the Governor's pardon, yet it follows after a conviction. So, in this case, the judge may have some jurisdiction as to what he will do with this bill.

Now, I want to say this to you in closing, that so far as the effect, the matter of prevention is the most important of all. If the girl goes out into the underworld, feeling that it is a matter of life as life goes, and that some young friend of hers will pay her fine, if she is only fined, and that is all, it does not amount to much to her; but when the very grave, staring sentence of a year imprisonment in the county jail is placed before the girl who is to be tempted as a white slaver, she knows that there is something more ahead of her than simply a good time. And it is a matter of prevention that this means—first—and then the cure afterward.

I wish that we could pass a law that would prevent it. I wish that I could realize, and I know I realize the feelings of the gentleman from LaSalle (Browne)—I don't doubt his humanity and I don't doubt his sincerity about this—but I look at this from another angle as sincerely as he does from his. The time has come, gentlemen, in the State of Illinois, that you must no longer trifle with the social problem, and this is one step in the right direction, and I vote "aye."

(Roll call continued.)

Mr. HUSTON (McDonough). (On roll call.) Mr. Speaker and gentlemen of the House, I wish to have the unanimous consent to have my vote recorded "aye" on this bill.

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker and gentlemen: As has been well said, by the gentlemen that have spoken thus far, you are now handling the greatest question that has ever confronted civilization. I want to dwell a little along the lines suggested by the gentlemen, and also along perhaps not a new line, but one not yet suggested. It is an established fact, gentlemen, that the procreative power in the human race, as in most other things, seems to be greatly beyond what is necessary. I am going into this question a little philosophically for the reason that one of the gentlemen that have already spoken have complained because the other did not go to the root of the matter and propose an adequate remedy. In the first place, we find, as I said, the procreative power is far beyond what

seems to be necessary in civilization. The next thing that comes about, without discussing the why and the wherefor, is that as we civilize we get into a habit of marrying less and less. As the countries become more civilized, the marriage habits decline. Now, you have got two propositions. The third proposition is that as society develops, and especially in the large cities, with the marriage rate falling off, there are all sorts of customs that go to excite, develop and bring about a greater expending of passion. You have the dance hall, you have the singing, you have the theatre, you have the Black Crook, you have the restaurants that feed you high, and all this brings about a condition that you propose to stop, to control, to cure, by laying a fine on the object and not the cause of the trouble.

There are two ends, in dealing with this question, which should be especially regarded. First, the natural duty of every man, doing something for his child that he has called into existence, and second, the preservation of the domestic circle unassailed and unpolluted.

Now, then, you have an object that you are going to regulate, as put forth by the gentleman from Cook (Lyle) by an ill-digested bill, and as stated by the gentleman from LaSalle (Browne), by a dishonest bill. Any bill that does not state right in its provisions and body that at which it is aimed, it is absolutely dishonest and is to deceive someone. I was approached on this matter and I was told that the object of this bill was to prevent the spread of venereal disease. Then why not aim it right at that point, and, as the gentleman from LaSalle (Browne) stated, name in your bill that any one infected with venereal disease should be sequestered, put in jail and held there until well. What is your remedy?

I want to cite to you a paragraph and call to your attention the awful truth that it sets forth more eloquently than I can do.

Mr. Speaker, you are attempting to correct merely the object and not the source of the trouble. I want to call your attention to this passage that I read more than twenty years ago:

"You are bringing down all the force of the law on that unhappy being, whose very name it is a shame to speak, who counterfeits with cold heart the transports of affection, and submits herself as the passive instrument of lust; she has appeared upon every every stage and in every phase of civilization. Herself the supreme type of vice, she is ultimately the most efficient guardian of virtue. But for her and the unchallenged purity of countless happy homes would be polluted, and not a few, in the pride of their untempted chastity, who only look on her with scorn, would know the same shame and disgrace. On that one degraded and ignoble form are concentrated the passions that might have filled the world with woe. She remains, while civilizations rise and fall, the eternal priestess of humanity suffering for the sins of the people."

Another cause that brings this about and holds it, and that I want to address particularly to those who, as named by the gentleman on the other side, are the professional reformers, and those ultra-good, who wish to reform only in the lime light, those mush committees that can do nothing unless they are first in the newspapers—and that is this: There is a sentence passed upon this girl in the Anglo-Saxon life that almost prevents her from coming back. There, gentlemen, is one of the chief troubles in this matter. A single fall of this kind is sufficient to affix an indelible brand which no time and no virtues, no penitence and no sacrifice can wholly efface. When I see these gentlemen who are so pronounced in seeking to stamp out this evil, who only want to throw the object of this trouble into jail and prosecute her, I want to see them rise in that noble spirit which they profess and invite this unhappy being into their home, tell her there is a way back, show her some way that she may reform and come out and be a woman again.

If you would bring forth a law right now, stating that it was for the purpose of stamping out venereal disease, there would not be a vote against it in this House. You know, as a father, and I know, that something should be done to cut down this awful evil that is sapping the life of our State and our civilization. And every woman—and so far as that is concerned—every

man ought to be stamped and held, who is about spreading anything in the nature of a venereal disease. If you have got the nerve, come out and not only put the woman in jail that has a venereal disease, but put the man in, until he is cured. (Applause.) If you want to go down, if you have got the nerve take them all; don't stop at one.

If the gentlemen will take the time, I will introduce a bill and I will challenge before all of the constituents of Illinois—I will dare any man to get up on this floor and vote against any bill of that kind, or fail to vote for one.

Now, gentlemen, the real trouble with this bill is that it don't say that for which it pretends to act, and while I am for the proposition of handling these venereal diseases to protect the young men, not only the young men, but the young women of the State of Illinois, I don't believe that this bill will do it at all. I am for—and would like to be for—a bill that will bring about that proposition, but this will simply bring down on that one degraded and ignoble form still more misery and still more horror than now pervades the life in which she walks, and you—you wish to clear your skirts and pose as a reformer—as a regenerator of civilization by a make-shift that will not reform that which it is set out to do. I vote "no" on the matter (Applause.)

(Roll call continued.)

Mr. DEVINE (Lee). (On roll call.) Mr. Speaker, the gentleman from Cook, Mr. Lyle, left the impression here that if this bill became a law that some 3,000 jails and calaboses down-State would be filled with women. He little knows the condition that exists down-State. He does not know the timber and the makeup of our judges. It is a fact, which every lawyer down-State knows at the present time, that when women are brought before a judge now on a charge of the kind that is covered in this bill, that the maximum fine is not imposed. If this be true, if the hard-hearted judges down-State, as they would make us believe that we have, if they don't impose a maximum penalty, then what reason will there be for them sending the girl to jail for a year? This bill is intended to remedy the evil and it is simply this: that if a woman who is arrested is affected with the venereal disease, then she may be sent to jail, and it is better for society that she be sent to jail than to be left to roam and scatter that awful disease all over the community.

Now, I have heard the jails referred to today as places infested with rats. I have had some occasion to visit the jails in northern Illinois, and I do not know of any jail that is infested with rats.

Mr. BROWNE (LaSalle). I referred to human rats, the worst kind there are.

Mr. DEVINE (Lee). I know that it is a fact that every lawyer of this House knows that it is the duty of the grand jury to visit the jail once a year and to recommend whatever is necessary in order that it be kept in proper shape. So that all this wasted sympathy and this sympathy for the poor, unfortunate girl that we hear about here today, is not spent for the benefit of the girl. And you watch the men of this House today who are voting against this Act and you will find that they are the men that opposed the injunction and abatement law; you will find that they are the men who opposed a bastardy law in this State; you will find that they are, in the main, the men who oppose every reform and decency in every form.

Mr. LYLE (Cook). Did I oppose the injunction and abatement bill? Didn't I introduce the bill in this House?

Mr. DEVINE (Lee). Possibly you did, Mr. Lyle.

Mr. BROWNE (LaSalle). He was referring to me, Mr. Lyle. He thought he would take a wallop at somebody, and I happened to be handy.

Mr. DEVINE (Lee). Since the gentleman from Cook, Mr. Lyle, has refreshed my mind on this subject, I know that he opposed this bill in committee. I know that he had one just like it which went a little further, as he said. And his opposition was not brought forth by that alone. He was jealous that anyone was encroaching upon his rights as a commercial reformer.

I believe that the men who are interested in this bill are men who are honest; that they are not actuated by malice, that they are not hard-hearted,

that they do not want to brutally cast girls into prison. They are doing this for the benefit of the fallen woman, and as soon as the State of Illinois wakes up there will be a State-wide war waged along this line. Yes, there will be more than that. There will be a nation-wide war waged upon venereal disease, waged upon houses of prostitution, while are largely responsible for venereal disease. And when the State and the nation do that thing, then we will see a falling off in the number of inmates in your insane asylum, in the number of inmates in your institutions for the blind.

Now, the statement has been made here that this bill can not be beaten today because there was not "guts" enough on the floor of this House. I want to say to you, gentlemen, in all sincerity that I don't see any reason for any decent, well thinking man to vote against this bill, without he does it on the pure theory of "guts." I believe that every man who believes in decency, who believes in the purity of womanhood, who respects his mother and his sisters, will vote "aye" on this measure. I vote "aye."

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) Mr. Speaker and gentlemen of the House. In spite of the vehemence of the gentleman from LaSalle (Browne), I am still of the opinion that this is a good bill. The gentleman from LaSalle (Browne) bases his opposition to this bill upon humanitarian grounds. I am willing to hold the same grounds to support this bill. The theory of the criminal law, I recognize, is not primarily to punish, but to prevent the repetition of crime. This, it seems to me, is an honest bill. I make no apology for its source. It seeks merely to remedy a defect which now exists in the criminal law. A woman who leads such a life as this has, up to the present time, been subject to only a fine, which her patrons have too often paid, and she has been permitted at once to resume the life of shame from which she ought to have been taken and kept. Now merely to incarcerate a woman is not a statement of the whole evidence. I am reliably informed that throughout this State, by appointment of the Circuit and County Courts, there is a probation officer in every county who has jurisdiction over persons of this kind. They may be placed in hospitals. And very much of the appeal that has been made against this bill on the ground of its harshness is improper. Surely society ought to be against this which is permitted by only a fining system. I am not speaking for support on this bill on humanitarian grounds, but, Mr. Speaker, when on the last day the Angel Gabriel shall ascend toward Heaven, placing one foot upon land and the other on the sea, lifting the golden trumpet to his lips and proclaim time shall be no more, to the living and the resurrected dead, then the gentleman from LaSalle (Browne), and perhaps from Sangamon (Butler), will rise and say it is against humanity. I vote this bill. I vote "aye."

Mr. DONAHUE (McLean). (On roll call.) Mr. Speaker. I did not intend to say anything on this bill, but I have heard very much about the county courts in this State. I will tell you some experiences in McLean County. We had a reform wave up there a few years ago, and we had a county judge who had locked up in the neighborhood of twenty-five or thirty girls in the county jail of that county, and he kept locking them up, and the result was two suicides on account of the harshness of that county judge. So, within a year there was a girl went from this town to Bloomington. She got locked up in the county jail, and the turnkey of that county jail got next to that girl, paid her fine and took her out into the world to make a living for him. The result was that she got tired of the job, wanted to quit it, and he insisted, and she shot him one day and killed him, and she was acquitted by a jury.

And so, gentlemen, I am not for this bill. I will vote with any of you for reform, but I want a bill that will not place the girl under the control of men of that kind, and of professional reformers such as these county judges throughout the State of Illinois, and I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 93 and the "nays" are 6. The bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MULCAHY (Cook). I desire to call up House Bill No. 84 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is a bill that was passed at the last session licensing mason contractors in Chicago. It is amended by changing the number of examiners to three practical masons. On the board there is now the city architect and the building commissioner. The necessity for the change is that the city building commissioner and the architect's time is taken up with their other duties. Also, I might add that this bill must be passed by the city council after it has passed the Legislature. It applies only to Chicago and not to the down State section of Illinois.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 83 and the "nays" 6. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. LANTS (Woodford). I desire to call up House Bill No. 867 on the order of third reading.

Mr. Speaker and gentlemen of the House: This bill is to prohibit cattle having tuberculosis or consumption being shipped from other states into this State for breeding or dairy purposes. Every state in the Union has a law of this kind except three, namely, West Virginia, Rhode Island and Illinois. The tubercular cattle have gotten so numerous in this State that fourteen states in the Union have legislated against cattle coming into their state from this State.

I want to read to you the law as it has been passed in Minnesota: "Cattle for breeding or dairy purposes must be tuberculin tested. Cattle for dairy or breeding purposes originating in the State of Illinois must be held and tuberculin tested on arrival unless accompanied by a certificate of tuberculin test made and issued by a veterinarian of the U. S. Bureau of Animal Industry." There are fourteen states that have singled out Illinois thus. Ten other states are ready to go on the same basis requiring Federal test in the place of a state test.

In regard to the reliability of the tuberculin test, I will say that 98 per cent of the tests made by the Government were found upon post mortem examination to show the positive lesions of tuberculosis. The tuberculin test is more accurate than the post mortem examination. They have also found that with every reaction the animal can be traced to an infected herd or exposure to the disease.

This is an agreed bill between the different interests, between Mr. Groman from Will County, representing the farmers; Mr. Ingerson, President of the Chicago Live Stock Exchange; Mr. Darlington, representing the Cattle Dealers' Association at the Union Stock Yards, and Representatives Brewer, Graham, Rowe, and myself.

This is a good bill and should pass for the benefit of the livestock industry of the State of Illinois and the protection of everyone.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 105 and the "nays" 1. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MEENTS (Iroquois). I desire to call up House Bill No. 697 on the order of third reading.

I would like to say that this is a committee bill. It provides for a uniform system of text books in the public schools up to and including the eighth grade. Under the present system there can be as many different kinds of text books as there are different schools in the county. This bill proposes to have uniform text books for the county, or several counties can go in together if they so desire. The unit is the county.

In my opinion this is one of the most important measures that has been presented before this General Assembly and will benefit every patron of the public schools in the State of Illinois, both financially and educationally, and I earnestly ask your support for this bill.

(Roll called.)

Mr. PIERSON (Cook). May I just say a word about this bill? It was fully considered in the Education Committee. The title of it makes it refer to public schools only, it can not refer to anything else. The language of

the bill makes it apply only to the public schools and there are no free text books in it. It applies to down the State, all portions of the State outside of Chicago.

THE SPEAKER. On this question the "ayes" are 75 and the "nays" 10. The bill having failed to receive the necessary constitutional majority, is declared lost.

Mr. GORMAN (Peoria). I desire to call up House Bill No. 38 on the order of third reading.

Mr. THOMASON (Clay). I object to the consideration of this bill at this time.

Mr. GORMAN (Peoria). I move that the rules be suspended for the immediate consideration of House Bill No. 38.

(Motion prevailed.)

Mr. GORMAN (Peoria). I do not wish to take up any of the time of the House at this late hour, but I want to call your attention to a communication that was furnished me by Senator Woodward. It is addressed to the Representatives of the Fiftieth Senatorial District of the State of Illinois. That is one of the districts of the southern part of the State who believe that the passage of this bill would have a very harmful effect on their part of the State. Now, this petition is signed by about a hundred men in all walks of life.

Now, I want to say this, gentlemen, if there is anything that we have been doing, it has been voting, and I have been one of that number, relief along the line of pension bills making it possible to extend the localities where they found it necessary and levy a tax for the fire department and other departments in the city of Chicago. Now, gentlemen, this is a class of people who can not help themselves. We have a law at the present time that affords this relief, namely, \$150 a year. It is a safeguarded relative to the requirement of residency in the State, ten years, and three years in the county. There is a number of counties in the State paying this today. They are acting under this law. There are some counties that will not extend this aid. The law as it is now is discretionary, while the law as proposed is obligatory.

I wish to say that my own county is one of the counties that have refused to pay this aid notwithstanding the fact that it is a very wealthy county, well able to pay it, but they have taken the position that they would not pay it. The ones that I am principally interested in are some twenty-two in Peoria County. They are people that can not help themselves, and this bill will give them the chance to get the relief and I trust it will receive your support.

Mr. WATSON (Hardin). Your petition is from Union County, isn't it?

Mr. GORMAN (Peoria). Yes, sir; this is one of the southern counties, as I understand.

Mr. THOMASON (Clay). I don't understand the purposes of rushing this bill through. I understand that it takes seventy-seven votes to call a bill out of its regular order. I don't know under what theory this bill was taken up.

THE SPEAKER. I can correct the gentlemen; the House suspended the rules for the consideration of this bill.

Mr. GORMAN (Peoria). I just want to say one word that I didn't say. This very same bill was introduced by me two years ago and it got to third reading, but owing to the congested condition of business, it wasn't reached on the order of third reading.

Mr. THOMASON (Clay). Now, gentlemen, I don't know why the members of this House should feel called upon to pass this bill because there is one board of supervisors of the State of Illinois where in the opinion of one of the members of this House the blind are not properly taken care of. Now, simply because in the opinion of my friend, Mr. Gorman, the board of supervisors of his county do not take care of the blind, he feels that it is necessary that a law be passed compelling every county in the State to assist practically all of the blind of that State whether they are in necessitous circumstances or not. This bill does provide that if they have an income of over \$250 a year that they are not entitled to this pension, yet it does not exempt those who have friends or relatives who are able and who are legally

bound to provide for them. Under this bill a man may be very wealthy, yet if he has a daughter or a son that is blind and who has an income of less than \$250, the people of that county are obligated to pension that blind individual.

Now, where are you going? You are coming on to a system of pensions. This is dubbed a charitable matter. It is not a matter of charity. The counties today, as a rule amply provide for the blind who are in necessitous circumstances. This goes further than that and compels you to pension practically all of the blind. If it is right in that instance, I say to you, gentlemen, it is right that you should pension every paralectic, every man who has lost both limbs and every one who through accident or disease has become physically incapacitated. They are entitled to the same privileges that you are giving to the blind under this bill. The boards of supervisors of the various counties today make ample provisions. It is not necessary that they provide for every blind man the same amount. In one instance the blind man may be entitled to five dollars a month and in another case \$12.50, as provided in this bill, is not sufficient. Why are you fixing a sum certain to be paid to every blind man, practically every blind man? You are coming upon a system of pensions that you will be in straits to meet in after years. If you pass this law today in this way, the next session of the Legislature there will be an effort made to provide that every man, woman and child who is disabled or incapacitated through accident or disease will be entitled to a life pension, and you are placing this, not a matter of charity, but a system of pensions, upon every county in the State. I think you are familiar from what was said the other day with the situation in southern Illinois where we are today levying the full allowed by law. It simply means in those counties, and I know in my own county and a number of other counties, that the entire county tax collected for the past year will be necessary to pay the pauper claim alone. Then the passage of this bill means that you are going to take away from the pauper, those who need this help, you are going to take away from them and give it to some of the blind who are not in necessitous circumstances.

Gentlemen, I think you are making a mistake if you rush through this bill. You are working a hardship upon the poor counties that they are unable to meet and I ask you to be fair and vote against this measure.

Mr. WATSON (Hardin). I regret very much to have to take the stand against this bill that I do. I don't want to be placed in the attitude of opposing a pension for the blind. If I could see my way clear to let this bill go through without opposing it, but it will mean a great deal to the counties of southern Illinois.

The gentleman from Peoria (Gorman), said that he had a petition from one of those counties, but that is from Union County, one of the larger counties and one of the wealthy counties of southern Illinois. The poorer counties of southern Illinois will be unable to pay this pension and meet the expenses of the county. It will be entirely impossible for a number of counties down in southern Illinois to pay their bills if they are forced to pay this pension.

Now, as has been said, there is a pension law pensioning the blind which may be availed of by the different county boards of the State, and I have heard no complaint made in my own county, and if it is true that this one county that is complained about is not taking advantage of this law, they ought to change their county board up there and not force something upon the other counties that they are unable to meet.

Our county takes care of its blind when it is necessary. They are pensioning some of the blind in our county that need it. But if we are forced to pay a pension of \$150, to every blind person in the county that comes within the provisions of this bill it will be absolutely impossible for us to pay the bills and meet the running expenses of the county.

Now, this House voted down an amendment to this bill which provided that it should not be required to pay a pension to any person who was not in necessitous circumstances. Now, if a person has relatives that are competent under the law to support them why should they be pensioned, why

should the law of this State require a pension to be paid to some blind person any more than to some crippled person? Why should it be?

There is no reason why this law should be made compulsory upon every county in the State because one county of the State, the county board does not do in that county what the people think it should do.

Now, I ask you in the name of all the counties in Southern Illinois, not to pass this bill and force upon them a burden that they will not be able to meet.

Mr. DE YOUNG (Cook). I am compelled to dissent from the genial gentleman from Peoria (Gorman) with considerable reluctance. This bill, if enacted into law, will impose a burden upon Cook County, as I was informed by the commissioners of Cook County, of something like \$375,000 a year in addition to what it now spends for that purpose. We have heard very much during the present session about home rule. Now, there are some things that are perhaps beyond the power of the county properly to discharge, but this question ought to be left to the county authorities. As the law now stands, the Board of Supervisors and Commissioners in Cook County are permitted under the law, in their discretion, after a full knowledge of the facts and a proper consideration, are permitted to spend out of the public funds for the relief of the blind such sums not exceeding \$150, as they may see fit to spend.

It seems to me that the law as it stands is very much more intelligent in its application than to make an expenditure of so much money compulsory without the exercise of any discretion, whatsoever. This is not a pension bill. Now, it does seem to me that we ought to exercise some discretion, we ought to permit the commissioners to exercise it under the law as it stands. This imposes not only a burden on the smaller counties of the State that can not afford it, but upon Cook County that has more than forty per cent of the population of the State and pays half of the taxes. There is a bill pending in this House which seeks to raise the tax maximum from forty to forty-five per cent. Not having in view any such additional burden as this. It hardly seems to me that we are justified in imposing upon 102 counties of this State a burden that will be as great as this and without the exercise of any discretion.

Mr. THOMASON (Clay). One of the members from your district, hasn't he been chairman of the Board of Supervisors, and isn't it his opinion that they have been amply cared for in your county?

Mr. GORMAN (Peoria). In answer to your question, one of the present members of this Legislature was a member of the Board of Supervisors, and that board has seen fit to refuse this aid. But, I want to say to you that the country members control the Board of Supervisors, and that explains the why this help has not been had. Now, is that the answer? Any other question?

(Roll called.)

THE SPEAKER. On this question the "ayes" are 79, and the "nays" 19. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). I give notice that on tomorrow's session I will move to reconsider the vote by which House Bill No. 697 was defeated.

Mr. SMEJKAL (Cook). I ask unanimous consent to call up House Bill No. 975 on the order of third reading. This is a bill for An Act to provide for the ordinary and contingent expenses of the State Government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly, commonly called the Omnibus Bill. It carries an appropriation to meet the ordinary and contingent expenses of the State government for the next two years and appropriations aggregating about \$15,500,000.

(Roll called.)

Mr. GRAHAM (Mercer). (On roll call.) This is the Omnibus Bill, as I understand it. Last evening it was advanced to the order of third reading, and printed copies of the amendments have not been placed on the members' desks. Now, it comes up for third reading. So far as I am personally concerned, I have not had time to give it any attention; therefore,

I desire on account of my ignorance of the subject matter to be recorded as present.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 94, and the "nays" 1. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 931 on the order of third reading.

This provides for all the salaries of the State officers, including the members of the next General Assembly, and carries an appropriation of \$3,155,236.

THE SPEAKER. On this question the "ayes" are 95, and the "nays" none. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House do now adjourn.

Whereupon, the House adjourned until 9:00 o'clock a. m., Friday, June 4, 1915.

FRIDAY, JUNE 4, 1915.

9:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Brown (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. MERRITT (Sangamon). On House Bill 697 I ask that it be read and also move that consideration of this motion be postponed until next week, Wednesday.

(Motion prevailed.)

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, all without debate.

Whereupon, House Bills 858, 859, 860 and Senate Bill 388 on the order of second reading, were taken up, read a second time, ordered engrossed and to a third reading, all without debate.

Mr. SMEJKAL (Cook). I desire to call up House Bill 838 on the order of third reading.

Mr. DONAHUE (McLean). I would like to have this matter continued and not taken up today.

Mr. TICE (Menard). On what grounds?

Mr. DONAHUE (McLean). We have a bill in the Senate that we would like to have passed before these appropriation bills are taken up. I understand the State Highway Commission has been fighting the bill. We want to raise some fight on this bill if they don't pass that bill.

Mr. TICE (Menard). Is it your purpose to obstruct and hold up the appropriations proposed to be made for building roads in the State of Illinois whether these appropriations come from the automobile license fund, from the revenue fund or from the unexpended balance unless House Bill 575 receives favorable consideration by the Senate?

Mr. DONAHUE (McLean). Our purpose is to get a square deal on the road law. We want to restore a little home rule to the people of this State. We are not interested in this appropriation. It is throwing money away and there is nothing in it. If we are going to build roads, we ought to go at it the right way. We ought to have one system or the other, but we should have a good system, which this is not.

Mr. O'ROURKE (Cook). Here is a man who comes down here to oppose these hard road propositions when his county does not participate in the hard road campaign. It is a shame and no attention should be paid to the gentleman from McLean (Donahue).

Mr. DONAHUE (McLean). I am glad we have heard from the Postmaster of Harvey. Under the Constitution he has no right to hold a seat in the Legislature and he is forbidden by the Constitution of this State to hold another office. He holds a half dozen offices and he should not say a word on anything.

Mr. O'ROURKE (Cook). I want to assure the gentlemen of this House that I am only appointed postmaster and I have not taken the office.

Mr. DONAHUE (McLean). You are evading the question.

Mr. O'ROURKE (Cook). Your county is evading doing the square thing.

Mr. DONAHUE (McLean). You are evading the Constitution of this State.

Mr. SHURTLEFF (McHenry). I think both of the gentlemen on the

democratic side are wrong. I think the members on the floor of this House are entitled to some statement, if anybody can give the information, as to what is being done with the bill in the Senate, which we sent over, in regard to giving supervisors the right to name the kind of a road the counties shall have. If anybody has the information as to what is the attitude of the Highway Commission or the Senate, I think we ought to have it.

Mr. TICE (Menard). If I may have an answer to the question I asked the gentleman from McLean (Donahue) I am prepared to make a statement as requested by the gentleman from McHenry (Shurtleff).

THE SPEAKER. If there are three members oppose this bill there is no use calling the roll.

Mr. TICE (Menard). I would be glad to make a statement but I want an answer to my question.

Mr. DONAHUE (McLean). What is your question? I was not paying any attention to what you said.

Mr. TICE (Menard). I asked the gentleman from McLean (Donahue) if it was his purpose to obstruct and hold up all appropriations proposed to be made for building roads in the State of Illinois whether these appropriations come from the automobile license fund, from the revenue fund or from the unexpended balance unless House Bill 575 received favorable consideration by the Senate.

Mr. DONAHUE (McLean). There are people in this State beside you that pay taxes. I think you pay a small proportion compared with other people in this State.

Mr. TICE (Menard). Can I have an answer to my question?

Mr. DONAHUE (McLean). I don't understand your question.

Mr. TICE (Menard). Do you decline to answer my question?

Mr. DONAHUE (McLean). You have been working so long on this road proposition, Mr. Tice, that you get twisted on it. You are like the man downstairs advocating the insurance bill in this House, he got twisted and don't know what he wants.

Mr. TICE (Menard). Do you refuse to answer the question?

Mr. DONAHUE (McLean). I told you I could not understand you.

Mr. TICE (Menard). I will make a statement to the House. House Bill 575 is a bill put out by the Committee on Roads and Bridges. It was passed by a unanimous vote of the Committee on Roads and Bridges and I voted for that bill in that committee. I myself called that bill on the floor of this House and I voted for the bill on the floor of this House, and I have not in any manner, shape or form, directly or indirectly, attempted to impede its passage on the floor of the Senate, and whoever states I did, bears false information. On the contrary, I advised the chairman of the Senate Committee and the members of the State Highway Commission that they ought to let that bill go through the Senate. I was informed yesterday by the chairman of the Senate Committee on Roads and Bridges and by the members of the State Highway Commission that that bill would be passed the very first thing next week in the Senate without opposition and without attempts to amend it, providing this House would not pass any more legislation inimicable to the road law of the State.

Mr. BROWNE (LaSalle). What right has the Highway Commission of this State to dictate terms to this House or State whether a bill shall pass through the Senate under certain conditions.

Mr. TICE (Menard). They have no right whatever, or did the Highway Commission make any stipulation to me. This talk I had was with the chairman of the Committee on Roads and Bridges of the Senate. There was an understanding and that understanding exists yet among the members of the Committee on Roads and Bridges that if 575 was passed by this House that all other legislation on which there was a contest or difference of opinion should not be advanced or further considered.

Mr. BROWNE (LaSalle). Do you think it is fair for any committee to make a bargain of that kind for the House?

Mr. TICE (Menard). No, sir; they have no right to bind them any more than you and I have a right to support what we call an "agreed" bill.

Mr. BROWNE (LaSalle). There was other legislation along that line

passed in this House in good faith and I don't think that the chairman of the committee or any member of the committee has any right to make any agreement with the Senate relative to the obstruction of anything that this House may want to do.

Mr. PACE (McDonough). A few years ago there was passed in the House what was known as the Hard Road Law. Down in the rural districts of Illinois it was most seriously opposed by the farmers on account of inability of the townships and the counties down-State to meet with the requirements of this law. It was a physical and financial impossibility for the rural districts to comply with the requirements of this law. It was opposed by the electors of Illinois and many of us who ran for the offices we now fill were met with the question as to how we stood on the road question and whether or not we were in favor of an amendment to what was known as the Tice Road Law in order that the rural districts might use their part down in the counties for the purpose of improving the dirt roads. It was almost unanimous down in western Illinois and after this election and we came down here to the Legislature and in the Roads and Bridges Committee the first thing I noticed as a new member was that the employees of the State of Illinois at the expense of the State down here, not performing the duties assigned to them under the laws, but were lobbying against the bills that were introduced by the different members of this House. I was in the Committee on Roads and Bridges from the House and these members of the State Highway Commission were lobbying against honest bills that were introduced by the members of this House.

I desire now, gentlemen, to say to you and I think I was as close as any other member of that committee to Mr. Tice, that at all times he was honest, honorable and fair with us. We men were opposed to his law and we met with him and compromised the matter and said we will introduce a committee bill, number 575, and we will all try to pass it in the House and do all we can for it, so that we can have one of three systems, either the hard road, the gravel road or the dirt road, and Mr. Tice was honest with us in pushing that bill through this House. It then went to the Senate and I, like many innocent new members, supposed that was all we had to do and lo and behold I found the State Highway Commission still drawing their salaries lobbying against the bill, and Mr. Tice has been fair and square about the matter and it is not right to put any blame on him no matter where we stand on this matter. He is the father of the Tice Road Law but he had nothing whatever to do with interfering with the passage of this bill. It is on third reading in the Senate and the taxpayers down in the rural districts of Illinois are not only asking for it but they are demanding that this bill shall be passed over there in the Senate and signed by the Governor so that we can have roads down in western Illinois, which will be an honor to the great State of Illinois. It is not Mr. Tice that stopped this legislation, but it is the Highway Commission spending money paid by the taxpayers.

As one member of this House, I feel like some others that it may be better to hold up other appropriation bills until House Bill 575 has passed the Senate and they stop their lobbying in the Senate and attend to the duties that have been assigned them under the statute.

Mr. SMEJKAL (Cook). On account of the small number of members here this morning, it will hinder the chances of this bill passing, and I will ask that House Bill 964 be called at this time and temporarily pass by the bill now under consideration.

THE SPEAKER. It is so ordered. House Bill 964 is now before the House.

Mr. SMEJKAL (Cook). This bill does not make any new appropriation. It re-appropriates a balance that is to the credit of the commission at the present time. The work is going on, but it will not be completed before September 30th of this year, and it is necessary to re-appropriate the balance in order that it may be available for expenditure by the commission.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 94, and the "nays" none. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 364 on the order of third reading.

Senate Bill 364 is the same as House Bills Nos. 778 and 864, now on the order of third reading. House Bill No. 778 appropriates \$35,000 to the Rivers and Lakes Commission of Illinois on account of the levees down in the southern part of the State that have not been finished and that have been undermined, \$25,000 to be spent at Cairo and \$10,000 for Mound City, and No. 864 appropriates \$10,000 for the purpose of strengthening, improving and repairing levees at Shawneetown. This bill simply consolidates all the items in the two House bills and appropriates \$45,000.

Mr. GRAHAM (Mercer). I would like to ask a question of the chairman of the Appropriations Committee. Does this appropriation include any levees for agricultural purposes?

Mr. SMEJKAL (Cook). Not at all; it is for the use of repairing levees at Cairo, Mound City and Shawneetown.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 86 and the "nays" none. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MORRASY (Bureau). I desire to call up House Bill No. 713 on the order of third reading.

Gentlemen, this is an agreed bill and is simply brought up in order to correct a clerical error in the Factory Inspection Act and make it legal.

Mr. HOLADAY (Vermilion). This is an Act to re-enact the present State Factory Inspection Law. Under a decision of the Supreme Court the law was held illegal because of the fact that in one house the emergency clause appeared in the bill and in the other it did not. This is, as I understand it, to re-enact the law as it is now in force.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 83, and the "nays" none. The bill having received the required constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BIPPUS (Cook). I desire to call up House Bill No. 124 on the order of third reading.

THE SPEAKER. While the clerk is getting the bill, I would like to ask how many of the members are going to remain. I do not wish to discommode anyone, and I will ask those that are going to leave on the noon train to so indicate, and if it will not be possible to hold a session this afternoon I will ask that the noon train be held a half hour.

Mr. BIPPUS (Cook). This bill has been introduced for the purpose of requiring agencies, persons or corporations, doing a collection business, maintaining an office and employing collectors, to turn over the funds collected by them. For this purpose the bill provides a bond in the sum of five thousand dollars, upon which any client who has failed to receive his money can sue to recover.

Mr. BROWNE (LaSalle). Has the amendment providing that it shall not apply "to justices of the police or police magistrates, nor to any duly elected public official who has given bond for the performance of his duties, except constables, who maintain collection agencies, in this Act defined?"

Mr. BIPPUS (Cook). Yes, sir. The bill exempts specifically attorneys at law, justices of the peace, banks and banking institutions. I will simply say in conclusion that this bill has been endorsed by the Chicago Bar Association, the Flour Men's Association, the Chicago Grocers' and Butchers' Association, and the Cicero Avenue Association, and a number of other business men's associations.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 82, and the "nays" none. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. CAMPBELL (Rock Island.) I desire to call up House Bill No. 425 on the order of third reading.

This bill provides for keeping a military record and burial record of all the old soldiers and sailors that served in the army.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 81 and the nays none; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GREGORY (Moultrie). I desire to call up House Bill No. 43 on the order of third reading.

This is a bill authorizing townships to erect monuments or memorials in honor of their soldiers and sailors. Upon the petition of 100 voters, thirty days prior to the regular township election, the question shall be submitted to the people, and if a majority of the votes cast are in favor of the proposition, the township supervisor, clerk and treasurer shall proceed within a year to erect such monument.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 83 and the "nays" none; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 973 on the order of third reading, a bill for "An Act to provide for an appropriation of \$250,000 to pay interest upon the bonds issued for the construction of the Illinois Waterway. This bill appropriates \$250,000, or as much thereof as may be necessary, to the Illinois Waterway Commission for the purpose of paying the interest on bonds to be issued in accordance with the provisions of the Act authorizing the construction of such waterway.

Mr. HUBBARD (Greene). I object to the consideration of this bill at this time.

THE SPEAKER. Under the rules, this being an appropriation bill, you can not object.

(Roll called.)

Mr. LYLE (Cook). (On roll call.) I didn't vote for the appropriation bills yesterday afternoon for I had been unable to secure copies of all of them. I made a request for some of them and was told that I could not have them, that I should see Mr. McCann. I do not know what this bill is about and I refuse to vote now.

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Speaker, I have voted for all administration bills during this session, therefore I vote "aye."

Mr. SMEJKAL (Cook). I move that further consideration of House Bill No. 973 be postponed pending roll call.

Whereupon the House proceeded to the order of bills on the order of second reading and Senate Bill No. 256 and House Bills Nos. 968 and 815 were advanced to the order of third reading without debate.

Mr. ROTHSCCHILD (Cook). I desire to call up Senate Bill No. 72 on the order of second reading.

This bill makes it necessary that in all actions by any assignee of any wages of an employee, either in his own name, or in the name of such employee, the assignor shall be made a party to the suit. I have an amendment to offer which makes it even more searching than it is at present.

Mr. BROWNE (LaSalle). Do you consider that this bill is on the square?

Mr. ROTHSCCHILD (Cook). I think it is.

Mr. BROWNE (LaSalle). Is it in the interest of the wage earner or the other fellow?

Mr. McGLOON (Cook). I object to the consideration of this bill at this time.

Mr. ROTHSCCHILD (Cook). If anybody objects to the consideration of this bill, I will move to adjourn.

Mr. WILSON (Cook). That is your usual custom when objections are raised to one of your bills. Now, I object to the consideration of this bill at this time.

THE SPEAKER. Objections are heard to the consideration of Senate Bill No. 72 at this time.

I would ask that the members refrain from objecting to the consideration of bills simply for the purpose of delaying their consideration. I have endeavored to give equal recognition to both sides of the House and I hope that objections will be raised only for good and sufficient reasons.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 213 on the order of second reading.

Mr. BRUCE (Cook). I object to the consideration of this bill.

Mr. BROWNE (LaSalle). I move that the House do now adjourn.

Whereupon the House adjourned until 9:00 oclock a. m. Tuesday, June 8, 1915.

TUESDAY, JUNE 8, 1915.

9:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Reverend W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. McGloon (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the Speaker's table, all without debate.

Mr. WILSON (Adams). Mr. Speaker and gentlemen of the House, I would like to have your attention for just a minute to make an announcement of the meeting of the State Bar association that is to be held at Quincy on next Friday and Saturday. It will be terminated by a banquet on Saturday night. There will also be held in connection with this, and in which some of you will doubtless be interested, a meeting of the Illinois State Society of the American Institute of Criminal Law and Criminology. That meets on Friday, and this meeting is merged into that of the State Bar Association. There will also be a meeting of the County Judges Association and of the State's Attorneys Association at the same time. On behalf of the State Bar Association, and also of the Adams County Bar, I want to extend a very cordial invitation to all members of the House, especially the lawyers of the House, and hope that many of you may find it convenient to attend.

Mr. IGOE (Cook). I desire to give the following notice, upon which I will make the proper motion in due time:

"That on tomorrow I will move to have House Bill No. 949 discharged from consideration by the Committee on Insurance, and placed in the order of House bills on first reading."

Whereupon House Bill No. 554, on the order of second reading, was taken up, amendments Nos. 1 and 2, offered by the committee on Appropriations, were adopted and the bill ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 973 on the order of third reading.

This is an Act making an appropriation in the sum of \$250,000 to pay interest on the bonds to be issued for the construction of the Illinois Deep Waterway. This bill was called on Friday, and there not being a sufficient number of members to pass it further consideration was postponed and it is now called up pending roll call.

(Roll called.)

Mr. DONADUE (McLean). (On roll call.) Mr. Speaker, and gentlemen of the House, I have examined this bill on which we are voting and from a legal standpoint I believe this bill means to appropriate \$250,000 out of the State treasury of funds derived from general taxation irrespective of the constitutional amendment that was supposed to have been adopted in 1908, and, as I understand that constitutional amendment, it authorized the issuance of bonds in the sum of \$20,000,000 for the purpose of building a deep waterway. Now, the provisions of this bill amounts to appropriating \$250,000 irrespective of that constitutional amendment. In other words, it amounts to levying a general tax on the people of the State of Illinois in addition to the \$20,000,000 in bonds.

Now, gentlemen, it was always understood by the people and the voters in this State that when that constitutional amendment was proposed that the people would pay no more than \$20,000,000. Now, this is the first

entering wedge. If this bill is honest, and if it is within the constitutional provision, the first section of this Act does not provide that it shall be limited; there is no limitation in this Bill. Now, gentlemen, I don't believe that this bill ought to pass this General Assembly. That is my notion of it.

And furthermore, I have said but very little on this deep waterway proposition, but I am speaking for my constituents now. I have talked to many of them. I have talked to the leading men of my county and I say to you that there is not a one of them in favor of this proposition and I think, gentlemen, when you go home, you from the country districts you will find that about the same condition exists as exists in my district. This deep waterway, gentlemen, was supposed to be a dead issue. The people of the State of Illinois have had no warning whatever that the deep waterway was still a live issue. I also say that the Democratic party in 1910 had a plank in their platform and told the people of the State of Illinois that insofar as that party was concerned that they would not force the issue of bonds until the Federal Government came across and paid its due share of the debt incurred by the construction of this deep waterway. Now I have heard it said here on the floor of this House that this is an administration measure. I want to say to you, gentlemen, that it cannot in any phase of the proposition be an administration measure. Why? Because the Democratic party has never proposed such a measure nor never thought of such a measure and if it is an administration measure it is purely personal to the administration that is passing it up. It is not backed up by the Democratic party. It is not backed up by the rank and file of the voters of this State.

Now, I want to say further, much to-do has been made here in this House by this proposed deep waterway. Now, let us examine it. It was first proposed in 1907 by joint act of the General Assembly. That was the first step for the enactment of the constitutional amendment. What is the next step? The next step prescribed by the statutes and Constitution of this State is that this constitutional amendment shall be published for three months in two newspapers published here in Springfield, at the State capital. Was that done? In 1909, I introduced a resolution here in this General Assembly, known as Resolution No. 46, authorizing the clerk of this House to ascertain if there was a publication made of the constitutional amendment in two newspapers published in Springfield. What was the result of that investigation? The clerk of this house went to the Secretary of State and asked if that publication was made, and what was the opinion given by the Secretary of State as to the publication of this constitutional amendment. The Secretary of State flatly told the clerk of this House that no publication was made. We had the known facts before that investigation was proopsed. We had investigated every newspaper published here in Springfield for three months and no publication was made in any of these newspapers.

Now, the Constitution of this State and the statutes require publication to be made. No publication was ever made, and what do the courts say on a proposition of that kind? Every court that passed on that proposition said that where publication was required by the Constitution as one of the essential elements specifically necessary for the adoption of a constitutional amendment, that publication must have been made. That question has been passed upon in different states. The last state that passed on this proposition was the state of Kentucky, in June, a year ago. In that state a constitutional amendment was proposed to the people of the state to be adopted. The question was raised some ten or twelve years afterwards as to whether or not publication was had, and the Court of Appeals of Kentucky, that is the highest court in that state, held that the constitutional amendment was absolutely null and void, that publication was one of the first and essential steps to the adoption of that amendment.

Now, that provision of the statutes and of the State Constitution was not met, and I want to serve notice now on these gentlemen that are pushing this bond issue through, and also those that have been pushing this legislation, that you will be enjoined in the first move that you offer to make to put in force the constitutional amendment. Now, some of the best lawyers in this State have passed upon this question and they all say that

this constitutional amendment is absolutely null and void and void because of the want of publication. Now, drawing your attention to another fact. The bill passed by the legislature and for which this appropriation of \$250,000 is sought, means to take the part of the old Illinois and Michigan canal and appropriate it to the use of this supposed deep waterway. Now, gentlemen, the Constitution itself forbids that. You cannot disturb one foot of ground in that Illinois and Michigan canal, that is forbidden by the Constitution of this State. I say, gentlemen, that we warn you now that you will be enjoined in the first act made by you in attempting a bond issue for to put through this unconstitutional and illegal proposition that you are trying to put through in this General Assembly, and I vote "no."

Mr. HUBBARD (Greene). I want to call your attention, Mr. Donahue, to the fact that this \$250,000 which is sought to be appropriated now is just the beginning of the raid on the treasury. Next they will come in for about \$50,000 for salaries, all to come out of State funds and not out of the sale of the bonds.

Mr. DONAHUE (McLean). That is right.

Mr. HUBBARD (Greene). This is just the beginning of the raid.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 79 and the "nays" 22; the Bill having received a constitutional majority is declared passed and the Clerk will report the title of the Bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 963 on the order of third reading.

This is a Bill for an Act making an appropriation for the University of Illinois for the bi-ennium beginning July 1, 1915, the sum of \$5,000,000 payable out of money paid into the State Treasury and set apart as a fund for the use and maintenance of the University of Illinois, in accordance with an Act entitled, "An Act to provide by state tax for a fund for the support and maintenance of the University of Illinois," approved June 10, 1911, in force July 1, 1911.

(Roll call.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" nothing; the Bill having received the necessary constitutional majority is declared passed and the Clerk will report the title of the Bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 824 on the order of third reading.

This is a Bill appropriating to the State Highway Commission the unexpended balance of the amount appropriated to said Commission by the 48th General Assembly for the purpose of building and maintaining State aid roads, authorizing the use of so much of the amount herein appropriated as may be necessary for the purpose of completing the payments on any contract entered into by said commission prior to July 1, 1915, for the building or maintaining of any section or sections of State aid road as per the following statement:

Appropriation 48th General Assembly, \$1,100,000.	
Estimate of the amount that will have been paid on contracts	
to June 30, 1915.....	\$ 650,000.00
Estimate of amount unpaid June 30, on contracts now awarded	
and to be awarded before that date.....	424,563.28
Estimate of amount for which contract will not be awarded..	25,436.72

Totals \$1,100,000.00

(Roll called.)

THE SPEAKER. On this question the "yeas" are 106, and the "nays" nothing; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 838 on the order of third reading.

This is a bill for an act to appropriate to the State Highway Commission for the purpose of building and maintaining State aid roads in the several counties of the state, \$2,000,000 for the bi-ennium beginning July 1st, 1915.

Mr. DONAHUE (McLean). I move that further action on this bill be postponed until later on in the week. There is no reason why this bill should be rushed forward in this manner. There was a tacit understanding here among the different members of this House that no appropriation would be made for State aid roads for the next two years until we definitely knew what these appropriations were to be made for. Now there is a bill pending over in the Senate which is of vital interest, not only to the country members, but to the members from Cook County and the city of Chicago. Now, the bill pending in the Senate gives to the county board the right to decide upon the kind of road that shall be builded and it has also another provision that the State aid road fund in Cook County may be used for the purpose of building roads through the cities and villages in that county, which provision is not accorded to any other county in the State.

Now, we ought to know definitely what law we are to be governed by before this appropriation bill passes the House. I think that is no more than fair, and I move that further action on this bill be postponed until a later date. I am not doing this for the purpose of trying to defeat this bill or anything of the kind, but we ought to know what law is to govern before we vote appropriations of this kind.

Mr. SMEJKAL (Cook). I move that that motion lay on the table. I have deferred to the requests of the Gentleman from McLean (Donahue) and the Gentleman from McDonough (Pace), and have held the bills back for a week, and I do not believe that we ought to hold it back any longer.

Mr. Speaker, I would like to recall this bill to second reading and insert in section two after the word "commission" the words "or approved by the Governor."

THE SPEAKER. If there is no objection the bill is recalled from third reading for the purpose of amendment.

Mr. SMEJKAL (Cook). I desire to offer the following amendment and move its adoption.

AMENDMENT No. 1.

Amend House Bill No. 838, as printed in the House, in section 2, line 4, by inserting after the word "commission" the following words: "and approved by the Governor."

(Amendment adopted.)

THE SPEAKER. Are there any further amendments, if not the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 836 on the order of third reading and to recall it to second reading for the purpose of amendment.

This bill appropriates to the State Highway Commission \$750,000 for the purpose of building and maintaining State aid roads in the several counties of the State for the bi-ennium beginning July 1, 1915.

THE SPEAKER. If there are no objections the bill is recalled to the order of second reading for the purpose of amendment.

Mr. SMEJKAL (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 1.

Amend House Bill No. 836, as printed in the House, section 2, line 4, by inserting after the word "commission" the following words: "and approved by the Governor."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 159 on the order of third reading.

This bill appropriates to the State Public Utility Commission \$35,000 to meet a deficiency in the appropriation for that department. A similar bill passed the House here some time ago without the emergency clause and the only difference there is in this bill is that it contains the emergency clause and provides funds for the Utilities Commission before July 1st.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to explain my vote. This is our old friend the Public Utilities Bill. I have not any objection to its passage by 77 votes, but I have an objection to its passage as an emergency for reasons I have stated repeatedly on this floor, the unnecessary ruling on the part of this Commission, and I do not know of any reason why this hurry up call should be answered by the members of this House, for that reason I desire to be recorded as present and not voting.

(Roll call continued.)

Mr. GORMAN (Peoria). (On roll call.) This bill is to provide for the payment of salaries of men in that department. That is the reason it is an emergency. These men have rendered the service and should be paid, and they are not responsible for this law. I therefore vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Now, under the present circumstances, and owing to the fact that I know that a number on this side of the House have not understood this question exactly, I want to be recorded as voting "no" on this bill, and I want to explain again why. This bill is an emergency appropriation for the Public Utilities Commission. Now, the Public Utilities Commission has not shown any consideration for us, and has by an unnecessary ruling worked a hardship upon the members of this House. Now, then they can wait until the first day of July for their money just the same as have the members of this House. There is no pressing necessity for a hurry up call at this time, and I vote "no."

(Roll call continued.)

Mr. SMEJKAL (Cook). (On roll call.) I think it is fair for me to make an explanation. This appropriation does not benefit the Commission in any manner. The pay roll down-stairs is about \$15,000 a month and on the first of June they had available \$9,000. It is the employees that are being deprived of their money, and not the members of the Commission.

Mr. BROWNE (LaSalle). Does not this include the salaries of the Commissioners?

Mr. SMEJKAL (Cook). It does not. This provides for the salaries of the employees of the Commission, for rents and for grain inspectors office in Chicago and the money is coming to the employees in that department.

Mr. BROWNE (LaSalle). The same bill was offered some time ago in the House?

Mr. SMEJKAL (Cook). It passed without the emergency clause, but those are the facts just the same. The Commission is paid out of the State Officers Appropriation.

Mr. IGOE (Cook). (On roll call.) I would like to explain why I vote "aye." This bill does not under the emergency clause affect the Public Utilities Commission at all. It is simply providing for the salaries of the girls who are down stairs working as clerks and stenographers, and those employees of the Commission. In addition to that it provides for the Grain Inspector's office in Chicago and if this appropriation is not made the work of that office will be seriously handicapped.

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) Taking the statement of the Gentleman from Cook (Smejkal), it seems strange to me that when there is an emergency of this sort that it is to provide for those receiving small salaries and not for those who get big salaries. It is always for those who cannot wait for their salaries and never for those who can.

Mr. SMEJKAL (Cook). Will you yield to a question.

Mr. PURDUNN (Clark). Yes, certainly.

Mr. SMEJKAL (Cook). You know as well as I do that the salaries of the commission are provided for by the State Officers Bill and those for the employees of the commission are based on the Omnibus Bill, and two years ago we didn't know what the amount was going to be.

Mr. PURDUNN (Clark). It is always a fact, nevertheless, that when these bills came up it is always the clerks or somebody of that character that is waiting for their money.

Mr. SMEJKAL (Cook). The salaries of the State officers are definitely

fixed by law. Now, we didn't know two years ago, when preparing the Omnibus Bill, what the Utilities Commission was going to require. They were given a lump sum. It was a new proposition and for that reason it was not known definitely the amount that would be required. Now, the gentleman on the other side was very willing to give them this money on July 1, but my position is that the employes of the department are in no way responsible for the ruling of the commission that has inconvenienced him, and I think you are striking at the wrong fellow.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 103 and the "nays" 3. The bill having received the required two-thirds majority is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill 432 on the order of third reading.

The bill provides for a uniform system of State reports. Now, all of you know by just looking at your desks that some of the reports are long, some short, some pink and some red and some are black. This bill provides for uniform State reports, and with uniform size so when you look in your book case at home for the report of a department you can reach in and get it and know where to find it. I think it is a good bill and ought to pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 105 and the "nays" are 1. The bill having received the constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill 464 on the order of third reading.

This bill provides for an appropriation of \$3,000 to the Board of Live Stock Commissioners to meet a deficiency for the purchase of hogs necessary for producing hog serum and to include all bills incurred in connection with the biological laboratory until July 1, 1915; also for money for the payment of salaries.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 108 and the "nays" are 1. The bill having received the constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. LYNCH (Peoria). I would like to call up House Bill 137 on the order of third reading.

This bill gives two registration days in cities where they have election commissioners. Heretofore they have had only one day in those cities where they had election commissioners. In Peoria, Bloomington and Freeport last spring they had to work awfully hard to get the people registered, and I guess there were even some who didn't get registered in those cities. This bill should pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 93 and the "nays" none. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. LYNCH (Peoria). I would like to call up House Bill 827 on the order of third reading.

This is a bill for allowing school inspectors or school directors to furnish teachers for children that are detained by detention homes, sent there by county courts. We have one in Peoria and I believe there is going to be one built in LaSalle County and a number of counties are building detention homes, and these children are sent there by the county courts and at the present time they are not having any teachers.

Mr. BROWNE (LaSalle). What does that amendment mean? The original law is that boards of education and school directors, then you add "and boards of school inspectors;" what does that mean?

Mr. LYNCH (Peoria). We have school inspectors in Peoria County.
(Roll called.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, I only noticed two votes "nay" on this bill, but I notice that several are not voting. I just want to call your attention for a moment to this:

"In 1912 the number of rooms had risen to 40 and the number of children to 820, and now, in 1914, there are 51 rooms with 1,250 children, and these classes now form part of a special department of the school system, with a district superintendent in charge.

"That these special rooms perform an important function is evident. If they did no more than relieve the regular grade rooms of these pupils who are difficult to teach in a group with normal children, they would be doing a valuable work. But when we consider what special supervision and training may do in helping these mentally handicapped children toward self-control and self-support, the value of these special rooms assumes greater proportions."

I vote "aye."

(Roll call concluded).

THE SPEAKER. On this question the "yeas" are 96 and the "nays" 3. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SCHOLES (Peoria). I desire to call up House Bill No. 199 on the order of third reading.

Mr. Speaker and gentlemen of the House: This bill enlarges the liability of the present law in this respect, that any person making a statement in writing of his liability, or of the firm or corporation with which he is associated, and thereby obtains any credit, he is liable to the penalties mentioned in this bill. It will enable the honest merchant, honest business man, to do a better business, to obtain a better credit, because those who will extend the credit will know that the person who is making the statement will be punished if it is false.

This bill has received the endorsement of all the merchants and all the credit men of the larger cities of the State of Illinois, and I would recommend its passage.

Mr. PURDUN (Clark). I would like to ask the gentlemen if this is a bill to strengthen the collection agencies.

Mr. SCHOLES (Peoria). No, sir; not at all.

Mr. PURDUN (Clark). Well, isn't it a companion bill of two others that were introduced earlier in the session in reference to collection agencies?

Mr. SCHOLES (Peoria). I have not considered this a companion of any bill. There is simply this: A man that will make a statement in writing will be punished if that statement of his is false.

Mr. PURDUN (Clark). Wasn't this a companion to the Bulk Sales bill? That is what I want to find out.

Mr. SCHOLES (Peoria). No, sir; it is not a companion bill.

Mr. PURDUN (Clark). Isn't it an amendment to the Bulk Sales law?

Mr. SCHOLES (Peoria). There was an amendment, "97-a" that was so classed, but it has been stricken by an amendment.

Mr. WILSON (Cook). If, under this bill, a man makes what to the best of his knowledge is a true statement, and it proves to be untrue, what penalty is attached to it?

Mr. SCHOLES (Peoria). Well, there must be guilty intent before you can convict any man.

Mr. WILSON (Cook). Very often a man may make a statement, at the time thinking it is true, to the best of his knowledge.

Mr. SCHOLES (Peoria). Well, you can convict no man of violation of the criminal law unless you can prove there was a criminal intent.

Mr. WILSON (Cook). Why don't you make a man swear to it, and put them in jail if the statement is false. I don't think this is a good bill, Gentlemen.

Mr. BRUCE (Cook). Mr. Speaker, I would like to ask the gentleman from Peoria (Scholes), a question. Is Section "97-a", as printed in the printed bill, stricken out from the bill now on passage.

Mr. SCHOLES (Peoria). That is stricken out.

(Roll called.)

Mr. HOLADAY (Vermillion). (On roll call.) Mr. Speaker, as I understand this bill, it simply provides another means whereby a collecting agency may use the criminal law as a club to enforce the collection of debts, and for that reason I vote "no."

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Speaker, Section 97 of this bill provides that any statement in writing respecting the financial condition or means or ability to pay, of himself or other persons, firms or corporations, in whom he is interested, it makes it a penalty for him to make a wrong statement to anybody, to any association or to any collection agency practically. That means that any collection agency may ask a man for a statement, an agency that he does not care to give a statement to.

Mr. SCHOLLES (Peoria). Do you mean before or after the bill was amended?

Mr. PURDUNN (Clark). I am reading from section 97, "Any agency whatsoever," it says. Any agency that you make this statement to. It does not mean a reputable agency like Dun's and Bradstreet's, but it means any agency that you may make this statement to, and that means the ordinary collection agency,—“Any agency,” it says.

Mr. SCHOLLES (Peoria). No sir, you are using the word "agency" in the wrong sense. It means making the agent yourself. I can explain that: if I make you my agent to carry out the idea that I have a certain amount of money and that I am reliable to that extent, and that statement is not true, then I am liable under this bill.

Mr. PURDUNN (Clark). This doesn't qualify. It simply says to make it to any agency. That is what the bill provides anyhow.

Mr. WATSON (Hardin). Will the gentleman yield to a question?

Mr. PURDUNN (Clark). Yes Sir.

Mr. WATSON (Hardin). Isn't it true that a great deal of the commercial business of the country is done upon the rating of such people as Dun and Bradstreet?

Mr. PURDUNN (Clark). Sure.

Mr. WATSON (Hardin). And when a wholesale house sells a bill of goods to a retailer, he would require of Dun as to the man's commercial rating?

Mr. PURDUNN (Clark). Yes sir.

Mr. WATSON (Hardin). Now, if Dun wanted to make that commercial rating, should write to the retailer to know something about his responsibility, and the retailer should make a false statement to Dun, Dun then writes the false statement on the report to the wholesaler, and the wholesaler on the statement of that report would ship the goods to the man, why should not the man be prosecuted for knowingly making a false statement?

Mr. PURDUNN (Clark). I think your statement makes the bill worse than it was before.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 87, and the "nays" are 10; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I move that the House do now take a recess until 2:30 o'clock p. m.

Motion prevailed and the House took a recess until 2:30 p. m. same day.

Two thirty p. m. June 8, 1915, re-convened.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up Senate Bill No. 251 on the order of third reading.

Mr. Speaker and Gentlemen of the House: Senate Bill No. 251 makes only one change in salaries, and that is the salary of the general counsel for the commission, which is raised from \$6,000 to \$8,000 per annum. The State Officers Bill has already been amended and it is necessary to amend the Public Utilities Bill in order to make the advance.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 84 and the "nays" 26. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. CURRAN (Cook). Mr. Speaker, I desire to call up House Bill No. 723 on the order of third reading.

Mr. Speaker and gentlemen. I want to explain this bill. This is the bill that was sent out on the floor of this House by a committee of this House two years ago, to investigate all of the various charities of the State. I was a member of that committee, and in our investigation all over the State, we found there was a lot of so-called charitable institutions that were really not charitable institutions at all. They had some sort of a uniform, however, the men and the women, and they sent them out, and some of them were allowed twenty-five per cent, and some fifty per cent, of what they collected as their salary. In our investigation we found that they had donated in some instances only one per cent and in some others not over three per cent of the entire amount that was collected throughout the State. Now, this bill, if it passes, simply puts them all under the State Board of Administration. They have to apply to the State Board of Administration for a charter, and they are referred to the Visiting Department, and after a fair investigation it is up to them whether they shall issue a charter or not. I believe it is a good bill, gentlemen, and it is something that is needed in this State because there are so many fake charity organizations working throughout the State and surrounding states, and there should be some safeguard placed on these charity institutions to prevent the public from being preyed upon.

Gentlemen, I want to go further and state that this bill requires that all of these charity boards or organizations shall report to the State Board the amounts given to charity, and the amount used for administrative expenses.

Mr. LYLE (Cook). May I ask a question? I believe there is some question as to whether or not this bill would put out of business such organizations as the Salvation Army and the Volunteers of America.

Mr. CURRAN (Cook). No, I don't think it would. It might put out of business the Lord's Army, and a lot of those small institutions, those organizations that have no uniforms and are nothing else but pikers.

Mr. LYLE (Cook). Wouldn't the churches have to become licensed under this bill?

Mr. CURRAN (Cook). No, but their charity department, I believe would.

Mr. LYLE (Cook). Take for instance the charity department of the Ladies Aid Society.

Mr. CURRAN (Cook). I don't know what churches you mean the Catholic Church, the Society of St. Vincent de Paul, but they are held responsible to the State already.

Mr. LYLE (Cook). But in other churches, for instance the Baptist Church, and the Methodist Church, and the Presbyterian Church, they are not uninformed.

Mr. CURRAN (Cook). I don't believe the Society of St. Vincent de Paul are uninformed either.

Mr. LYLE (Cook). Now, mind you, I think that there should be some sort of a bill along the line you speak of, but the question arises as to whether or not, for instance the Baptist, the Methodist and the Presbyterian and all these different churches which are all integral institutions, separate in themselves, whether they would have to become uniformed, that is their people who go out soliciting money, under this law, whether they would have to be uniformed, whether this bill would affect them.

Mr. CURRAN (Cook). Well, I don't believe it would. I believe it is only those who call themselves charitable organizations, like the Salvation Army and the Volunteers of America, and others that are uniformed, but they say they do not oppose this bill, because they believe that there should be a state regulation of some kind.

Mr. LYLE (Cook). Well, I believe that it is wrong and ridiculous for some of them to pay twenty-five per cent of the amount that is collected, as commissions, but the question arises whether or not these different churches would have to become uniformed and under this bill I think they would.

Mr. McCORMICK (Cook). Has the gentleman read the bill?

Mr. LYLE (Cook). I have read it all.

Mr. ELLIS (Kane). May I ask a question? I call attention to lines

13, 14, 15 and 16 in section one, which states: "If it appear from such conclusions and recommendations that the probable purpose of the formation of the proposed corporation is for any illegal act, or that the persons asking for incorporation are not suitable persons, or from any other cause, the certificate shall be refused." Then there is a provision in section three for revoking the license—

Mr. CURRAN (Cook). It would always give them a chance and leave it for the State Board of Administration to decide. I don't believe there would be a board in this State small enough to refuse a license in a proper case. I am satisfied right now if it was put up to the State board the man who investigates all those institutions, the Reverend Mr. Burden, would give them a fair investigation and grant a license in the proper case.

Mr. McCORMICK (Cook). Mr. Speaker, may I ask the gentleman a question. From reading the bill, it seems to me that it applies to corporations organized primarily and probably exclusively for the collecting of something for charity. Now, for example, would it affect an organization of which the primary purpose was worship, and incidentally, perhaps, charity. A number of persons assembled together, let us say, in congregation, for the purposes of worship—

Mr. ELLIS (Kane). I think this includes all charities.

Mr. ROE (Fayette). In lines two and three in section two, it says: "Every charitable corporation and corporations purporting to have charity departments." If they don't become incorporated, I don't see how it can be applied to any society. Now, we have a Woman's Club; it is not a corporation and I think that to include them would be wrong.

Mr. CURRAN (Cook). I will say in answer to Mr. Ellis (Kane) that if there is any objection to any part of this bill, let it go over to the Senate, if it passes the House, and I am willing to amend any section and to take out anything that the gentleman objects to.

Mr. ELLIS (Kane). I don't desire to do that at all.

(Roll called.)

Mr. BURRESS (Champaign). (On roll call.) These very matters have been discussed in this House before, and the first two or three sections there were construed to apply to churches and various lodges, but it was assumed that the good would come from the Board of Administration having supervision over the ones such as they have in some of the cities of Vermilion County, and it was our duty to investigate those, and we concluded that the greater good would come as to many of the fraternal orders, and that it would do no harm in that way, and for that reason I vote "aye."

(Roll call continued.)

Mr. COOPER (Wayne). (On roll call.) Mr. Speaker, I desire to explain my vote. I think this is a good bill for the reason that it says only those corporations that apply to the Secretary of State for a charter should come within the provisions of this act, and corporations that are spoken of who are not seeking charters from the State are not within the scope of this law. It only intends to reach those corporations that seek to get a charter from the State to do business, and when they do seek this charter, the matter is then referred to the State Board of Administration and only then, and it is only these corporations that take out these charters that are required to take out the license. I therefore vote "aye".

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 107 and the "nays" are 3; the bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. FRANKHAUSER (Cook). Mr. Speaker, I desire to call up House Bill 899 on the order of third reading.

Mr. Speaker and gentlemen: This bill needs no introduction to this House from me; but the question has come back to my desk in the last few moments asking whether this bill had a referendum clause. I want to state to the member of this House that it has the referendum, and that the city of Chicago cannot come under the operation of the law, if it becomes a law, until it is submitted to and voted upon by the people of the city.

Mr. DONAHUE (McLean). It had that referendum in there the other day when it was called back to second reading, didn't it?

Mr. FRANKHAUSER (Cook). It has that referendum; it has not been changed.

Mr. DONAHUE (McLean). Were you afraid to trust the people in the country towns? Do you want it without them having a chance to vote on it?

Mr. FRANKHAUSER (Cook). The referendum was in there.

Mr. DONAHUE (McLean). Isn't it right if the majority of the people in the country towns want home rule, that they should have it just the same as Chicago?

Mr. FRANKHAUSER (Cook). Well, that is for the people to determine.

Mr. DONAHUE (McLean). Well, they have not an opportunity to determine under this bill, have they?

Mr. FRANKHAUSER (Cook). Well, they had.

Mr. DONAHUE (McLean). It takes that opportunity away from them, doesn't it?

Mr. FRANKHAUSER (Cook). Oh, no, it is not taken away from you, only as taken away by the House.

Mr. DONAHUE (McLean). Well, this bill takes it away now, at the present time, doesn't it?

Mr. FRANKHAUSER (Cook). This bill here now applies only to the city of Chicago.

Mr. DONAHUE (McLean). As that bill stands at the present time the people of the country don't have any opportunity of voting on it?

Mr. FRANKHAUSER (Cook). That is true.

Mr. DONAHUE (McLean). But they would if it was as it was the other day?

Mr. FRANKHAUSER (Cook). I can give you the history of this bill from the time it was introduced—

Mr. DONAHUE (McLean). I don't care about the history; I just want an answer to that question.

Mr. FRANKHAUSER (Cook). I can only answer it in that way—by making it plain how the bill was first introduced.

Mr. DONAHUE (McLean). The House amended that bill by more than 77 votes when they excluded all the country towns.

Mr. FRANKHAUSER (Cook). Yes.

Mr. DONAHUE (McLean). We had more than 77 votes; and it was called back to second reading by a less number of votes than 77.

Mr. FRANKHAUSER (Cook). That is true.

Mr. DONAHUE (McLean). And without any notice whatever to the members they caused those amendments to be put in. Did we have any notice of it on the day when it was brought back here?

Mr. FRANKHAUSER (Cook). I don't know just what or how much notice the gentlemen himself (Donahue) has, but I will warrant the statement that nearly every member of the House knew that the bill would be called back, and for that purpose. It was done at the solicitation of the members, the majority of whom were from the country and not at the solicitation of the members from the city of Chicago.

Mr. DONAHUE (McLean). Who were those members from the country, men that originally opposed the amendment?

Mr. FRANKHAUSER (Cook). I don't know.

Mr. DONAHUE (McLean). I think they were the same gentlemen that opposed the amendment originally.

Mr. GORMAN (Peoria). Mr. Speaker and gentlemen of the House: I had not intended at this time to take up the time of the House in any further discussion of this bill. The bill as originally presented here is the same as the present bill that is now before us for our consideration. The proponent of the bill thought it advisable to amend the bill whereby it would apply to all cities or municipalities in the State. Another change of heart and change of opinion took place, whereby these amendments were eliminated from the bill, and the bill this time is the bill that was originally presented to you.

I am at this time, Mr. Speaker, as I have been at all times, an advocate of State regulation of public utilities, and if State regulation of public utilities is

good at all, it is good for the entire State irrespective of any particular locality or any particular city in the State. You haven't given this public utility commission an opportunity to demonstrate to the people of the State of Illinois what it can do or what it is doing, and as I have stated before, the gentlemen who are asking that they have what they term "home rule" are the same gentlemen, or a number of them, that were here opposing this proposed legislation two years ago, the same individuals.

Now, with all due respect to the city officials of Chicago, and I know a number of them, and there are some very able officials, and they are all fine fellows, they all qualify under that heading, but I want to say this, gentlemen, that I don't see any of you city officials of Chicago wearing any medals by reason of your extraordinary ability in handling the utility questions. I said before, and I want to repeat again, that you should give this Utility Commission an opportunity to demonstrate and show to the State of Illinois what it can do. Why, some officials that appeared before the Utility Committee said, Why we don't and at no time have we recognized the State Public Utility Commission. They don't recognize it, notwithstanding the law was passed and Chicago came under the provisions of this law, and I think, gentlemen, at this time, in all due fairness to all concerned, the Public Utility Commission ought to be given an opportunity of demonstrating what it can do, and of showing the improvements over the old system of regulation of public utilities, and I stated at the time that the amendments were offered to this bill, and I took issue with the proponent of the bill, my friend, Frankhauser, stating that it was only done for the purpose of getting votes for the bill, and it was demonstrated to the gentlemen who proposed the bill that it was advisable to take the amendments out, and it was impressed upon every member of this House that you could not go back home and say to your people at home that you had voted to give them the regulating of their own affairs at home. I went home and I came back, and the folks at home said "Gorman, your position is absolutely right on the home rule question, and we don't want to have that kind of a law;" that the present system was such an improvement over the old system that it would be a shame to change my vote on this question. Now, I do hope, gentlemen, that you will not make the mistake at this time. (At this point Mr. Gorman was handed a lemon.) I think this is from some Chicago friend (Laughter and applause.) I hope that this bill will be defeated.

(Roll called.)

Mr. BASEL (Fulton). (On roll call.) Mr. Speaker, I desire to explain my vote. This is not that I have anything against my friends from Chicago, but as Mr. Gorman has explained, this law has just been in effect a short time. I don't know all these people he saw at home that were in favor of continuing the old Public Utility Commission, but I saw people at my home that were in favor of continuing it, and I have seen people at my home that were against it, the majority of them were against it. If this is a good law, let us stand together until we can all get it; if it is a bad law to put Chicago under home rule, let us not put them off in the ditch but let us keep them with us. I vote "no."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker, and gentlemen of the House: I heard a great deal a great many years ago about home rule before I knew what home rule meant or what was intended by it, and at that time there was a little nation, or rather, a little congregation of souls over across the waters on what was wont to be termed "The Little Green Isle," that was, in season and out of season, crying out for home rule as against the curtailment of personal liberty at the hands of the mother country, and, you know, although I didn't know very much about the extent of it and what it meant, my heart went out to the people that were asking for home rule, and I am inclined to think, as I look back at it now, that that is probably due to the fact that there unquestionably is a strain or a note in my makeup that does not brook harnessing or controlment beyond certain limits. I don't know whether it is right to have that streak in your makeup or not, but if you have got it, if it is handed to you, it is there.

Now, as the years went by and I became more familiar with the situation from reading and from talking with others, and came to understand what the home rule proposition meant to that body of men and women over there, who were practically without a country and without a flag, I became more and more imbued with a feeling of sympathy and friendliness for them and for their desires along that line, and I used to find myself wondering why, when I looked around over their nationality in this country, and their spirit, both mental and physical, and their excellence as fighters and battlers, I found myself wondering how soon the time or the moment would come when they would no longer tolerate the conditions that existed; when they would break the bond, and when they would have the home rule that they wanted. It came quicker, perhaps, than I thought; it came quicker than most people thought, and it came in a way and with a suddenness that was almost a revelation to those that had been looking on and watching. Now, in view of all these things; in view of this spirit and in view of this feeling that has actuated the hearts and souls of these people all through the years, and has made the tears and the sorrows and the misery of those people, which were simply stepping-stones, so to speak, to the ultimate end and conclusion,—it is passing strange, at least, to find one of that nationality rising up on the floor of this House and condemning home rule, and I am inclined to look with just a little suspicion upon a cry from the wilderness of that kind. I am inclined to think that it doesn't proceed from the heart or from the soul, but rather from the heat of present political conditions and policies.

Now, I am in favor of home rule in the family. I knew what that meant when I was a little fellow; I knew what home rule meant in the Browne family, because there wasn't any question about who was the head of the family. If there ever was any question in my mind at any time, it didn't take long for the head of the family to aid me to that knowledge, and the moment or two of that aid was not replete with pleasant consequences, and I was early educated into the feeling and the belief that the home and the family was a sacred thing, and that the looking up to the head and that the government by the head of the family was a sacred and a necessarily sacred thing, and a necessary thing to the existence of the family as an entity; and along with that I absorbed the idea that a lot of you gentlemen upon the floor of this House have from time to time criticised me for my attitude when your appropriation bills came up and numerous other bills, the product of the present days of reform, in which it is sought to take from fathers and mothers the control of their families and put them in the hands of aliens—of reform associations—reformers working for salaries, etc.—I have been subjected to some criticism because of my beliefs along that line, but those were honest beliefs that came down to me from my belief in the family, and from its sacredness and the control of it. You have got to show me by something other or different than anything I have have seen, that you substitute for the father or the mother some alien influence and alien control that will take its place successfully in all things and bring about better results. You may think you can do it temporarily,—spasmodically it may do more, but as a great general rule it is a failure; it is not true and it does not exist. God didn't intend it and He is the one Artificer not only of families but of all creatures, conditions and things, and when any human being or combination of human beings attempts to step into the place of the Artificer and make things more correct or any better than the perfect one, it is failure that steps in there and that rules at once that there is but one Architect or Artificer that is worthy of the name in this world.

Now then, here is a municipality; here is a city. Why, a city or a village is one family gathered together in a spirit of mutual consent and cooperation for the purposes of mutual benefit and protection, away and apart from the ordinary units or rather the ordinary rank and file of people throughout the districts or the townships and the counties, assuming special burdens, assuming special privileges, paying for the privileges by the burdens, subject to special laws that they have agreed to live under and live up to because of these special conditions; it is a family bound together by ties closer than exist among the rank and file outside of the municipality.

Now then, one of the earliest incidents of a municipality of that kind was the giving up of certain elements of freedom and the assumption of certain elements of freedom and the assumption of certain elements of burden and the recognizing of an agreed upon control by those elected as mayor and aldermen, or president and trustees of the board,—that was the system perfected, lived up to and lived under all through the years, until my good friend from Peoria (Gorman) saw fit to introduce into the House here and put through what was known as the commission form of government, which spasm we have suffered under and struggled under ever since. It has not been a success, it will never be a success and it is simply another case of failure.

Now, it is sought by the Public Utilities Commission Bill, which was introduced at the last session of the Legislature in Illinois, to do what? To emasculate and denature all forms of municipal government and personal control; to make of mayors and councilmen, of presidents and trustees of boards, errand boys, fetchers and carriers of messages, and to place all of these units and all of the things with which they had to do under what? Under the dominion and the control and the supervision and the surveillance of the Creator? No. Of some supernatural being? No. Well, of what? Of a small body of selected gentlemen at high salaries, who would sit here in Springfield or at some other convenient place, and without any knowledge whatsoever about local conditions and without any knowledge secured from having lived in the local communities, and govern what? The whole world insofar as Illinois is concerned. That was the idea. And that bill became a law at the last session of the General Assembly. It is the law upon the statute books now, and the absurdity of it, the frailty of it and the absolute unbearableness of it has fruit even quicker than we, some of us, who voted for it with our fingers crossed, could have hoped for. This reaction came because the system is wrong; it came because it is antagonistic to home principles, to home rule, to home government and the ideas of the American people. It was not one step backward, it was a long run backward into the past, and now we find what? We find the people of Chicago here in this General Assembly, asking this General Assembly, insofar as the city of Chicago is concerned, to repeal this law and to give them back the old family relations, the old home rule, and to put the mayor and the city council of the city of Chicago again back into their own; that is what is being asked of us in and by this bill. And, gentlemen, here is the thing that makes it seem almost useless to ask you to argue the right or wrong of this proposition. I have not heard one member upon the floor of this House who would say that he was not in favor of home rule—not one. I have not found one member upon the floor of this house, either from the city of Chicago, or from down the State, who was willing to assert that he did not believe that home rule was the proper system and control for municipalities. There may be those, but I have not heard them. What do I find? I find certain gentlemen here opposing the giving of home rule to the city of Chicago. Why? Because they ought not to have it? No; they do not say so. Because they are not entitled to it? No. Simply because they say that if Chicago has it, then we are entitled to it down the State.

Now, gentlemen, if you throw aside or eliminate the selfish element of it, that is a good reason. But let us go a step further. Here from the floor of this House a little over a week ago, the people of the city of Chicago were ready and willing to join hands with the people down State and say, "Gentlemen, what we want you shall have if you want it. We will incorporate into this bill amendments which will give to the entire State of Illinois home rule if they want it, and we won't force it upon the State. We will put the amendments in so that Ottawa, Peoria, Rockford and these other municipalities can reach out and by a referendum vote take unto themselves home rule if they want it, but the conditions will remain as they are until they do that." Now, those amendments were adopted. I believed, and I believe now, that every city in this State ought to have the privilege of getting out from under the control of the Public Utilities and getting home rule if it wants it. I believe it should be optional and I think those amendments were right; I think they should have stayed in the bill, and

the majority of the members of this House—a considerable majority of it—thought so and voted so. Then we had our over-Sunday adjournment and we came back here and to my astonishment at first—not after I understood—but at first, to my astonishment, I found that a considerable majority of the down State members on the floor of this House were opposed to these amendments, were opposed to the proposition of home rule for down State, and I began to inquire, I began to make investigations, and what do you think I found? At least, I satisfied myself. I found that during those two days of adjournment certain instrumentalities, certain agencies, had been as busy as the devil pushing a gale of wind all over the State of Illinois, showing the people all over the State of Illinois that this bill would not give optional home rule to the people down the State, but would give them absolute home rule whether they wanted it or not, and that was the belief of these communities all over Illinois, and they began to force upon their representatives by letter, telegram and personal interview, “You must go back there and vote against the bill; we won’t have it.” And they didn’t understand that it was optional and that was the reason for that condition.

Now, no one man was responsible for those amendments being taken out of that bill. There were a number upon the floor of this House—and I was among the number—who wanted them to stay in, and I believed they were right; I believed it then and I believe so now, but there were none of the down State members, so that you cannot say that there was a majority of those members from down the state that were for it. Therefore I said to the people from the city of Chicago that I had talked with and that had talked with me, that insofar as my one vote was concerned, that insofar as what feeble influence even I had was concerned, that if it became necessary to eliminate those amendments to satisfy the people down the State to pass this bill for the city of Chicago, I would not stand in the way, but I said I would consent. I said that then; I say it now, and I have felt that I was right, because, taking the other position, would have been a dog in the manger position; it would have been a case of not letting the horse eat the hay nor eating it yourself. I felt that if we didn’t want it and Chicago did want it, that we should help Chicago to get home rule.

Now, Mr. Speaker and gentlemen, that is the position I took; that is the position that I take now, and I think that any other position is a selfish one; I think that any other position is one that is not fraught with logic, is not fraught with humanity or a common desire to do that which is best for all people concerned. It is probably true, that if we pass this bill for the city of Chicago now, that that closes the door so far as down State is concerned, of ever getting rid of the Public Utilities Commission ourselves and having home rule. But we have had our opportunity; the knock came at the door; the people of Chicago were willing, and we went to the extent of putting that into the bill, and if it is taken out nobody is to blame but the down State people themselves, acting—a majority of them—along that line. They have got nobody to blame but themselves for that condition, and there is no reason—having taken that position, having done those things—why they should deny Chicago the thing which she asks, even though tomorrow she should forget all that we have done and present the usual spectacle of ingratitude, that you and I are so familiar with, in human nature and in this world. That is an immaterial thing. If all we do in this world is done because we expect to get paid for it or to receive gratitude or recompense, we had better stop doing things right now, because you won’t find a whole lot of it as you go along.

Gentlemen, I believe that you can afford to do this at this time. Do it unselfishly; do it in a spirit of giving to those that are entitled to it what they are entitled to. I don’t think you are making any mistake in doing that, and I believe that to the Mayor and the Councilmen, the Aldermen, of the City of Chicago, there ought to be entrusted the government and control of that great municipality by the lake, and that the public utilities, with a few exceptions, that reasonably come within their purview, ought to be granted, and that they ought to be granted control of those things. If you say to me, experience teaches me that aldermen are frail, that the men that are elected to the city council are not representative, I say to you in the first

place, if that is so, which I don't believe as a rule, there are exceptions to all rules, I say to you that if that is true, it is the fault of the people and not you. And I said to you further that all those things correct themselves without your interference or without mine. And I say to you furthermore that when it comes to a proposition of that kind, if I was trying to do something wrong as a corporate agent or trying to get something free, I would rather deal with six or seven men than with 50 or 60. I think I would get along better and everybody knows that is so, putting human nature, the one individual with another, on a par. That kind of argument won't do and there is nothing in it. This control of a city or municipality should be placed in the control of people chosen by the people, and if they make a mistake, it is not your mistake and it is not mine, and the minute you try to take it out of the hands of the municipality, right there you are making a mistake for yourself, the municipality and its people. This is a time, gentlemen, when you can afford to be magnanimous. It is nearing the close of a hard and trying session. We have all of us been through a great deal this session, some of us more than others, and it has been a session fraught with hardships, anyway, with labor, trouble and some woes. In a few days you and I will be saying Good Bye to each other. Some of us will never get back into this hall, into these chairs; some of us will never rise in these seats again and say "Mr. Speaker and gentlemen of the House." For some of us the voice will be stilled in so far as the General Assembly is concerned. This will be a last good bye for some of us, one to the other, in all human probability, and as we near the end and that moment approaches, I believe that you all feel as I do, a sort of melting away, a sort of a softening up of the harder lines and the taut drawn string, and the feeling of antipathy, if any of you have had it, and a disposition in their place to do those things which are proper and the best under all the circumstances, and which contain most of the milk of human kindness, which contain most of humanity and human courage and human manhood, and you will feel within you as that moment approaches, a desire at the end, and at the last moment, to leave behind you, at least in so far as that sentiment of manhood which shall appeal to your, yourself, after you have gone beyond those doors, and as you look back from the future into the past and have that spirit towards Chicago, not in the spirit, gentlemen, of seeking a reward, but in the spirit of endeavoring to do all that is best under the circumstances.

Gentlemen, and Mr. Speaker, I thank you. (Applause.)

(Roll call continued.)

Mr. BURRES (Champaign). (On roll call.) Mr. Speaker and gentlemen: I have looked as others in the House, when the fluttering bird was leading me away from her nest. When I listen to oratory I have reason to be a little bit touched and endeavor to learn the facts in the proposition. I think there is no man who thinks any more of Chicago than I do. I am proud of the city of Chicago, but I am proud of other institutions with which I have been affiliated during my hanhood.

I have not forgotten two years ago, when this question was up and the matter of home rule down the state was discussed. I remember when I was importuned to vote for this and put Chicago out and the down state in. At that time I had an opportunity to do this. But, no, they said, give us a utilities commission. It was, or was supposed to be handing the people bread, but they were handed a stone. I believe that the Public Utilities Commission as gentlemen are honest enough, and like my friend here, I believe there are some mistakes in politics, but that is possible for any party; it is possible for all the cities as well as the city of Chicago. But let us get down to facts and we see that if we give home rule to Chicago, as the gentleman has said, we will never see the time that we will get home rule outside of Chicago. I believe in being big enough to be a representative of the entire State of Illinois. If any little telephone company or little lighting plant or heating plant or any other little utility in the State of Illinois has to be held up for two or three years to find out that somebody must regulate the telephone line that they built themselves, then if it is a good thing to get rid of that utility commission, it is the time to do it, but when I introduced a similar resolution to the one introduced for the city of Chicago on the floor of this House, it was voted down, and I say there is more depending on the

future of the people of the State of Illinois on the settlement of this question than anything ever before proposed. As far as the Chicago public utilities are concerned, it seems to me, in view of all the salaries that have been raised here, that the force might be increased so as to be able to look after the affairs of Chicago as well as others.

One of the commissions has been busy securing data upon which they can act, and I want to appeal to the Gentlemen of the House not to lose sight of that fact, and that was in order that they may put all of their time in on down state interests, and so far as the influence of these gentlemen is concerned, the policy of the down state people has not been changed. Some will remember that when we voted for it, so far as the down state people are concerned. I want to speak for one or two cities and put this proposition up to them, that under the proposed amendments, they would have had a City Council, and one City Council regulating the public utilities in a number of instances. If the Utilities Commission is good for anybody, it is good for the entire State of Illinois, and any down state member who fails to do his duty to his down state constituents today should not have another opportunity to represent them on the floor of this House. I want to vote "no".

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker and gentlemen: It pains me deeply; it pains me deeply to find that the bright child, the hope of democracy, is being opposed on the democratic side. There was one bright hope and dream of the present administration, and that was in the great constructive work of our present Governor, that was to be the utility law that was to lift the democratic party out of the depths and make it successful in 1916, by this great constructive work, the Utility Board, and now to find in its own ranks opposition by bringing forth a measure of home rule in opposition to this great piece of legislation, it reminds me, and I can see the Governor on the lower floor of the chamber wrapping his cloak around him like Caesar of old, and saying "Et tu, Brute, et tu." (Applause and laughter.) But, gentlemen, I have not come in here to praise Caesar, but rather to bury him, and therefore in that particular, believing that this is the beginning of the end, I vote "aye" on the proposition. (Applause.)

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) Mr. Speaker, I desire to explain my vote. Gentlemen of the House, I have listened to the speeches that have been made today and that have heretofore been made in favor of this bill granting home rule to Chicago for her public utilities; I have listened to the gentleman from LaSalle (Browne) make his eloquent plea for fairness and justice for that great city by the lake. I want to say to the members of this House that there was not a member on the floor of this House that was more willing to grant justice and fairness, not only to Chicago, but to all the cities of the State, than I was myself. As a member of the Public Utilities Committee two years ago I did not favor home rule. I believed that with the growth of public utilities in this State, so many of them becoming so large and so unwieldy, that there should be a court of equity somewhere, in some form, that the people of each jurisdiction or of each municipality should have recourse to for their redresses, and, on the other hand, I believed that the time had come when corporations should be given the same privilege and the same right of hearing before an absolutely impartial court—a disinterested court. I believed, further, that if we were to have a Public Utilities Commission to regulate and control the public utilities of Illinois, it should be State-wide or we should have none at all. I am not now prepared to say that I was wrong in my position at that time; I am not now prepared to say that this Public Utilities Commission has been a failure or that it has not meted out justice to the people and to the corporations of Chicago, and I have listened to those who have spoken in favor of this bill—not only have I listened to them attentively, but I have read in the press of Chicago the large number of columns that have been written in favor of home rule, and I have failed to find any specific reason given there by them for having home rule; I have not yet on the floor of this House, in any publication or in any paper, seen or heard where they have given any specific evidence or anything that would tend to show that the Public Utilities Commission had discriminated against the

utilities or for the utilities, or for the people or against the people of Chicago. All that I am able to get out of this is that the council of Chicago wants home rule, and I was very sorry that those who advocated the passage of this bill did not get up here and say explicitly where this Public Utilities Commission had been a failure. Not a one has made any specific declaration along that line, and I fail to understand now why there is such a hue and cry for this home rule for Chicago, and I say, gentlemen, that this Commission should have two years more of State wide regulation of these utilities, including the great City of Chicago, and I am not in favor at this time of granting this privilege to Chicago. If, two years from now this Public Utilities Commission has proved a failure, then the City of Chicago may come down here and show that it has been a failure and if I am then a member of this House I might then be in favor of giving home rule to Chicago and I would probably be in favor of giving home rule to every city in the State of Illinois, but there has been no definite information given here on the floor of this House that the Commission has been a failure.

Another very significant thing, gentlemen; I notice in the City of Chicago, as I stated the other day, when somebody was trying to relieve the city council of the stigma that they wanted home rule for political purposes that they voted down a resolution that charged them with that stigma and I noticed that when I introduced on the floor of this House a similar resolution it was also voted down on the floor of this House. Consequently, I regret that I am led to believe that the question of Home Rule for Chicago is not for the best interests of Chicago but for the interest of the politicians of Chicago, therefore, I vote "no."

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House: There are some men who are constitutionally opposed to home rule in utility matters and there are other gentlemen upon the floor of this House who are opposed to it because they are opposed to everything that is brought up here, and there are some men who are opposed to home rule because they see in it something that no one else sees and because they impute to the proponents of such a bill a motive that would not be imputed to them by any other man upon the floor of this House. It seems too bad that we cannot form all our laws and appoint all our commissions and run all our affairs to satisfy the gentleman from Greene (Mr. Hubbard). I presume that if we adopted his famous resolution in which he attacked the city council of Chicago that he would perhaps have voted for this home rule bill, but even then when he was asked the question he said he would not vote for it anyhow, so he never was for home rule at any stage of the proceedings, and he don't know anything about Chicago except what somebody told him, or except what he might have seen up there upon one of his trips to the city of Chicago, or what he might learn about the city in reading of it.

Now, the people of Chicago want home rule and the best evidence of that fact is the vote of the members of this Assembly who come from that part of the State. Almost to a man they are for home rule in the control of their utilities, and they want that regardless of politics, and the best proof of that is that the Democrats upon the floor of this house are supporting a home rule provision that will give to a Republican mayor and a Republican council something that they have not got at the present time. (Applause.)

Now he wants to know a specific reason why we should have home rule in Chicago. If he were to go up there and live in that city as we do, and if he were to acquaint himself with some of the difficulties that abound in Chicago and were to devote as much time in studying those difficulties as he does in endeavoring to dig up some mean, nasty thing to throw to some one else he might know whereof he speaks. Now the traction question in Chicago is one thing alone that absolutely caused consternation in the State Public Utilities Commission when they sought to regulate it. It was so vast, it was so large it absolutely went beyond them, and today they are endeavoring to solve a question that should be left to the people and to the city council of Chicago. The people up there are absolutely confident that when Chicago decides its traction question it will decide it well. Now that

is one reason why they want a home rule provision in this utility law, and the same reason applies to every other big utility in Chicago. We are not the same as the rest of the State. We are the second largest city in all the country and necessarily we have to run our affairs differently in Chicago than you do in smaller cities of the State, and because of that reason we must have different powers with which to solve those different questions.

Now, I believe that you folks who live down State and who either are refraining from voting for this bill here, or who are voting against it, not because it does you any harm, not because it takes something from you which you now have, but simply because it gives to Chicago something that it wants, it might be well to suggest to you that there are other days in this session, there are other days coming, and there are other bills before this House, and if you want the support of the voters from Cook County in this General Assembly, why then, turn about is fair play, and what Cook County wants now is home rule, and what you want tomorrow might be something to satisfy your localities, and perhaps we will be with you. But be with us now, and maybe we will be with you then. I vote "aye."

(Roll call continued.)

Mr. HUSTON (McDonough). May I ask the gentleman a question? On questions of home rule down State, take the question, for instance, of county local option, have the members from Cook County been favorable to home rule down State?

Mr. IGOE (Cook). Some have voted with you and some have voted against you.

Mr. HUSTON (McDonough). Pretty nearly unanimous against us.

Mr. IGOE (Cook). I believe they represented their different districts then, when they voted on that question.

Mr. HUBBARD (Greene). I asked for information for some specific reason why Chicago wanted home rule? You were kind enough to try to give one. I was asking for information. I am glad that you tried to give me the information. You said it was because of the lack of the ability of the Utilities Company there, particularly street cars, we presume, to handle traffic. Wasn't that before the Public Utilities Commission was created?

Mr. IGOE (Cook). No, the tractions companies were operating under a new ordinance, and under what really amounted to a contract with the city, and these conditions were ripe and merely culminated about the time the Utility Act went into effect.

Mr. HUBBARD (Greene). It wouldn't have happened if the Public Utilities Commission were not in charge of them?

Mr. IGOE (Cook). It wouldn't have happened that way. The city council would have gone to work to solve the problem, but the question incidentally arose whether the city had control of the Public Utilities Commission.

Mr. HUBBARD (Greene). Well, they are trying to solve it, aren't they?

Mr. IGOE (Cook). They are trying, yes.

Mr. HUBBARD (Greene). Trying to give it an honest and fair hearing. Do you think that the city council could solve it in any less time?

Mr. IGOE (Cook). Yes, I think in about one-third of the time, maybe less than that.

Mr. HUBBARD (Greene). I have been in the city of Chicago a great many times and I have ridden on these street cars when it was so crowded I had to hold onto straps for a good many miles, riding on your public utilities cars.

Mr. IGOE (Cook). I suppose the conductor knew you were from Green County.

(Roll call continued.)

Mr. MADSEN (Cook). (On roll call.) I suppose it is natural that every member from Cook County should want to see this bill passed regardless of party affiliations, no matter whether we are Republicans, Democrats, or Socialists, we all want to have the right of self-government. We all want to have that right in the City of Chicago. It is perhaps all too natural that the members from down State should not be so willing to grant us

that right, and I find there are two reasons for this. Some members don't believe in home rule, and others do believe in it, and they think that if we get it now, they will never have it. Now, I believe that as far as the members of Cook County and Chicago are concerned that we would be willing at any time to give the members from down state the same rights that we are now asking them for, just as soon as they are agreed amongst themselves that they want that right I believe the people in Cook County will be willing to give it to them. Now it has been said that the city council in Chicago is not what it ought to be, and I will agree that it is not. But I want to tell you this, Gentlemen of the State of Illinois, that if you compare the city council of today with the city council of twenty years ago you won't anywhere in the world find a greater improvement in the personnel of a city council. I believe that we have in the city council of Chicago today a body of men that can be entrusted with this problem, and I would rather have the power put in the hands of seventy men who have to go before the people every two years in order to be re-elected, than put it in the hands of a body of five men to be appointed by the Governor of the State of Illinois. I believe you members from down state should be willing to give us this right at this time, give us the right to self-govern, the right to work out our own salvation, solve our own problems as we see them. I vote "aye."

(Roll call continued.)

Mr. MURPHY (Perry). (On roll call.) Mr. Speaker and gentlemen of the House, I wish to explain my vote. Coming as I do from the most extreme district in this State, a southern district, with the exception of one, a strictly down state member, I wish to say that while I individually don't know as to whether this is a good or bad thing for Chicago, I do know that their mayor and their city council come down here and advocate the passing of this bill, and I consider that they know best, and I fail to hear one protest from any business interest uttered against this measure, and I feel this way gentlemen, strictly as a down state member, that if it is a good thing, let us try it on Chicago, we can profit thereby. If it is a bad thing we don't need to take it up. Therefore, I vote "aye". (Applause.)

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Speaker and gentlemen of the House. I went along with this home rule proposition until I ran into a nest of buzz-saws, and I simply changed my mind. I don't care to vote for a proposition that divorces Chicago from the State of Illinois. Chicago already is furnishing, under the Public Utility Act, a fifth of the members of this board. They would continue to do so if they get a new home rule bill for the city of Chicago. That is the way I understand it that they would still continue to furnish the membership of the State Utility Board. At all events, the matter was threshed out two years ago. Pretty near two years ago I voted against the creation of it, but we have it, and it should not be divided as between Springfield and Chicago. It is the proper thing to have it under one head and not have the city of Chicago divorced from the State at large. I therefore vote "no".

(Roll call concluded.)

Mr. CURRAN (Cook). I desire to change my vote from "aye" to "no," and to give notice that on the next legislative day I will move to reconsider the vote by which this bill was declared lost.

THE SPEAKER. On this question the "yeas" are 74 and the "nays" 55; the bill having failed to receive the constitutional majority, is declared lost, and the gentleman from Cook (Mr. Curran) give notice that he will move to reconsider this vote.

Mr. LYON (Sangamon). I desire to call up House Bill No. 72 on the order of third reading.

Mr. Speaker and gentlemen of the House. This is one of the bills asked for by the Chicago Credit Men's Association, and the association of men down-state to help out the bulk sales law. The amended part of this bill is simply the last five lines. It simply provides that the sale under chattel mortgage shall not be valid unless it shall have been recorded five days and the creditors shall have been given notice. It is simply to prevent

the transfer of property under the chattel mortgage Act in fraud of creditors.

(Roll called.)

Mr. G. H. WILSON (Adams) (On roll call.) Mr. Speaker. It seems to me that this is a beneficial amendment to the bulk sales law which has not had the force, I think, in its present form, that it should have had, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 87 and the "nays" 15; the bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BROWNE (LaSalle). I desire to call up House Bill No. 563 on the order of third reading.

Mr. Speaker and gentlemen of the House. This bill provides for the licensing of steam and operating engineers in the State of Illinois in those municipalities where there are no local regulations controlling it. In many cities there are local regulations or ordinances controlling the matter, and to those this bill specifically does not apply; in other words, they are exempted from the purview of the bill. It does not apply in the city of Chicago; it does not apply in some other jurisdictions that I could state. Furthermore, it does not apply upon farms, premises or the use of any farm machinery, either used upon the farm or in going to and from the farm, or used upon the roads, has no application to any of those, but simply provides for the licensing of engineers in those manufacturing or heating plants where there would be danger or liability to danger from some inexperienced person in handling a matter of that kind.

Now, the objectionable features have been eliminated from this bill as it was originally introduced, with one exception, and I wanted to anticipate that now, so that if you gentlemen will kindly let the bill go through on third reading I will give you my word that this will be done in the Senate. Turn to section 9 of this bill. You will find in there that this applies to plants that have a ten-gauge steam pressure, or where there is 5,000 feet of radiation. Now, nobody objects to that limitation of the gauge pressure; nobody objects to that at all; I haven't found a single objection to it. The only objection has been raised on the amount of radiation, that 5,000 feet, if it was no more than 5,000 feet, it would take in institutions where it would be a great deal of inconvenience, and it would be impossible for them to pay for an engineer because they are not operated all the time—a licensed engineer—so I have changed it and prepared this amendment which Senator Hurley in the Senate, who was interested in the matter, and who has raised the chief objection, will offer in there and change the bill, and I merely do it that way instead of now, so that I may save time and not kill the bill here.

"Amend House Bill No. 563, by amending section 9 thereof, so that it will read as follows:

"SEC. 9. No person shall operate any manufacturing or commercial plant, or heating plant, having or using any steam boiler carrying a pressure of more than ten (10) pounds gauge, without first obtaining a license to do so as provided in this Act. No owner, or agent, or user of any such manufacturing or commercial plant, or heating plant, shall permit it to be operated unless it is directly in charge of a duly licensed engineer."

And I am perfectly willing that this amendment may be in the hands of any gentleman on the other side of the House to present to that Senator when it comes up. I have prepared it, you will see, that it eliminated the radiation feature in there and leaves no objectionable feature in the bill.

Mr. ROTHSCCHILD (Cook). The section you say exempts the city of Chicago, I take it, is section 21?

Mr. BROWNE (LaSalle). There isn't any question but what it does exempt the City of Chicago.

Mr. ROTHSCCHILD (Cook). Will you read section 21; read the language of it?

Mr. BROWNE (LaSalle). I have read every section myself, and I have read it with other people a great many times.

Mr. ROTHSCCHILD (Cook). I want to be fair with you. But it would exempt the municipality but not the residence?

Mr. BROWNE (LaSalle). "Section 21: Cities and villages having municipal license laws, covering the licensing of steam and operating engineers prior to the passage of this Act, shall be exempt from the provisions of this Act." Amendments were made on second reading in which we amended that objection in which it is fixed in there so the municipality cannot change it; that is all in there.

Mr. ROTHSCCHILD (Cook). Will the clerk read section 21 of the bill for information, please? You see, Mr. Browne, the municipality as such would be exempted, but there is some question as to whether it would exempt the citizens?

Mr. BROWNE (LaSalle). It isn't anything of the kind.

Mr. ROTHSCCHILD (Cook). Let me read you the printed bill. "Cities and villages having municipal license laws covering the licensing of steam and operating engineers prior to the passage of this Act, shall be exempt from the provisions of this Act."

Mr. BROWNE (LaSalle). No, unless they changed it.

Mr. ROTHSCCHILD (Cook). No, I have just had the engrosed bill read and it is the same as the original.

Mr. BROWNE (LaSalle). I say in the original bill this was in there, unless they chose to accept the State law. That was stricken out by amendment so now it is mandatory.

Mr. ROTHSCCHILD (Cook). I am saying that there is grave doubt in there as to whether that would exempt Chicago.

Mr. BROWNE (LaSalle). There wasn't any grave doubt in the minds of the people from the City of Chicago about this, the Engineers' Committee over there. It is an agreed bill between them, between the two big organizations of engineers and the people from the City of Chicago, who are in the employ of the city are in favor of it and this satisfied them.

Mr. G. H. WILSON (Adams). It looked as if section 21 applies to cities which have municipal license ordinances prior to the passage of this Act.

Mr. BROWNE (LaSalle). Surely.

Mr. WILSON (Adams). Now, then suppose there be a city of the same size that has not a municipal ordinance, but in the future wants to pass such an ordinance; it could not do it?

Mr. BROWNE (LaSalle). Yes, this only applies to those that have the right at the time at the passage of this bill. You cannot legislate in future very well.

Mr. KANE (Saline). Mr. Speaker, I would like to have the amendment that was made on second reading, No. 9, the exemption amendment, I want that read, section 9.

(Amendment read.)

Mr. KANE (Saline). It was some amendment exempting farm machinery.

Mr. BROWNE (LaSalle). It wasn't that amendment.

Mr. KANE (Saline). I understood there was an amendment to that bill changing from 10 to 15.

Mr. BROWNE (LaSalle). No, the same amendment that I spoke about, that is where that goes.

Mr. KANE (Saline). This simply states pressure of ten pounds, Mr. Browne.

Mr. BROWNE (LaSalle). Ten pounds gauge.

Mr. KANE (Saline). That is what I want read, Mr. Speaker, those provisions exempting those engines used upon the farm.

Mr. BROWNE (LaSalle). That is section 19, Mr. Clerk.

Mr. KANE (Saline). Well, 18 and 19, I would like to have read.

(Sections 18 and 19 read by clerk.)

Mr. KANE (Saline). Mr. Speaker, I had understood that nine was amended to change ten to fifteen permitting of the use of the steam boilers carrying a pressure of fifteen pounds gauge.

Now, I want to say to you gentlemen that proposed this bill, and the members of this House that I would like to be for this bill if it is in posi-

tion that it is not going to work a very great injustice, and if I am mistaken in the matter I want to state the proposition now so that I may get right before we commence to vote on the bill.

Mr. BROWNE (LaSalle). There is an engineer on the floor on the other side of the House, Mr. Tompkins.

Mr. KANE (Saline). I inquire because I understood it was amended to fifteen.

Mr. BROWNE (LaSalle). There was no desire to amend it. Nobody has asked for such an amendment.

Mr. KANE (Saline). I wanted to say that I didn't take any notice when the bill was up on second reading, until it passed the second reading. Then I inquired and I found our township high school, a number of our bank buildings and a number of our public buildings there where they use a janitor that does the sweeping and cleaning, who does the work in the morning, carry a pressure of fifteen pounds. That is, they have their gauge set at fifteen pounds pressure. Our township high school does that and one or two of our city schools have that pressure, and I know that the engineers would not have enough work to keep them employed steady.

Mr. TOMPKINS (Will). I would like to make an explanation of that bill. Any simple plant that carries pressure of fifteen pounds is rated as a low pressure plant and does not apply to this bill.

Mr. KANE (Saline). This says any boiler carrying a pressure of more than ten pounds pressure, gauge.

Mr. TOMPKINS (Will). They are not high pressure boilers; neither are they at fifteen pounds or twenty. When you get above that then you get high pressure.

Mr. KANE (Saline). The bill does not say anything about high or low pressure. The bill simply says a steam boiler that carries pressure of more than ten pounds, and all the hotels all over the country where they have the man that sweeps and cleans, or sometimes the proprietor himself runs the boiler, carry more than fifteen pounds.

Mr. BROWNE (LaSalle). I would like to say to the gentleman from Saline (Mr. Kane), and I know this to be true, that there is not a hotel in the State of Illinois outside of the City of Chicago that can use more than ten pounds gauge. It may be possible for them to use it, but they do not use it and they don't use ten.

Mr. KANE (Saline). I know I have made inquiries to find out and further than this I want to call the members' attention to this: As I read this bill it would include what we call our community threshing outfits.

Mr. BROWNE (LaSalle). No it don't. It is expressly included in this bill, anything used for the road or for farm purposes.

Mr. KANE (Saline). No.

Mr. BROWNE (LaSalle). Oh, yes it does.

Mr. KANE (Saline). I want to say to the Gentleman and Members of the House that you should read this bill for yourself. If I could not read it that way I would not raise this point, but it provides that, "Neither this bill, nor any part thereof, shall have any application to the 'traction' or 'stationary' engines on farms for purely agricultural purposes necessarily connected with the operation of said farms;" Now any man that has a threshing outfit would have to hire an engineer.

Mr. BROWNE (LaSalle). That is not all of it.

Mr. KANE (Saline). I will read the rest of it: "Nor to traction or other engines used on or over roads or highways for road or agricultural purposes."

Mr. BROWNE (LaSalle). And that includes threshing outfits. You can't make anything else out of it.

Mr. KANE (Saline). That would include all engines that scrape the road. I want to say that the man that has a threshing outfit is no more an agriculturist than a man that is running a flour mill. He would no more come under the head of agriculturist than would the man that is running a flour mill in the neighborhood would come under the head of agriculturist. The man that runs a threshing outfit through the threshing season, which will last perhaps two weeks, will perhaps have a little saw

mill, run a community saw mill or grind feed, and that is not an agricultural proposition any more than if you run a flour mill in some little village.

And I want to say to you that this bill evidently does not propose or intend to do so and I am sorry that on second reading it was not amended and made to be more specific in this, because this bill as it is now refers simply to farm or agricultural purposes and it would not include the man that runs the little community saw mill during part of the season, who cuts clover during part of the season and threshes wheat during part of the season and who is not engaged in an agricultural pursuit any more than the man that runs the flour mill. There is no licensed engineer who would apply for this job because in the threshing season they may run only one day in the week in running a little community outfit. A little community saw mill may only run a day in the week and no engineer would run that, but the man whom he would employ would violate this law. That is the provision that you have exempted. You read the bill yourself if you don't believe it. There can be no other construction placed upon it. I will say I would like to be for the main purpose of this bill, but there are some other questions to which I want to call your attention, and one is in regard to the salaries.

I never saw a bill—it may be all right, and if it is all right I don't want to raise this objection—but it has a provision here that the Chief Engineer may divide the State into two or more districts, just as many as he pleases, two, three, five, six, any number. The Chief Engineer—this is section 2 I am reading:

"The Chief Examiner of steam and operating engineers shall divide the State into two or more districts, and appoint one district examiner for each district. All District Examiners shall be steam and operating stationary engineers of not less than five years' experience immediately prior to his appointment, and shall be appointed from an eligible list supplied by the State Civil Service Commisison."

"The salary of these people shall be not less than \$900." I refer now to section 5:

"Not less than nine hundred dollars (\$900)." How much shall it be? They shall pay these District Examiners not less than \$900.

These Chief Examiners shall receive—now I am reading from section 8: "The Chief Examiner of Steam and Operating Engineers shall receive a salary of not less than twenty-four hundred dollars per annum"; How much are they to get? They shall receive a salary of not less than twenty-four hundred dollars per annum. Each District Examiner—and how many can there be? Just as many as the Chief Examiner wants. There is no limitation on it. And he can appoint his Deputy Examiners and pay them not less than fifteen hundred dollars. How much shall they be paid, too? How much shall the Cheif Examiner be paid? Not less than twenty-four hundred dollars. Every one of these salaries is fixed in this way. The clerks shall be paid not less than \$900, the Deputy not less than \$1,500 and the Chief Examiner not less than \$2,400, but how much more shall they be paid?

Now those are the only objections. If the salary were fixed specifically and if those matters of the community threshing outfits and the community saw mills were straightened out. I know that the proponents of this bill doesn't want to include them. I know any licensed engineer would not want these jobs. They could not accept them, because, as I stated, they are not steady enough and they are not remunerative enough so that the licensed engineer could afford to follow around after one of these jobs.

And there is another matter that I want to call to the attention of the members of this House. The same fellow that runs this little community outfit, that little community feed crusher—and he will run that in connection with his little community saw mill and his little community threshing outfit—he will half to have an engineer's license under this bill if it becomes a law. He will crush the fed for the horses one day and he may not run a day a week. He will thresh what feed they want in the neighborhood. I know about this proposition because I have been experienced along that line, followed that occupation, the little saw mill and feed crush-

ing outfit, and I know they run twice a week sometimes, on Tuesdays and Saturdays. That is about the way these little feed crushers run, and no licensed engineer would want that job.

Now if the gentleman would consent to this coming back to second reading, having those cleared up, I would be glad to help put this bill through.

Mr. ELLIS (Kane). There is another thing in this bill I want to call your attention to. In the first place if you will turn to the first section: "The Governor, with the consent of the Senate, shall appoint a Chief Examiner of Steam and Operating Engineers, who shall be a competent and practical steam and operating engineer," that means that he shall be a politician, that is all there is to it. No particular qualifications for the man who is going to pass upon all the other engineers in the State of Illinois.

Then turn to section two of the bill, and it provides: "The Chief Examiner of Steam and Operating Engineers shall divide the State into two or more districts." We may have five thousand districts in the State of Illinois under this bill and appoint one district examiner in each district whose salary shall be not less than \$1,500, with the sky the limit. The limit of the salary for the chief examiner is the sky, but not less than \$2,400.

Further I am told that practically every hotel in the State of Illinois would have to have a licensed engineer outside of course, of those hotels that come within the provisions of this bill.

Further under section 4 there is no provision under that section for sureties on the bond of these men. It is simply a bond subject to the approval of the Governor. It does not provide a thing for surety to go on those bonds. I know something about this bill; I know something about the men that worked upon it for hours, and days and weeks. They told me that this is not the bill that they prepared in any sense of the word, and they asked me to vote against it.

Mr. BROWNE (LaSalle). You mean the engineers told you this was not the bill they prepared?

Mr. ELLIS (Kane). Yes.

Mr. BROWNE (LaSalle). They didn't tell you anything of the kind.

Mr. ELLIS (Kane). Then you know more about it than I do.

Mr. BROWNE (LaSalle). This bill is just as it was printed by them with the changes that have been made in this House. This bill was printed and handed to me, and when you make that charge, you make the charge of my having attempted to deliberately deceive this House.

Mr. ELLIS (Kane). You misunderstand me.

Mr. BROWNE (LaSalle). And I want to say to you that is a statement so small and so undeserving that even you ought to be ashamed of this, and you are pretty small. This bill is just as the engineers prepared it, just as they handed it to this House, except for the amendments that have been made by this House, and it was agreed upon by the city engineers, or by the National and the International Society. Now, then, I want to turn my attention to the criticisms that have been made by the gentleman from Saline (Kane).

Mr. KANE (Saline). Go ahead.

Mr. BURRES (Champaign). I spoke to you in the matter of greenhouse plants, for commercial purposes like greenhouses, under section 9.

Mr. BROWNE (LaSalle). This bill, as it will be amended, does not touch anything except those plants which are more than ten gauge pressure, and there are not any plants over ten pounds gauge pressure in the State of Illinois that have been referred to, hotels, churches, school houses, or the kind that the gentleman from Saline (Kane) has referred to that require fifteen pounds pressure, and you cannot use that much, and I have consented to the striking out of the radiation so as to effectually protect everybody. Now, then, the gentleman is wrong in regard to his interpretations of what this exempts. This provides that it shall not apply to engines upon the farm, the use of engines on the farm for agricultural purposes, nor to traction engines used upon the road for road purposes, or for agricultural purposes. Now, if it didn't mean to make two classes it wouldn't say "road or agricultural purposes." At that "agricultural purposes" includes the steam threshing outfit, includes the outfit that the gentleman

has referred to, for they are all used in the business of agriculture, every single one of them, directly. You don't even have to say indirectly, but directly, every one of them. Now, I would gladly have discussed this matter upon second reading. It has gone past second reading. Now, then, this will be the last opportunity this bill will have in this House upon third reading. If it is the desire to kill this bill, and kill the desire of these people that have gotten together and spent four years labor upon it, all right. But you are simply trying to find things that don't exist. They are not there, and if, when it goes over to the Senate, you men find any single amendment that will help it there, and above the one that I have offered, and you wish to go any further, I will not object. I want to be fair and honest and right about this bill.

As to the salary, what difference does that make? You have to repose some confidence in those concerns, and the bill does absolutely guarantee that every dollar that is used in salaries, or in the carrying out of the bill must be paid in by these people, and it is not a burden upon the State at all, not one dollar.

Mr. MADSEN (Cook). Mr. Speaker. I don't suppose that any of the objections raised to this bill are because of the gentleman from LaSalle having opposed certain bills in this House.

Mr. KANE (Saline). My objections are not.

Mr. MADSEN (Cook). It does seem to me quite plainly that agriculturists are exempted in this bill, but I am not a lawyer to judge. So far as salaries are concerned, the \$900 limit was put in because it affected men who are working men, and they ought to be paid at least that wage. When you fix salaries it is well to put up a high limit because there is no danger of their being paid \$15,000, and as the gentleman from LaSalle (Browne) said, it has to come out of the fees paid as license to the State of Illinois, and these people would have to come down there to the Appropriation Committee and get that money, and I want to say that the Appropriation Committee would not appropriate any money for this purpose unless it is reasonable.

Now, I believe this bill is a good bill and ought to pass. The engineers from the State of Illinois are agreed upon this bill. Two years ago, when the bill was brought up, there was some opposition to it by one of the organizations of engineers. These people have, since then, got together and asked that we pass this bill in order to give them better conditions, and in order to safeguard the public in buildings where steam apparatuses are used, and I believe that this bill is a good bill and ought to pass.

Mr. PROVINE (Christian). This is the first one of a great number of bills to come up that provides for the creation of boards and commissions. By an examination of the bills that have been introduced in the House you will find that we are almost deluged with legislation of this kind. It extends from the first letter in the alphabet, beginning with Accountability and Accounts, clear down through to Water Surveys and Waterways, all trying to create boards and commissions. This bill is no exception to that rule. The first section gives the Governor the power and authority to create a Chief Examiner at a salary of not less than \$2,400 a year, then the Chief Examiner has the power to divide the State up into as many districts as he sees fit, regardless of the number, and for each district the Chief Examiner has the right and the power to appoint a deputy inspector so that the number of districts that we may have under this bill lies entirely in the province of the Chief Examiner, and also it gives the Deputy Examiners the right to appoint clerks, and there is no limit to the number of clerks that they may appoint, and the clerks are to receive a salary of not less than \$900 a year each. Now, that is the scope of the bill along the line of appointments.

Section 11 provides for the revocation of the license. A license may be revoked by any deputy examiner, and if the person aggrieved desires he may take an appeal, to whom? He may take an appeal to the Chief Examiner, and if the Chief Examiner upholds the verdict of the Deputy Examiner, the engineer complaining has no recourse whatever, and it is fair to assume that the Chief Examiner who appoints Deputy Examiners, who are under his control, will of course back up the verdict of the Deputy Examiner, and

I think that that is an unfair provision in the bill that cuts off the right of appeal to these men who may feel themselves aggrieved and not be able to go further and beyond the board of examiners, or one man.

Now, in regard to the fees. This is not a fee office in any sense of the word. The applicants are required to pay a license fee of two dollars when they take an examination. The license fee is turned over to the Deputy Examiner. That Deputy Examiner then turns that license fee over to the Chief Examiner. The Chief Examiner then turns that into the State Treasury, and there is no provision made where the license and fees of engineers are to be paid by the fee system. The salaries, if this bill becomes a law, will have to be paid out of the State Treasury, and they will have to be paid out of the State funds.

Mr. BROWNE (LaSalle). That is the law now on everything. It doesn't require that it shan't exceed the fees paid in. That is the law about everything.

Mr. PROVINE (Christian). I may be in error, but I understood the gentleman from LaSalle (Browne) to state that this took care of itself on salaries.

Mr. BROWNE (LaSalle). I say that it takes care of it insofar as the substance is concerned. You can't pay any salaries over and above what is paid in, but it has to be appropriated from the State Treasurer, the same as in everything.

Mr. PROVINE (Christian). Mr. Speaker, there is no way whereby a soul here in this Legislature can tell how many districts there will be created, how many deputies will be appointed, how many clerks there will be, or anything in regard to the expense. That is one of the most important things in this bill. Already the appropriations of this General Assembly have mounted higher than in any previous General Assembly, and the people are complaining in regard to it, and also in regard to the increase in the tax rate, and this is one of the many bills that are framed along this line to increase appropriations and increase the tax rate that we now have, and I think it is a bill that is not needed and should not pass.

Mr. BROWNE (LaSalle). Mr. Speaker, I cannot see why the gentleman cannot be fair with this bill. I will show him that it cannot use a dollar of the money of the State of Illinois; it cannot use a dollar except what is paid in from license, not a dollar, nor a cent. The very large corporation which the gentleman is very intimately interested in, raised an objection to this bill because they said it brought under its purview the man at the little pumping station that they had to pay a small salary to, railroad pumping station, and that was the only objection they had, and in order to avert that difficulty that was exempted from the purview of this bill and I was given to understand that no further objection would be raised from that source at all and that it would be perfectly satisfactory. I did that at the request of Mr. Sullivan and of Mr. Drennan so that they might not have something to throw into this bill and try to wreck it.

Mr. PROVINE (Christian). I did not desire to indulge in personalities in regard to this matter. I have never received a word nor a line, nor syllable spoken to me in regard to this measure. The gentleman mentions that I represent some corporation that is against this bill. If I do I do not know it.

Mr. BROWNE (LaSalle). I didn't suppose they were now. I referred to the Illinois Central.

Mr. PROVINE (Christian). I have never had anything to do with the Illinois Central except to sue them.

Mr. BROWNE (LaSalle). Well, then, I guessed wrong. I beg pardon.

Mr. ROTHSCILD (Cook). This bill divides the State up into as many divisions as the Chief Examiner sees fit and then it provides that the Chief Examiner shall appoint District Examiners and it is with reference to how these District Examiners are appointed that I want to call to the attention of the House. Section 2 in lines 3, 4, 5 and 6: "All District Examiners shall be steam and operating stationary engineers of not less than five years' experience immediately prior to his appointment, and shall be appointed from an eligible list supplied by the State Civil Service Commission." These are the words I want to call your attention to, "shall be ap-

pointed from an eligible list supplied by the State Civil Service Commission." Now, anyone reading that bill hurriedly would think that the appointments were made under Civil Service, in accordance with other appointments under Civil Service, but the worst that I have ever hear of is somebody within the first three. This says, anybody on the eligible list, regardless of his position shall be appointed.

Mr. BROWNE (LaSalle). That is the expression used in all of these measures, and the eligible list means the next highest, and so on.

Mr. PROVINE (Christian). Mr. Speaker, he says that is the law. I understand that the gentleman says that that was the law, and in consequence I have my statute book with me. I will read you section 10, the Statute on Civil Service. "Appointments." "Whenever a position classified under this Act is to be filled, the appointing officer shall make requisition upon said board, and the board shall certify to him the name and address of the candidate standing highest upon the register of eligibles for such position." Is that the law, or is it not?

Mr. BROWNE (LaSalle). Yes, that is the same thing.

Mr. PROVINE (Christian). If the gentleman from LaSalle (Browne) will please have patience. He has challenged my understanding of the law and I have read him the laws, and he still insists the law is different from what I said at first.

Now, when they get through dividing the State up into as many districts as they please, and appointing as many district superintendents as they please, they then appoint clerks, and how are the clerks appointed? "Said clerks to be appointed from an eligible list supplied by the State Civil Service Commission," and you can appoint your clerks from any place upon that list. I don't say that when this bill was made any one had in mind a political job scheme, but that is what it is; it creates numerous jobs and puts the appointments in the Governor and Chief Examiner.

I want to say that the words that have been used in this bill, as I called them to the attention of the gentleman from LaSalle (Browne), do exempt the City of Chicago. Section 21 says, "Cities and villages having municipal license laws covering the licensing of steam and operating engineers prior to the passage of this Act, shall be exempt from the provisions of this Act."

It is easy to see that this Act shall not apply to any cities or villages, of such cities or villages. That what these words mean, that the city or village itself shall be exempt, this municipal corporation.

I also want to call your attention to lines 10, 11, 12 and 13 in section 14; where it provides, "that any person holding an engineer's license issued by a regularly constituted municipal board within the State prior to the passage of this bill, shall upon application, and upon payment of the prescribed fee, be granted a license without further examination." I don't think that is a fair provision.

Mr. BROWNE (LaSalle). Mr. Speaker and Gentlemen of the House, I am not going to attempt to answer these criticisms that have been offered to this bill, and I frankly say to you that the reason I am not going to do so is because I do not think they were made in the spirit of fairness, or in the spirit of seeking along a broad gauged way to ascertain whether a bill was right or whether it was wrong, but simply to endeavor to find something somewhere, somehow, to hang trouble on. Now this gentleman has been one of a little coterie in this House that every since this session opened has been found harpooning and smothering and knifing in an exquisite way every bill that had for its object the benefit of the common people insofar as it in anyway hangs upon the sacredness of corporate rights. You cannot find an exception and that is the answer to the criticism, and he is carrying out his religion along that line right now, and the object is to complete that job along that line and kill this bill. It is doing no harm to anybody, but is in the interest, not only of the laborer, but of everybody that wants safety in the State of Illinois, and I think that we ought to treat one bill at least with fairness. Mr. Speaker, I ask for a roll call.

(Roll called.)

Mr. DIVINE (Lee). (On roll call.) Mr. Speaker, it has been stated here that this is an agreed bill. I have been trying to determine all during

the session, just what is meant by an agreed bill. The conclusion I reached with reference to this bill is that it is agreed to by those whom it does not affect, and those who have to pay the bill and who know nothing about it and who will suffer the consequences have not agreed to it. Throughout my district there are a great number of green houses, and I am told by the men who have read this bill that it does affect their plants. There is one plant in the city in which I live which is located outside of the city limits. The father attends to that plant in the day time, and the son at night, but under the provisions of this bill neither of them could take care of their boiler.

Mr. BROWNE (LaSalle). Why?

Mr. DEVINE (Lee). Simply because they are shut out, and I was told by that man yesterday that this plant was affected. Now, I am not an engineer, but when men whom I know are reliable, who are engaged in business where they have steam boilers, tell me that this bill affects them, that it will work a hardship upon them, I feel that it is my duty at least to make known their feelings in the matter. Now, I have a letter here that was sent to me from my district and I am going to read it.

"I am only one of a large number of struggling florists in the State of Illinois, but I want to raise my voice in protest at the unfair and unjust legislation now pending in the House. I refer to a bill requiring licensed engineers in our green houses. It is hard enough now for us to make both ends meet, and this will be a burden too much for any of us.

“(Signed). J. L. JOHNSON,
“DeKalb, Illinois.”

Now, I do not think anyone with a building that has a boiler in it so disregards human life that he is going to allow that boiler to be operated by anyone that is going to blow up his building, and I have not heard any one quoting any instances here in which those things happened. Everyone knows that every large building that has a boiler in, the insurance companies require certain regulations, and certain restrictions, and inspections before they will insure and carry insurance on a building, and I have been told by hotel keepers that this did effect them; not ordinarily, but that in periods when the weather is extremely cold in the winter time for a week or two they are obliged to carry more than they are allowed under this bill without a licensed engineer, so that in large buildings and city office buildings, and in hotels and green houses this is going to work an injury on those people.

One thing more. This bill is drawn with the sole view to plant a lot of jobs at large salaries, and I don't believe that this House should be so regardless of their duty as to pass a bill that allows one man to cut the State up into just as many divisions as he cares to and appoint an inspector in each of these divisions and then say they shan't be paid less than a certain salary.

Now, this may be an agreed bill, but the people whom it affects have not agreed to it, and the people who vote for this bill and disregard those people will hear from them later. I vote “no.”

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) The gentleman from LaSalle (Browne) has accused me of stating an untrue thing regarding this bill. I desire to tell you the exact circumstances of what I know of this bill. Some months ago engineers from my district talked with me along the lines of this bill, which they are deeply interested in. After this bill was introduced in the House I took this bill home and called those engineers into my office and we went over it together. I could give you the names of the engineers. They told me that they had worked weeks upon this thing, this bill, months and weeks; that this was not the bill that they had prepared and that had been agreed upon, and they practically asked me to vote “no” upon this bill. I therefore do vote “no.” Those are the circumstances and facts, and I leave it to you who is telling the truth in this House. Gentlemen, I also desire to call your attention to who has been small enough to get into personalities over this bill; you will notice that it did not come from this side of the House.

Mr. BROWNE (LaSalle). I would like to have you take this little printed pamphlet and show it to your coterie of engineers and see who is telling the truth. The name is on it of the committee and everything else. I know further that I didn't get into personality. I kept away from it.

(Roll call concluded.)

Mr. BROWNE (LaSalle). I move that further consideration of this bill be postponed.

THE SPEAKER. The gentleman from LaSalle (Browne) moves that further consideration of the bill be postponed.

Viva voce vote taken and the motion prevailed.

Mr. BENTLEY (Livingston). I desire to call up House Bill No. 601 on the order of third reading. Mr. Speaker and Gentlemen, the only changes that this bill contemplates are that it limits the time of the County Superintendent of Highways from six years to two years, and to raise the amount the highway commissioners may spend from \$200 to \$500, and makes the highway commissioners ex-officio treasurers of the highways funds. Those are the only changes contemplated.

Mr. TICE (Menard). Mr. Speaker, the gentleman has well said that the only change which this makes in the road law are three, and that is the whole of the bill. It first attempts to change the term of highway commissioner, or not of the highway commissioner but of the County Superintendent of Highways from six years to two years. Next, it proposes to change the ex-officio treasurer of the road fund from the township supervisor to the highway commissioner. To that I have no particular objection. The third change which it proposes to make is that of changing the present statute from \$200 to \$500, the limit which may be used or for which contracts may be let without the approval of the County Superintendent of Highways. Now, there has been in this body within the last week, opposition to the advancement of road legislation because a certain bill, No. 575, has not yet passed by the Senate. And opposition has been had to appropriation measures, to the appropriation of the unexpended balance now in the treasury and to the credit of the road fund, and also opposition to the appropriation of funds that were derived wholly and exclusively from automobile licenses because House Bill No. 575 had not yet passed the Senate. I stated on the floor of this House last Friday that House Bill No. 575 was on third reading in the Senate and that it would be passed just as rapidly as it was possible for the Senate to act upon that measure. I have further stated that there was a compromise understanding between the proponents of road legislation, both for and against the present statute, and that No. 575 represented a compromise of the opinions held by opposing parties. No. 601 is a measure that is against and most inimicably against the present road law. The two provisions especially, reducing the term of the County Superintendent of Highways from six years to two years is a restriction that will destroy his efficiency as an official, one that will weaken the present road law and make it almost inoperative, and I submit to the judgment of any man in this House that it would be almost impossible for any man in a two-year term to carry out the provisions of any law or of this road law and be efficient in its service and accomplish anything that would be valuable with the funds that would be expended on the highways under his direction. A six-year term is not a long term, especially when it is surrounded and protected by the provisions of the statute which clothes the county board with authority to remove any man that is not qualified, who is neglectful of his duties or who does not honestly carry out the obligations of his office and the duties of that office.

It is a difficult matter to secure a competent man to fill these positions, and as I stated some three or four weeks ago, Illinois is not experienced in the progressive improvement of the highways of the State, and it is necessary that men educate themselves by experience and by actual contact with road work. If you pass this bill you weaken the statute of the State and you destroy to a very great degree, if not wholly, the efficiency of the men above all others who are charged with the responsibility of properly constructing our highways and properly expending the funds that are at the disposal of the State and the county.

The third and the last provision in this bill proposes to increase the sum which highway commissioners may contract from \$200 to \$500, and I want to say to the men on the floor of this House that in that one provision rested one of the greatest evils of the old road law. Under that provision more money was wasted, more money was expended for which no adequate returns were received than under any other provision that existed in the old road law. There were objections all over the State because this provision permitted excesses, and permitted acts and the disposal of funds in such a way that they were not certain of receiving what they ought to get, and when this agitation first started in Illinois it was more to correct this abuse than almost anything else in the construction of our highways.

I protested against the passage of this bill from second reading to third reading. I protested then because of these two particular provisions in the law. I protest for the same reasons now, and I protest further because it is not carrying out an understanding that is had between the proponents of both views in regard to this road proposition. I don't charge the gentleman who introduced this bill with any breaking of faith, not in the least, but I do say that this measure is one that every advocate of the promotion of the improvement of our highways and of economical and efficient work along highway lines, meets with their most serious objection, and I ask that the bill do not receive favorable consideration at the hands of the members of this House.

Mr. DONAHUE (McLean). This bill has merits. Of course we know that the gentleman from Menard (Tice) opposes this bill because he says it will destroy the efficiency of the road law. Is there any member in this House who can say truthfully that the law passed here two years ago has any efficiency? Where can he point out a single spot in this State that this road law passed two years ago accomplished what it was claimed it would accomplish. The present law on the books, gentlemen, is the worst law that could possibly be devised by any man, no matter who he might be, if he tried to enact a bad law, or to put a bad law together, it could not be worse, and I say, gentlemen, that this bill provides that the term of the county superintendent of roads shall be reduced from six to two years. Now, why was that put in there? In several counties in this State it became absolutely impossible save for favorite contractors to sell any material to some of the counties on account of this action of this road superintendent in each one of the counties of this State. That was the reason why this bill was introduced.

Now, take for instance, Livingston County. As I understand it, the county superintendent of roads up there got into a combination with a manufacturer of a tile pipe, or this corrugated pipe, and gave them an absolute monopoly for all the culverts and drains in Livingston County. Now, he says that is a good law. It is a good law for the grafter, gentlemen, and that is what it was enacted for. Now, I have a letter from away over in Mercer County, from a gentleman over there I don't know; and he says, "amend this law, try to make a law out of it."

This Tice Road Law, gentlemen, is a law which promotes graft, and I say this is a good amendment, although I think that the gentleman will have hard sledding under the present condition of the House. I am for the bill, and I think it ought to pass.

Mr. BARKER (Hamilton). There is one particular feature to me in this bill, and that is, it allows the highway commissioners to be the treasurers of the funds that particularly belong to them. The supervisor has no more right to deal with the road fund than I have. Now, that is one feature in that bill that will be for the good of the people of this great State of ours, and so if some of the other features are not good we ought to pass this bill and let the Senate trim it up in a way it should be. Now, I am going to vote "aye" for this bill, with the hope that the Senate will trim it up to the proper proportion.

Mr. SHURTLEFF (McHenry). In regard to this bill, as I gathered from the statement of the gentleman from Menard (Tice), on the whole road proposition that there is an understanding that if nothing is passed weakening the present road law further than the bill giving the Board of Supervisors the right to name the kind of road that shall be constructed,

if nothing further than that goes through weakening this road law, there is an understanding that that law shall go through. Is that the understanding?

Mr. DAVIS (Knox). That was not the understanding. I made about all the agreement or understanding that was had with reference to the particular bill, and that understanding was made with reference to the manner of designating the types of road, that was the understanding as far as that goes. As far as this is concerned it was passed on in committee, and came out of the committee without a dissenting vote, my recollection is that Mr. Tice voted for all of those amendments except to the \$500 limitation, and possibly he had some objection to the six year term being reduced to two years.

Mr. TICE (Menard). I would like to reply to the gentleman from Knox (Davis). I not only voted against these amendments in the committee, but I voted against the bill being reported out and the understanding was repeatedly stated in the conference that if 575 was permitted to become a law that no other law would be pushed that would be considered as weakening or in any way destroying the efficiency of the present road law, that 575 was practically as near as we could get a compromise on this question that would cover all the mooted points that were in dispute.

Mr. SHURTLEFF (McHenry). May I say, Mr. Speaker and gentlemen, may I say also that it is an understanding with the State Highway Commission?

Mr. TICE (Menard). The State Highway Commission were not part or party to any understanding or conference that was had between the members of the Road and Bridge Committee, or the members of the House.

(Roll called.)

Mr. SHURTLEFF (McHenry). (On roll call.) Now, Mr. Speaker, I represent a county that seems to be upon this road question in the hands of the State Highway Commission, and in the hands of the element of Illinois that have enacted this law, and I want to say that for the last two years I have had to beg and implore every member of the Board of Supervisors to come under the law, and if House Bill No. 575 is not enacted into law at this session it means that my county is going to withdraw from this road Act and will have to be taxed to build roads in other parts of the State. I realize that in this session there is no relief to be obtained from our friends from the City of Chicago, nor from the Governor, nor from the State Highway Commission, and in order that there shall be no excuse for the State Highway Commission, or anyone else to oppose House Bill No. 575, I am going to vote against this bill although I think it is a very good measure, but I do think that these elements should have no straw put in their way in giving to these counties the right to name the kind of roads that they shall have. I therefore vote "no".

(Roll call continued.)

Mr. BENTLEY (Livingston). I move that further consideration of this bill be postponed pending roll call.

(Motion prevailed.)

Mr. MAUCKER (Rock Island). I desire to call up House Bill No. 812 on the order of third reading. Mr. Speaker and gentlemen, I will not take up your time with any extended argument on this bill. I simply desire to read the official proceedings of what was done or what is purported to have been done, and I believe that after hearing this, I will get the vote of every member of this House. The papers are not long, and the reading of them will take but a few minutes.

WHEREAS, The number of votes cast at the regular election held in the village of Sears, on the 20th day of April, A. D. 1915, on the proposition "For Union Ordinance," and "Against Union Ordinance," were four hundred nine;

WHEREAS, Two hundred forty of said votes were cast in favor of Union Ordinance and one hundred sixty-nine of said votes were cast against Union Ordinance;

WHEREAS, A majority of the votes cast on the same proposition in the city of Rock Island at a regular election held in said city on the 20th day

of April, A. D. 1915, were in favor of Union Ordinance, as shown by a certified copy of the Board of Canvassers, of the city of Rock Island;

WHEREAS, A majority of the votes cast on said proposition in the village of Sears and in the city of Rock Island were in favor of Union Ordinance; and

WHEREAS, The said Union Ordinance is now in full force and effect; be it

Resolved, That the Village Clerk of the village of Sears be and hereby is instructed to deliver to the City Clerk of the city of Rock Island, all books, papers, documents, files, records and other property in his possession, that belonged to the village of Sears; be it further

Resolved, That the Treasurer of the village of Sears be and hereby is instructed to deliver to the Treasurer of the city of Rock Island, all reports, records, files and money that he has in his care, belonging to the village of Sears.

SIMON PACKMAN,
President.

STATE OF ILLINOIS, }
ROCK ISLAND COUNTY. } ss.

AFFIDAVIT.

I, A. R. McBride, Village Clerk of the village of Sears, Illinois, and keeper of the records and seal of said village, do hereby certify that the foregoing is a true and correct copy of a resolution passed by the President and Board of Trustees of the village of Sears, on April 22, 1915, and the same so appears on the records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22d day of April, A. D. 1915.

A. R. McBRIDE,
Village Clerk.

STATE OF ILLINOIS, }
ROCK ISLAND COUNTY. } ss.

I, M. T. Rudgren, City Clerk of the City of Rock Island, Illinois, and keeper of the books, records, entries, etc., of said city, do hereby certify that the following is a true and correct report of the votes cast for the annexation of certain tracts of land to the City of Rock Island and an election held on the 20th day of April, A. D. 1915.

On the proposition for the annexation of the Village of Sears to the City of Rock Island, Illinois, as per the terms of an ordinance entitled, "An Ordinance for the annexation of the Village of Sears to the City of Rock Island, Illinois," the votes cast were as follows:

For Union Ordinance, 6507 votes as follows: 4,123 men and 2,384 women.

Against Union Ordinance, 1,620 votes as follows: 1,123 men and 497 women.

On the proposition the votes cast were as follows:

Yes	7011
Men	4288
Women	2723
No	1804
Men	1209
Women	595

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of said city to be hereunto affixed, this 15th day of May A. D. 1915.

M. T. RUDGEN, *City Clerk.*

WHEREAS, The Village of Sears in Rock Island County, recently annexed a territory lying adjacent thereto by a vote of 41 for and six (6) against.

AND WHEREAS, On April 20th, 1915, the City of Rock Island, and the Village of Sears each adopted a "Union Ordinance" by a vote of 6507 for and 1620 against in the City of Rock Island, and a vote of 240 for and 169 against in the Village of Sears, which said "Union Ordinance" provided for the annexation of said Village of Sears, including the said tract recently annexed by Sears, as aforesaid, to the City of Rock Island.

AND WHEREAS, There is a possibility of slight technical errors existing in said annexation proceedings, and that House Bill No. 812 now pending

in the Illinois Legislature is designed to remedy any such technical defects or errors, if such exist,

AND WHEREAS, The City of Rock Island is vitally interested in having the legality of such proceedings made unimpeachable,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS: That the members of the General Assembly of the State of Illinois are respectfully asked to support this bill, and that our Honorable Representatives are earnestly requested to use all honorable effort to secure the enactment of this bill.

Passed May 24, 1915.

WM. McCONOCHIE, *Mayor*.

Atest: M. T. RUDGREN, *City Clerk*.

STATE OF ILLINOIS, } ss.
ROCK ISLAND COUNTY. }

I, M. T. Rudgren, City Clerk of the City of Rock Island, Illinois, and keeper of the books, records, entries, of said city, do hereby certify that the foregoing Resolution is a true and correct copy of a Resolution adopted by unanimous vote of the City Council of said city at a regular meeting held May 24th, 1915, and that same so appears on record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of said city to be hereunto affixed this 24th day of May, A. D. 1915.

M. T. RUDGREN, *City Clerk*.

I want to say, gentlemen, that the conditions are simply this: Rock Island is surrounded on three sides by water, and this is a territory that can be reached only by two highways, and there is no opposition.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 85 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. JACOBSON (Cook). I desire to call up House Bill No. 787 on the order of third reading. This is a bill for the men working in the brass and metal polishing trade, where the mixing creates poisonous and noxious fumes or dusts in harmful quantities, and which are injurious to the health of the employees, and they want this work brought up and performed in rooms lined wholly above the surface of the ground.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. HICKS (Winnebago). I desire to recall House Bill No. 268 to second reading for the purpose of amendment.

THE SPEAKER. If there are no objections, House Bill No. 268 is recalled to the order of second reading for the purpose of amendment.

Mr. HICKS (Winnebago). I offer the following amendments and move their adoption:

AMENDMENT No. 2.

Amend House Bill No. 268, by inserting in line 12 of the printed bill, after the word "land" the words "hereinafter called building corporations."

AMENDMENT No. 3.

Amend House Bill No. 268, as printed, by inserting in line 13 of the printed bill, after the word "such" the word "building."

AMENDMENT No. 4.

Amend House Bill No. 268, by inserting at the end of line 24 of the printed bill the following: "And, *provided further*, that it shall be unlawful for two or more building corporations organized hereunder to consolidate or for the stock of any building corporation organized hereunder to be owned, taken or held, directly or indirectly, by any foreign or domestic corporation or by any holding corporation, foreign or domestic."

(Amendments adopted.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. THOMASON (Clay). I desire to call up House Bill No. 358 on the order of second reading.

(VOICES. Object.)

THE SPEAKER. Objections are heard to the taking up of this bill at this time.

Mr. THOMASON (Clay). I move that the rules be suspended for the purpose of considering this bill.

(Motion lost.)

Mr. ROTHSCHILD (Cook). I desire to call up Senate Bill No. 72 on the order of second reading.

Mr. BROWNE (LaSalle). I object.

Mr. ROTHSCHILD (Cook). I move that the rules be suspended for the purpose of considering this bill. This bill is not in the interest of the loan sharks; it is in the interest of the wage earners.

Mr. BROWNE (LaSalle). I withdraw my objections to the consideration of this bill.

Mr. ROTHSCHILD (Cook). I desire to offer an amendment which makes this bill more certain, and to move its adoption.

AMENDMENT No. 1.

Amend Senate Bill No. 72, as printed in the House, by striking out all after line 12 thereof, and inserting in lieu thereof the following:

"That the chose in action sued upon was assigned for the purpose of securing the payment of an indebtedness from the assignor to the assignee thereof, and that the chose in action so assigned consists of wages due or to become due to the assignor thereof from the defendant in such action, the court, by jury or otherwise, shall ascertain the amount of such indebtedness remaining due and unpaid from the assignor to the assignee of such chose in action; and upon application of the assignor of such chose in action the court shall allow said assignor to interplead and be made a party to such action; and said assignor, or the defendant to said suit in behalf of said assignor, shall be allowed to set up or affirmatively maintain any just set-off, discount or defense which said assignor may have to said assignment of said chose in action, or to the indebtedness the payment of which is secured by the assignment of said chose in action; and the judgment, if any, against the defendant in said suit, shall not exceed the amount so found to be due and unpaid from the assignor to the assignee of said chose in action, and judgment for the balance, if any remaining due from the defendant, upon said assigned chose in action, shall be rendered in favor of the assignor and against the defendant in said suit or proceeding; and the court may make such order as to the costs of said suit as may be equitable."

Mr. ROTHSCHILD (Cook). I will say that this amendment limits it to the wage earners.

Mr. BROWNE (LaSalle). Now, Mr. Speaker, this is a characteristic amendment, coming from that source. Here is a bill that we can readily understand and that everybody in the House can understand, and it was just what the gentleman said it was when he called this bill up. Now, he asks to have all of that part of the bill stricken out, and he offers a new bill which will take any lawyer two hours to go through and thoroughly understand it. I move that this bill go over until later, Mr. Speaker.

Mr. ROTHSCHILD (Cook). This amendment is offered by the proponents of this bill, who are the people who have been fighting loan sharks in the city of Chicago. The reason why it was amended was, certain people objected to it on the ground that it might include other choses in action.

Mr. BROWNE (LaSalle). Now, Mr. Speaker and gentlemen of the House I received a letter from the proponent of this bill, and I have it here before me, and in it they tell me that this bill is what they wanted. I shall object to this amendment, Mr. Speaker, until we have had time to consider it, until it has been printed, and we have had time to consider it.

Mr. ROTHSCCHILD (Cook). I will consent to that, Mr. Speaker.

Whereupon consideration of Senate Bill No. 72 was postponed pending printing of proposed amendment.

Mr. MITCHELL (Cook). I desire to call up Senate Bill No. 184 on the order of second reading.

This bill fixes the salaries of treasurers of Cook County that will be elected in the future with reference to the interest on surplus money in the county treasury.

Mr. BROWNE (LaSalle). Don't it apply to the present treasurer?

Mr. MITCHELL (Cook). No, sir.

Mr. BROWNE (LaSalle). Why not?

Mr. MITCHELL (Cook). The Senate has amended the bill to apply to future treasurers only.

THE SPEAKER. If there are no amendments the bill is ordered engrossed and to a third reading.

Mr. WILSON (Adams). I desire to call up Senate Bill No. 38 on the order of second reading.

Mr. BROWNE (LaSalle). I object.

THE SPEAKER. Objections are heard to the consideration of this bill.

Mr. WILSON (Adams). This is a bill which prohibits a murderer from profiting by his crime by taking or acquiring property of the person killed, and I would like to have this bill passed from second reading.

Mr. BROWNE (LaSalle). I object to it, it changes the whole course of legal procedure relative thereto.

Mr. WILSON (Adams). I move to suspend the rules for the purpose of considering the bill.

(Motion lost.)

Mr. DONAHUE (McLean). I desire to call up House Bill No. 22 on the order of second reading. Gentlemen, this simply provides when certain amendments have been made for the regulation of farmers' telephones, that is it takes farmers' telephones and county elevators from the control of the Utilities Commission. It is reported out approved by the committee and it takes farm telephones and the grain elevators from the control of the Public Utilities Commission.

The Committee on Public Utilities presented the following amendments and recommended their adoption.

AMENDMENT No. 1.

Amend House Bill No. 22, by striking out all after the word "inhabitants" in line 14, to the word "and" after the word "villages" in line 15.

(Amendment adopted.)

AMENDMENT No. 2.

Amend House Bill No. 22, printed bill, by striking out the words "or street car lines" in lines 45 and 46.

(Amendments adopted.)

Mr. MITCHELL (Cook). I would like to have the gentleman (Donahue) explain the amendment.

Mr. DONAHUE (McLean). Those amendments are for the purpose of taking out everything in the bill with the exception of rural telephones and the country grain elevators.

I also offer the following amendment and move its adoption.

AMENDMENT No. 3.

Amend House Bill No. 22, by striking out all after the word "assembly" in line 47 of the printed bill, to and including the word "located" in line 49.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. BURNS (Cook). I desire to call up Senate Bill No. 384 on the order of second reading.

This bill provides that township high school districts having a population of not less than 2,500 nor more than 25,000 inhabitants may withdraw from such established high school district and organize a new high school district by submitting the question of such withdrawal or organization to a vote of the people of such districts at a special election.

Mr. BROWNE (LaSalle). I object.

THE SPEAKER. Objections are heard to the consideration of this bill.

Mr. LIPSHULCH (Cook). I desire to call up House Bill No. 67 on the order of second reading for the purpose of amendment.

Mr. PURDUN (Clark). I object.

Mr. LIPSHULCH (Cook). I move that the rules be suspended for the purpose of considering this bill.

(Motion prevailed.)

Mr. ROE (Fayette). I move to lay the amendment on the table.

Mr. LIPSHULCH (Cook). I don't wish to take the time of the House at so late an hour, but this amendment simply gives a referendum clause in addition to what it already has, that is all.

(Motion to table lost.)

Mr. WILSON (Adams). I offer the following amendment to the amendment and move its adoption:

Amend Amendment No. 1, to House Bill No. 67, by striking out the words "upon the question" in section 3, and insert in lieu thereof the words "at the election."

Mr. LIPSHULCH (Cook). I move to lay that amendment on the table, and the reason for it, it is that at no time have we attained fifty per cent of the electors.

Mr. WILSON (Adams). The Constitution provides that in submitting an amendment to the Constitution it must get a majority of the votes cast at the election, and this amendment is for the purpose of recognizing that. If this amendment is not adopted, it means minority legislation, and it was agreed in the past that the referendum proposition should provide for a majority vote at the election.

(Amendment to the amendment tabled.)

(Amendment adopted.)

Whereupon House Bills Nos. 952, 988, 980, 979 and Senate Bills Nos. 213, 10, 124 and 305 were taken up on the order of second reading, read a second time, and ordered engrossed and to a third reading.

Mr. ELLIS (Kane). I desire to call up Senate Bill No. 274 on the order of second reading.

This is an amendment to section 8 of an Act to establish and maintain parks and parkways in towns and townships, approved May 29, 1911.

Mr. PURDUN (Clark). Mr. Speaker, I raise a point of order. There is no quorum present.

Mr. BROWN (Cook). I offer the following resolution and move its adoption.

HOUSE RESOLUTION No. 94.

WHEREAS, An accident occurred on the Chicago and Alton Railway near Willow Springs, Illinois, on Monday evening, June 7, 1915, in which the train known as "The Hummer," leaving Chicago at 6:30 o'clock p. m. and running to Kansas City, at a speed of sixty miles an hour, on a down grade, jumped the track, the front trucks of the tender being derailed, and dragged sideways for a distance of about eighteen hundred feet and over a sluiceway viaduct about ten feet in depth before said train was brought to a stop; and,

WHEREAS, Many members of this House were traveling upon said train, consisting of ten heavy, long coaches, drawn by a large, heavy passenger engine, and all of the passengers of said train recognized and felt, that in said accident, the same was only prevented from being a violent catastrophe and fatal wreck by the courage, coolness and risk of Mr. W. C. Nelson, of Bloomington, Illinois, engineer, at the throttle, assisted by Mr. W. A. Jones, of Bloomington, Illinois, the fireman, who by their courage, nerve and at the risk of their lives, in the face of imminent danger, held to their posts, and

in the midst of debris, broken rails and derailed cars, brought the said train to a standstill, with no one injured; and,

WHEREAS, It is fitting and proper that acts of heroism, courage and fearlessness in the face of danger should be fittingly acknowledged and recognized; therefore, be it

Resolved, That the thanks of this House are hereby presented to Mr. W. C. Nelson, engineer, and Mr. W. A. Jones, fireman, for their manly, courageous and self-sacrificing conduct in the midst of danger; and this House hereby respectfully presents to them its respect, its thanks and its recognition of the courageous act performed; and, be it further

Resolved, That a copy of these resolutions be engrossed and presented, a copy each, to Mr. W. C. Nelson and to Mr. W. A. Jones.

(Resolution adopted.)

Mr. SHEPHARD (Jasper). I desire to offer the following resolution and move its adoption.

HOUSE RESOLUTION No. 95.

WHEREAS, We learn with deep sorrow of the death of the mother and sister of Miss Mollie McCabe, our beloved Assistant Post-Mistress; therefore, be it

Resolved, by the House of Representatives, That we extend to Miss McCabe our heartfelt sympathy in her great bereavement; that this preamble and resolution be entered upon the Journal of the House; that a suitably engrossed copy be forwarded to her by the Clerk; and that as a further mark of respect to Miss McCabe, this House do now adjourn until 9:00 o'clock a. m. tomorrow.

Resolution adopted, and the House thereupon adjourned until 9:00 o'clock a. m., Wednesday, June the 9th.

WEDNESDAY, JUNE 9, 1915.

9:00 o'Clock A. M.

House met, pursuant to adjournment,

The Speaker in the chair.

Prayer by the Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Shehard (Jasper), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees, and messages on the speaker's table, all without debate.

Mr. THON (Cook). I wish to move that the House do not concur in the report of the Committee on Banks and Banking in regard to House Bill No. 202.

Mr. SHEPHARD (Jersey). This bill was voted out with that recommendation by the unanimous vote of the committee, and after careful consideration of the bill, and to my mind that bill is a joke. It provides for a sign "Private Bank" to be placed on the outside of every private bank, and the same sign upon the inside. It provides for supervision by the Auditor of the State, and for statements to be made to the Auditor and for all the other provisions that the State bank has, except that it does not provide for one cent of capital, and when there is no capital provided I don't see that this Assembly should want to put such a bill on the statute books, and I move that the motion of the gentleman from Cook (Thon) be tabled.

Mr. THON (Cook). I wish to be heard briefly in support of my motion.

Mr. Speaker and Gentlemen of the House: This bill, No. 202, was introduced by myself very early in the session, and it provides that any person, firm or corporation, receiving or holding money on deposit for others, shall be considered in the banking business, and shall be at all times subject to examination by the State Auditor. This bill was referred to the Committee on Banks and Banking, and has been before that committee from the early part of the session until this morning.

I believe that I can honestly say that I introduced this bill in good faith and in all sincerity, that I introduced this bill upon my own initiative, that it was not backed by any organization of any kind in the State of Illinois, and the bill was introduced solely in fulfillment of a pledge which I made to the people of my district when I was a candidate. As a result of several private bank failures in my district, one of them within a very few blocks of my home, I promised the people of my district that I would either vote for such a bill, or if such a bill was not introduced, I would introduce such a bill myself. I was absolutely sincere when I introduced this bill, and I appeared before the committee and presented my argument in behalf of it. This bill, although it is not the most important measure that has been introduced here this session, is at least an important measure.

There was no one who appeared before this committee who opposed this bill, and before I am through I want the gentlemen on the other side to have an opportunity to be heard. I want them to tell you who it was that appeared before this sub-committee to oppose this bill. I would like to have them tell you their side. There was only one side presented to the committee. I appeared before the committee, and they gave me a very full hearing, and led me to believe that they were honestly interested in this bill, which I thought they were. I was given a hearing of about two hours before this committee presented the result of my investigation of conditions

in regard to private banks in the State of Illinois, on which investigation I have spent a considerable amount of time, and I say I was given a full hearing by this committee, and I was absolutely sure that they were interested in this particular bill. Early the bill was referred to a sub-committee, I don't know why, but I presume the gentlemen on the other side will tell you before they get through. I know that I appealed to the gentleman who was the chairman of the sub-committee on several different occasions, and told him that there were several private bankers in the city of Chicago who were asking for the opportunity to appear before the sub-committee. They didn't say they were in favor of this particular bill, but they were desirous of appearing before the sub-committee. There are a good many private bankers in the city of Chicago who are in favor of being placed under the supervision of the State of Illinois. There was one private banker in Chicago who appeared before the full committee, and said that he thought this was an important bill, and he was in favor of his bank being placed under State supervision. After I was given a hearing the committee took a recess from week to week, it recessed from time to time, from week to week, for a period covering three or four weeks, and in that time no private bankers appeared before the committee and made any objections to my bill. The only objections were from the members who were on the committee. The bill was then referred to a sub-committee. I, of course, was before that committee and tried to be courteous at all times. I presented to them the facts and statistics which I had gathered from the work of a number of months, and I do not see now why this bill was referred to a sub-committee. I know that the sub-committee never had a meeting until I posted a notice that I would make a motion to take this bill out of the hands of the committee. The sub-committee then had a meeting, and the report was made. No one appeared before the sub-committee, and it then made a report that the bill be recommended out to the full committee. At the meeting of the full committee a motion was made that the report of the sub-committee that the bill be reported out of the full committee unfavorably be adopted. The vote was taken, there was no roll call. There is no roll call now to show how the members of the full committee voted.

Mr. SHEPHARD (Jersey). The vote was unanimous and the records of the committee show a unanimous vote.

Mr. THON (Cook). Now, gentlemen of the House, I have prepared some statistics which I wish to call your attention to so that when you come to vote on this motion you can vote on it intelligently.

Mr. O'ROURKE (Cook). For the information of the gentleman from Cook (Thon), I am in receipt of a letter which will explain where his bill went to. It is of a new sleep producer, and that is where your bill went. (Laughter.)

Mr. THON (Cook). Gentlemen, I know that if you ask any of the members of the committee that they will tell you that I was given a full hearing on my measure, they will tell you that I was a little bit too anxious, and if the bill went to sleep it was no fault of mine because I was everlastingly behind the chairman. I say if the members of the committee will tell you anything, they will tell you that I was over-anxious and too aggressive in trying to push this bill.

Mr. BURRET (Champaign). Will the gentleman yield to a question?

Mr. THON (Cook). As soon as I get through. I have prepared statistics which show that the number of private banks in Illinois today is 667. In the City of Chicago there are 64 private banks, and in the territory down the State outside the City of Chicago there are 603 private banks, making a total of 667 in the State of Illinois. The number of private bank failures in Chicago in 1912 was two; the number of private bank failures in 1913, in Chicago was two; now you watch the year 1914, how the number has been increased, the number of private bank failures in the year 1914 amount to 17, and for the first three months of 1915, five. From January 1, 1912 to April 1, 1915 the total number of private bank failures in Chicago was 26.

Now, I also have here the figures of the private bank failures in the

territory outside of Chicago, for the year 1912, the failures in the territory outside of Chicago was one; for the year 1913, the figures were six, for the year 1914, the figures were six, and for the first three months of the year 1915, there were none, or making a total number of private bank failures of the State of Illinois in the territory outside of Chicago of 13, so that for the period from January 1, 1912 to April 1, 1915, there were thirty-nine private bank failures in the State of Illinois.

The report of the Comptroller of the Currency at Washington shows that for the last year, the period from June 1, 1913 to June 1, 1914, there were 27 private bank failures in the State of Illinois, and the report of the Comptroller also shows that 12 of these failures were in the State of Illinois, and that the State of Illinois led all the other states in the number of private bank failures. I have a list of all the private banks, and where they are located, and if any member desires to know, I can give him the information.

Now, I wish to call your attention to the number of State bank failures for the same period, the banks which are under the supervision of the State of Illinois. The number of State bank failures in Illinois in 1912 was none; in 1913 the number was none, in the year 1914 there were two failures of State banks of the State of Illinois. In the first three months of the year 1915, there were no State bank failures; in other words there were a total of two State bank failures in the State of Illinois from January 1, 1912 to April 1, 1915. So comparing the figures from January 1, 1912 to April 1, 1915, there were 39 private bank failures in the State of Illinois as against two State banks that failed in the State of Illinois.

The two State banks which failed were the LaSalle Street Trust and Savings Bank located in Chicago, and the Ashland 12th Street Bank. When the LaSalle Street Trust and Savings Bank failed there were four banks located throughout the State that were forced to close their doors. Two of these banks were private banks, and two were State banks, the Farmers State Bank of Bethalto, Bethalto, Illinois, and the State Bank of Marine, Marine, Illinois. The two private banks were the Peoples' Bank of East Alton, Illinois, and the Bank of Smithboro, at Smithboro, Illinois. Within a few days these two State banks,—the State banks had immediately resumed business and have been open ever since, and the depositors have never lost a penny, while the two private banks have never opened and up to this date the depositors have never received one cent.

Now, in conclusion I want to call your attention to the number of failures in the State banks in the State of Illinois from the time that the State banking law was enacted back in the year 1887. Our State Bank law became effective on July 1st, 1887. The total amount of deposits in the State banks in Illinois on October 22, 1913, was \$714,289,405. Now, the loss to the depositors in all these years on failures of State banks on the total of \$714,000,000 was \$1,325,296. In other words, the depositors who had deposited their money in the State banks of the State of Illinois had lost \$1,325,296 as against deposits of seven hundred and fourteen million dollars, in a period back from the year 1887.

Just one more minute, gentlemen, and I am through. There was something like thirteen State banks that have failed in the State of Illinois from the time that the State banking law became effective, and out of those thirteen State banks only in six cases did the depositors lose any money at all. In the other seven cases the depositors received one hundred cents on the dollar.

Gentlemen, I think I have proved to you conclusively that this bill is a good bill. This bill simply places private banks under the supervision of the State Auditor, that is all it does. It simply gives the Auditor the right to examine the private banks once each year, and they are required to report to him the resources and liabilities twice a year. Now, gentlemen, I am sure that the honest private bankers of the State of Illinois are not opposed to this bill, and I understand and am informed that in the year 1913, that over 85 per cent of the private banks stated that they were in favor of being placed under State supervision.

Mr. BURRES (Champaign). Do you favor entire State supervision of banks; you are in favor of it?

Mr. THON (Cook). Of private banks?

Mr. BURRES (Champaign). No; don't you think that Chicago could control their own banks as well as to have it state-wide?

Mr. THON (Cook). No, they could not.

Mr. LYLE (Cook). Several bills that have come up here for consideration. I have voted against, and I intended to vote against them when they came up on the floor of the House, but I have always tried to give every bill an opportunity to be heard. Now it may be believed by the gentlemen of the Committee on Banks and Banking, that this is a bad bill, but inasmuch as Illinois leads the other states in the Union in private bank failures, and inasmuch as it seems as though the newspapers and public press are calling for some sort of a consideration or passage of legislation on the subject, I don't think that the members of this House ought to prevent this bill from getting out on the floor so that it may be given consideration. Now, some of us may not vote for the bill on third reading, but I do think that we ought to give the bill a full hearing and inasmuch as there has been some criticism by the newspapers of our body, I think that we should give the proponents of this bill an opportunity to have a full and free hearing on its merits.

Mr. GROVES (Menard). As chairman of the sub-committee that had under consideration House Bill No. 202 I think it is my duty to say something in regard to the matter. As the members of this House are well aware the chairman of the main committee was sick during a greater part of this session. Mr. Shephard, as you are aware, has not been able to be in attendance at these sessions much more than half the time. This matter was referred to that committee, it is true, early in the session, but this committee was unable to have a meeting until perhaps sixty days ago because of the sickness of the chairman of the committee. We had a meeting of this committee for consideration of House Bill No. 202. The committee was pretty well represented at that meeting, we heard from Mr. Thon at length and in detail in regard to the merits of his bill. It was requested by the private banks of this State that they should have a hearing on the merits or demerits of this bill, and we fixed one week from that date for the hearing of the private bankers. Mr. Henry, the chairman of their committee was notified of that meeting one week from that date, and he notified us that he expected to be here, and be heard on that date but before that date Mr. Henry was subpoenaed as a witness in a law suit in the Adams County Circuit Court at Quincy. He was held on that case for several days, and reported to us at that meeting that he would appear just as soon as he could possibly appear before that committee.

Now, there was only one private banker speaking in favor of this bill. That gentleman who appeared on that day in favor of this bill said he was in favor of the bill because he wanted some dignity attached to his institution. He didn't care so much for the State supervision, but he did want some dignity attached to his little private concern that did not do a general banking business. The total amount of deposits in that bank was only about \$21,000, it was only a little savings institution, not a checking concern. We didn't feel at that time that we should report the bill out of the committee until we had a further opportunity of hearing, so we appointed another meeting, or agreed to come together at the call of the chair for a further consideration of this bill, and we notified Mr. Henry to report to us as early as possible for a hearing, and as his trial ran along in Quincy from time to time and he was unable to fix on a date. Mr. Thon insisted that we should report the bill out without hearing Mr. Henry, so our committee met and we reported the bill to the committee after we had gone over it carefully ourselves, we reported to the whole committee that the bill do not pass.

Now, gentlemen it would be natural for me, being the cashier of a State bank to be in favor of this bill, or any other bill that would force the private bankers of the State of Illinois under State supervision and inspection. Gentlemen, I am here, while affiliated and connected, a stockholder in a State bank, I am here to say that some of the best banks we have in the State of Illinois today are private institutions.

Mr. LYLE (Cook). May I ask the gentleman a question?

Mr. GROVES (Menard.) Make it easy.

Mr. LYLE (Cook). Now, you may vote against this bill, and you did not want to send it out with your own recommendation that it do pass, but have you any objection to the bill coming up on the floor of this House and then presenting your arguments against the bill in answer to those who are for the bill.

Mr. GROVES (Menard). Well, sir, Mr. Lyle, I have been in this House eight years, almost, and with one exception I have never voted not to confer with any committee. I believe we have committees in this House for the consideration of these bills, to expedite matters as much as anything else, and the committee has given this matter a full hearing and gone into the merits or demerits of the particular bills. The committee on banks and banking has a great many bills referred to it, and it is our business to go over these bills and investigate them, and that is what this committee has done, Mr. Lyle.

Mr. LYLE (Cook). Was it your purpose as chairman of that sub-committee that there should be no legislation of any kind on the regulation of private banks?

Mr. GROVES (Menard). I won't say that.

Mr. LYLE (Cook). Well now, in case this bill should come out on the floor, don't you think that you would be able to do something on this bill and amend it in some shape that it would be a good bill?

Mr. GROVES (Menard). This committee had under consideration House Bill 202, and also a number of similar bills, and all these were considered from time to time, and this bill we reported out with the recommendation that it do not pass, and why should we refuse to report out a bill, or why should we report out a bill with the recommendation that it do not pass; why not let every bill come on the floor of this House?

Mr. LYLE (Cook). I would like to ask just one more question and then I am through. Mr. Groves, don't you realize there has been such a demand for legislation along this line that this bill should be an exception to the general rank and file of the other bills?

Mr. GROVES (Menard). I don't know, outside of a few metropolitan newspapers, of any such demand. There may be such a demand, but they didn't come before our sub-committee and state that there was such a general demand for this bill. Mr. Thon's statement was that he made his campaign on the promise that he would put such a bill through the House.

There are 604 of the private banks of the State of Illinois outside of Cook County, and 63 of them in that county. Now then, I don't know that there is any cry for supervision, I have not heard that plea go up from the people out over the State of Illinois today. The people down the State as a rule are satisfied with the conditions of the private banks, because private banks can do certain things that the State or National Banks cannot do. They meet a need of the people that the others cannot meet.

Mr. CURRAN (Cook). If that is so, why not make the law so that they can do it?

Mr. GROVES (Menard). Gentlemen, I don't feel that this bill should receive the consideration of this House. The calendar is crowded now; the session is drawing to a close and we have many other bills more meritorious for our consideration than this bill.

Mr. THON (Cook). I would like to ask, will you be kind enough to tell the names of the private bankers who offered objections to this bill?

Mr. GROVES (Menard). I will tell them.

Mr. THON (Cook). Were there any private bankers who appeared against it?

Mr. GROVES (Menard). No sir.

Mr. THON (Cook). Did the sub-committee ever have a meeting until I posted a notice?

Mr. GROVES (Menard). Why, of course we had one committee meeting and you were at it.

Mr. THON (Cook). Did the sub-committee ever have a meeting until I posted the notice?

Mr. GROVES (Menard). No, sir; we were to have had a meeting one week from that date and we notified you of the fact that you could be there.

Mr. PURDUNN (Clark). You said, Mr. Groves, that the private banks could do things that the other banks can not do, isn't that really where the trouble arises?

Mr. GROVES (Menard). Well, I don't think so. I tell you Mr. Thon made the assertion here a while ago that every honest private banker of the State of Illinois was in favor of this bill, but as to 80 or 90 per cent of them I don't believe they want this bill. Now, I don't know of any private bank that wants the bill save his friend from Chicago.

Mr. PURDUNN (Clark). I don't think any private banks want supervision, that is true, but the other fellows do. It is the public that wants this supervision.

Mr. GROVES (Menard). Well, I don't know; it may be down in Egypt they demand something of the kind, but through Central Illinois they do not.

Mr. PURDUNN (Clark). Do you know that the Illinois Bankers' Association had made a report in 1912, that they were in favor of some kind of supervision?

Mr. GROVES (Menard). I am not denying that they did.

Mr. FLAGG (Madison). I am very sorry to be compelled to differ from my friend, but I wish merely to take the time of the House for only a moment and corroborate what has been said by the gentleman from Cook in support of his bill. It so happened two years ago that I was chairman of this very committee and it also happened and I noticed that the membership of that committee appeared to be largely representative of private bankers. Why this should be, I don't know but it seems that during this session a great many of these same men have asked to be on that committee. I wish to corroborate especially what Mr. Thon has said regarding the status of the banks in my district. He mentioned four of them which were compelled to close their doors last year at the time of the LaSalle Street Bank failure. He mentioned furthermore that two of them which were not under State supervision have never opened their doors since, and that the State banks that failed at the same time have opened their doors. I would like to ask in conclusion one question of the gentleman from Menard (Groves) who should any private banks object to State supervision if it will help conditions in any part of the State?

Mr. GROVES (Menard). Well, I don't know, sir, that is very possible. Let me ask you this question, have you read No. 202 through carefully?

Mr. FLAGG (Madison). I have not.

Mr. DONAHUE (McLean). I move the previous questions. Rising vote taken; motion prevailed.

Mr. THON (Cook). Will the gentleman from Jasper (Shephard) be kind enough to withdraw his motion to lay on the table?

Mr. SHEPHARD (Jersey). No, sir; I will not withdraw my motion to table.

Rising vote taken on motion to table; motion lost.

Rising vote taken on motion of Mr. Thon (Cook) that the House do not concur in the report of the committee; motion prevailed.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up House Bill 248 on the order of third reading.

Mr. IGOE (Cook). Mr. Speaker, have we passed the order of reports from standing committees. Now we are on the order of third reading and under the rules I made my motion before we had finished.

THE SPEAKER. Under the rules the chairman of the Appropriations Committee has always the right to call up appropriation bills on third reading.

Mr. IGOE (Cook). Is it understood that I will be recognized?

THE SPEAKER. Absolutely. The clerk will call the roll on House Bill 248.

Mr. SMEJKAL (Cook). Mr. Speaker, this is a bill that provides for relief of the family of William Boris, a young man that was employed by the Illinois & Michigan Canal Commission. He was operating a band saw or a circular saw and was badly injured. An appropriation was asked of

\$10,000 originally and the committee cut it down to \$3,500. The Industrial Board was asked to award \$3,500, and we recommend the same amount.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 90 and the "nays" none; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 647 on the order of third reading. This bill provides for the relief of Bertha Stilley, and is an appropriation bill.

Mr. IGOE (Cook). Before we proceed with any further bills I want to know when my motion is going to be entertained. Also, I would like to know under what rule of the House appropriation bills have the right of way over any other bills.

Mr. SMEJKAL (Cook). I will call the gentleman's attention to Rule 23, on page 13.

Mr. IGOE (Cook). We have reached that order of business where a motion is in order, and I insist that we proceed in the regular order.

THE SPEAKER. That rule applies, and appropriation bills are always in order and take precedence over any other bills.

Mr. IGOE (Cook). I have seen those methods in committee meetings, and we are not going to stand for that on the floor of this House.

THE SPEAKER. You and every other member has received every courtesy at the hands of the Speaker of this House. The chair has not attempted nor is he going at any time to gag any member in his rights. I stated plainly to the gentleman from Cook (Igoe) that he would be recognized the moment the chairman of the Appropriations Committee got these two or three bills out of the way in order that he might attend meetings with the Senate committees.

Mr. IGOE (Cook). If there are only two or three bills, I will not object, but it is with the understanding that my motion will be entertained before we proceed to any other order of business.

THE SPEAKER. The chair has always tried to accommodate all the members, and I am now trying to accommodate the House and trying to get along as rapidly as possible. If members would refrain from making these long speeches we would get along much faster. I frankly stated to the gentleman from Cook (Igoe) that he would be recognized as soon as these appropriation bills were out of the way.

Mr. IGOE (Cook). With that understanding I will withdraw my point of order.

Mr. SMEJKAL (Cook). I am not a party to that agreement.

THE SPEAKER. Proceed with the roll call on House Bill 647.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 91, the "nays" nothing; the bill having received the required constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 907 on the order of third reading.

House Bill 907 provides for a re-appropriation for the relief of Berthrol C. B. Jorgenson. He is a young man that was a student at the University of Illinois about 1911 and contracted some disease down there and the Legislature appropriated, I think, \$7,500 for his relief and voted it to the Board of Administration, and every two years they vote the unexpended balance. I don't know what is left yet, but it goes to the Board of Administration. They are keeping the boy. The original appropriation was made in 1911, re-appropriated last session, and the unexpended balance this bill appropriates.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" are 1. The bill having received the constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. IGOE (Cook). Mr. Speaker, I now move that the Committee on Insurance be discharged from further consideration of House Bill 949, and that the same be placed upon the calendar.

THE SPEAKER. The gentleman from Cook (Igoe) moves that the Committee on Insurance be discharged from further consideration of House Bill 949 and that the same be placed upon the calendar.

Mr. IGOE (Cook). This is the so-called insurance bill and it provides for the system by which insurance rates covering fire risks may be regulated and that maximum rates may be established beyond which the companies cannot go. This bill has been pending, or a similar bill has been pending in that committee for two or three months and protracted hearings were had and a secret session of the committee was then held and a make-shift bill was reported out upon the floor of this House, and there it remains, absolutely dormant.

Mr. SCANLAN (LaSalle). Do you mean to tell this House that this action was taken by this committee in a secret session?

Mr. IGOE (Cook). Then it was the consideration of the original bill that was had in secret session.

Mr. SCANLAN (LaSalle). Was there any action taken except to adjourn until the next morning?

Mr. IGOE (Cook). No one has ever been able to find out what you did in there.

Mr. SCANLAN (LaSalle). Will you answer this question: You are not a member of the committee are you?

Mr. IGOE (Cook). No.

Mr. SCANLAN (LaSalle). A stenographer was present at all of the hearings of the committee except that one, wasn't she?

Mr. IGOE (Cook). I don't know.

Mr. SCANLAN (LaSalle). Well, she was.

Mr. IGOE (Cook). Well, if you say so, I guess she was.

The bill was originally introduced on March 12 and they had the bill under discussion some eight or ten or twelve times and finally on May 19, about two months and one week afterwards, a bill in the shape of a substitute was reported to this House, and anyone who has read the substance of the bill knows that it is not going to remedy the evil that exists and knows that it is not going to place upon the statute books of this State any sort of remedial legislation relative to fire insurance rates. In the omnibus appropriation bill at this time there is carried an appropriation to pay the expenses of a committee that was appointed years ago to investigate this very subject. That committee was in existence for either four or six years and they have come back and reported, or recommended, a bill which is entirely at variance with the bill recommended by this committee.

Now the fire insurance question is something that affects the poorest people of the entire State. It is something that goes into the very home of every little dweller in the State of Illinois. It is something just as necessary that he should pay as the tax he yearly pays to the municipalities and the other governmental bodies in which he lives, and Illinois today has less regulation perhaps than any other big state in the Union, and Chicago today is paying for fire insurance twice the sum that the people of New York are paying for the same insurance, and almost twice the sum that the people of St. Louis are paying for similar insurance.

This is a bill that should come out. It is a bill that should be placed upon the calendar and let the light of day shine into its different provisions, and if you want to change them why go ahead and change them upon the floor of this House, but give the people a chance to see what we are doing and let's take this bill up and discuss it here where we can all understand what is going on and where everybody will be represented.

Mr. BUTLER (Sangamon). If you will allow me, Mr. Speaker and gentlemen of the House, the full count of nine, I will endeavor to rise on the tenth, but the gentleman has given me such a surprise along the line that he has taken that I will have to have a moment or two to recover. I had hoped that the remarks would have been confined entirely to the proceedings of the committee and not to the merits of the bill, but inasmuch as the remarks of the gentleman touch both, it would not be improper for me to answer along the line of both the proceedings of the committee and the merits of the bill.

Gentlemen, allow me to portray to you what is taking place, let in the full light of day, and examine exactly what this committee has done. Mr. Potts, the State Insurance Commissioner, has started out with the proposition to put State insurance through on the State of Illinois, and having been unsuccessful with the Insurance Committee, he is taking various means, which I propose to tell you about on the floor of this House.

Allow me to paraphrase a little, and with due apologies to my friend from Cook, to Longfellow and to Hiawatha, I would like to paraphrase a little poetry to show you exactly where the matter stands now. Mr. Potts has been to Mr. Reinhart and Mr. Weber, members of the committee, and now he has appealed to Mr. Igoe.

"Said Potts to Iago," you remember in Hiawatha the character of Iago.

"Sat Iago, young and lovely,
Sat the marvelous story-teller,
You who passed the waterway bill,
You who tamed the most unruly.
I've no friend on the committee
To relate unto your body
Of the death of State insurance.
Tell them now a tale of wonder,
Tell them of some strange adventure,
That the meet may be more joyous,
That the time may pass more gaily,
And our members be contented;
And Iago answered straightway:
You shall hear a tale of wonder;
You shall hear the strange adventures
Of the Potts Bill and its author,
Of its friends, Reinhart and Weber,
Of the awful persecutions
That befell the little Potts Bill
In Bill Scanlan's big committee."

Now, gentlemen, it is a most unfortunate attack, as I see it, of Mr. Potts on the Insurance Committee. If there has been one bill in the House of this Legislature that has received full, fair, open and above-board treatment it is the State Insurance Commissioner's bill, of Mr. Potts.

Gentlemen, the committee sat and heard evidence for six weeks; it has taken over 1,000 pages of evidence. Mr. Potts was heard the full length of what he wanted to say; he has introduced all of the witnesses; the committee is and was prepared with the evidence on what is known as the Potts Bill 274. Now, gentlemen, I want to show you with what tenacity this bill has been pushed and forced upon this committee. As I tell you, the committee was fully prepared and listened long and lasting about this bill. On April 7 they held a meeting that lasted several hours; on April 21 they held one more meeting that lasted several hours; on April 22 they held another meeting; on April 29 they held two meetings; on May 4 they held one meeting; on May 6 they held two meetings; on May 11 they held two meetings; on May 21 they held two meetings; on May 18 they held two meetings; and all the time they were considering the bill that my friend from Cook is now offering to you on the floor of this House.

Now, Mr. Speaker and gentlemen, you are asking to override the action of the Insurance Committee. Somebody has said that the committees are the eyes and ears of the House. If that is so, having eyes you see not, having ears you hear not, and I wish to say that if after hearing this evidence, if after hearing the speeches of Mr. Potts and the speeches against—if, without seeing or hearing, you now propose to override the action of the Insurance Committee, then I want to say to you that Solomon, in all his wisdom, presumed not to be as wise as one of you.

After all these hearings gentlemen—and I would like to have you follow me closely, because I propose to show you absolutely beyond any peradventure that you would be absolutely overriding common sense, judgment and reason to take the action asked of you by these men—and if I don't show it to you, then act as you see fit, but if the gentleman from

Cook (Igoe), my friend, will listen to me, I think when I get through he will agree with me too.

After having all these hearings the committee then took up Bill No. 274, which is known as the Potts Insurance Bill, to bring about state insurance. It had been more or less amended by Mr. Potts himself as time went along. He had first brought into the committee a report by himself as State Commissioner, in which he says he has made the most careful investigation that was ever held here in the State anywhere, or any place. That is his book (showing book). Based on that book he brought in Bill No. 274. It had hardly been printed, this work of perfection, before he began to amend it himself, and continued to amend it himself during the entire meeting of that committee. He was given all the latitude that any man could ask for. After the hearing of the evidence and everything was closed, they took up the Potts Bill and proposed to lick it into shape so that they could report it out on the floor of the House. Two or three meetings were held. At the meeting at which they closed their speeches, I remember another member from Cook County said, "Now, let us report out a bill immediately; let's report out this Potts Bill immediately," and several of the members said, "No, that bill don't suit me, and I want to have the chance to make some changes in it." And it went over to another meeting, and before that meeting a gentleman, gentleman from Cook, says, "Now, let's all have our ideas perfected and down on paper, so that when we come together again we can force this thing along," and that was agreed to. In abeyance to that agreement I drew up what I considered was the proper line of proceeding of the committee along insurance. I had listened to all this evidence and read this wondrous report and the whole report was aimed at the correction of rates, and yet back of it and under the cover of correction of rates was an effort to bring about State insurance, and the committee differed with the State Insurance Commissioner, and they said, we are ready and willing to regulate rates, but we are not willing to turn over into your hands State insurance, to be the father of State insurance in the State of Illinois, and the committee was instructed and agreed to bring forth their amendments at the next meeting. On May 18, they met at 1:30 in the afternoon, and immediately various and numerous amendments were offered, and general jumble occurred. The House came into session, and we came down on the floor, and agreed to meet again at 8:00 o'clock in the evening. At 8:00 o'clock we met. Again the confusion began. Various amendments were offered and it was soon evident to every member of that committee that Bill No. 274 was in such a condition that nothing could be got out of it with the multitude of amendments that were offered. Then it was that I offered my theory of insurance. I read the matters to the committee. It was built along the line of regulation entirely and not of State insurance. The committee very kindly heard me through and then some one suggested that instead of going through this multitude of amendments that we get the policy of the committee, on what line they wanted to report out a bill, and on that proposition on the night of May the 18 the first question discussed was, should we have State insurance, or should we have regulation only?

Mr. RINEHART (Effingham). Wasn't that not whether we should have State insurance, but whether we should have State regulation or State rate making of State insurance?

Mr. BUTLER (Sangamon). I was going to read the second question put on this proposition. It is understood and it cannot be gainsaid by any fair mind that the Potts bill is built along the line that if you give that commission original jurisdiction in rate making it was the equivalent that you meant to give them State insurance, and Mr. Potts has so stated, himself, in his book. Now it was understood by that committee that original jurisdiction as put in the Potts bill meant the leading up to and the placing of State insurance on the State of Illinois. As the gentleman says, the question as put to the committee was not whether we should have State insurance or not, but the question discussed was, should the Insurance Commissioner have original or supervisory power to make and fix rates. It was understood if you gave him the original power that was to lead up to State insurance; if you gave him supervisory power, it was

to retain modern companies as they are now, and the question put was, should the commissioner have supervisory power only, and upon that the "yeas" were 11, the "nays" were 6, "present and not voting" 1. Eighteen out of twenty-one of the committee sat in judgment on that question.

The next question put was this, should there be one commissioner of insurance, or three commissioners. It was understood that if you adopted the three commissioners, it made necessary a large appropriation for salaries, a large appropriation for State insurance rates, the getting of State insurance rates, and the proposition was that, leaving it as it was, we would have no additional appropriations, and the question put was that there should be one commissioner of insurance only, and on that question the policy of the committee was declared "yeas" 8, "nays" 6, "present and not voting" 1. A total of 15. The committee having fixed its policy on that, the next question discussed was, should the committee report out the Potts bill, or a committee bill to be gotten up by the committee, and the question was put to the committee, should the committee report out a committee bill, and it was decided "yeas" 8, "nays" 3, "present and not voting" 6. A total of seventeen sat in judgment on that question. The committee wanted to outline its policy still further, and the question discussed was, should the bill proposed and read by Mr. Butler be used as a basis to draw a committee bill as a substitute for all bills, and the question was put, should the bill read by Mr. Butler be a basis upon which to draw a committee bill, and it was decided "yeas" 8, "nays" 5, "present and not voting" 1; a total of fourteen of the twenty-one members.

And they took up a still further question. They then wrangled in the Committee of a Whole for a while and saw that it was better to put a sub-committee out to draw up a bill along the lines laid out by the committee, and at that time the chairman appointed Mr. Rinehart (Effingham) and Mr. Bruce (Cook). They both were leaders and adherents and promoters of the Potts bill. And he further appointed Mr. Donahue (McLean), Mr. Bippus (Cook), and Mr. Butler (Sangamon). And that sub-committee took it up and worked on it till close to one o'clock in the morning. The sub-committee with Mr. Rinehart, Mr. Weber, Mr. Donahue, Mr. Bippus, Mr. Bruce and Mr. Butler, reported out a unanimous bill drafted along the lines that the committee had instructed the sub-committee to work on. Now then, gentlemen, the sub-committee drafted that bill, laid it before the entire committee on May 19, at 1:30 in the afternoon. Now then, I want to call attention particularly to the next action that took place. When the sub-committee brought in the committee bill and laid it on the table before the entire committee, there were present about 17 or more members. Mr. Donahue (McLean) moved that the sub-committee bill be accepted by the committee. Right at that point Mr. Rinehart (Effingham) threw on the table of the committee the perfected and amended Potts bill, as he claimed, said we ought to adopt this instead of the committee bill, and Mr. Donahue (McLean) in surprise said, "Why, wasn't you one of the unanimous adopters of the committee bill last night?" And he said, "Yes, but I think we ought to adopt this," and I said, "Well, what is that?" He said, "That is the same bill as No. 274 amended." Why we hadn't had time to read it over, this amendment, no, but it ought to be adopted. The committee report was adopted. Then Mr. Donahue (McLean) moved that the committee bill be reported out with a recommendation that it do pass. Now, I want you to pay particular attention to this point. When that motion was made by Mr. Donahue (McLean) that the committee bill be reported out, Mr. Hamlin (Cook) moved that the bill laid on the table and the bill presented by Mr. Rinehart (Effingham) be substituted in its place. That is the identical bill that is now No. 949, and is laying before this House, and upon which my friend from Cook (Igoe) is making the mention that this committee made a dark and secret interment of the bill. The identical bill, verbatim, punctuatim, as my friend from Quincy says, it was laying on the table of the committee. It was moved as a substitute for the bill reported out by the sub-committee of that committee, and some gentleman, I have forgotten whom, moved to lay the Hamlin motion on the table, and the motion was laid on the table, laying bill No. 949 on the table of the committee. The bill in principle is exactly the same thing as Bill No. 274; it is not the same in words, but the bill

thrown on the table by Mr. Rinehart, and moved by Mr. Hamlin as a substitute is identical with the bill now brought out here and sought to be resubstituted for No. 274, which the committee heard evidence on for six weeks, heard speeches, ad infinitum, and eloquence without end. After Mr. Hamlin's motion was laid on the table, then Mr. Donahue (McLean) moved that the sub-committee bill adopted and that the same be reported out with a recommendation that it do pass, and it was decided "yeas" 8, "nays" 3, "present and not voting" 7; a total of 18 out of twenty-one members; and this is the dark and dioresome deed done at midnight.

Now then, mark you gentlemen, that the committee took and put out the sub-committee bill as a substitute and in the place of all bills pending on that kind of legislation with regard to rates, with regard to State insurance and with regard to three commissioners. The merits of the Bill No. 949, and the merits of Bill No. 274 are identical. No. 949 is a reincarnation and a perfection in the language, and some of the minor sections of No. 274, but No. 949 is the identical bill laid on the table when this committee acted.

I think—and I want to call your attention to this—that the title of the bill laid on the table in that committee, and the title of No. 949 are identical. The body of the bill is identical, with the correction, I think of three words, which were typographical errors in the bill, and not going to the substance at all.

Now, gentlemen, you have had a Committee of Insurance that has given long and careful, and repeated and continuous consideration to the principles announced in No. 949, in No. 274, and out of that they have built what they call No. 945—Committee Bill No. 945. Now the principle discussed by that committee and made clear as the policy of that committee was, first whether they should limit themselves to correcting the abuses in rate or allowing State insurance to be put in vogue in the State of Illinois, and the committee by a clear and well-considered vote put itself on record as being against State insurance. State insurance is to be brought about by original jurisdiction of the insurance commissioner, or commissioners, whichever you adopt, and the committee proceeded in the light of day, with the light shining on every fact that was brought up, and if this House has the wisdom without the evidence placed before the committee, without the speeches made there, without the witnesses heard, to now undo the action of the committee, then I think every bit of legislation should be heard on the floor of the House from top to bottom, and from side to side.

If such is to be the action of this House, then this bill, if brought up now and voted down by this House can be re-introduced tomorrow as another bill, the only difference it having will be a new number, and that is all it has got now. You can take every bill in this House, and after it is considered, if anybody is dissatisfied with it, all they have got to do with it is draw a line through the number at the top and re-introduce it and demand that it be brought out on the floor of the House.

Mr. DONAHUE (McLean). Mr. Speaker, I will say to the members of this House, that the State Superintendent of Insurance was given a very full and patient hearing with respect to his bill. And I will say further that notwithstanding all time devoted by this Insurance Committee to the consideration of the so-called Potts Bill, we held another meeting last Wednesday to consider insurance bills and we appointed Thursday to take up this new and revamped Potts Bill. Mr. Rinehart (Effingham), the sponsor of the bill was there. He was there when the time was set to take up this bill that they are attempting to take from the committee now, and the proponent of the bill was not present. Mr. Rinehart (Effingham) did not appear, Mr. Weber (Cook) did not appear, and Mr. Potts did not appear, and nobody appeared as proponents of the Bill No. 949, although there was a time set and fixed for taking up that bill. Now, I say, gentleman, the point made by the gentleman from Sangamon (Butler) is well taken. This supposed Potts Bill was before the committee when the Committee Bill No. 945 was drafted, and it was considered, and it was voted down. It was reported here at the House all bills of that type pertaining to insurance introduced up to that date were laid on the speaker's table, and this Committee Bill No. 949 was substituted in place of all of them, and if they had

any rights they lost their rights by not making a motion to non-concur in the committee report. There must be an end to this business. If they keep introducing bills here day after day, this House will be inturmoil at all times, so gentlemen, this bill has been considered and it has been laid on the speaker's table by the report of that committee.

Mr. BRUCE (Cook). Mr. Speaker, and gentlemen of the House: I would like to have your attention for just a few moments. I will endeavor to be brief and explain just as briefly as possible the proceedings had in Committee on Insurance in reference to House Bill No. 274.

After hearings lasting more than six weeks the committee went into executive session for just two minutes and moved to adjourn until 8:00 o'clock that evening. At 8:00 o'clock that night a stenographer from the Insurance Department was present at the proceedings of the committee. A discussion was had between the members of the committee in reference to the opinion of the members of the committee as to whether they favored original jurisdiction in the hands of the commission or whether they favored supervision of rates by the Superintendent of Insurance. A motion was made to ascertain the feeling of the committee on that proposition, and the motion was: Shall the Superintendent of Insurance have supervision over the rate making for fire insurance, or shall he have original jurisdiction? On that motion the vote was 11 in favor of supervision and only 6 in favor of original jurisdiction. On that question those voting in favor of supervision were Bippus, Butler, Conlon, Donahue, Franz, Thomas Graham, Hamlin, Jackson, O'Connell, Schuberth and Tuttle, and on the question of original jurisdiction I voted in favor of original jurisdiction, but when I learned the temper of the committee, and learned that the majority, 11, stood in favor of supervision, I agreed to accept a place on the sub-committee, who were to draft a bill along the lines of supervision of rates, and together with Mr. Butler, Mr. Donahue, Mr. Bippus, and Mr. Rinehart, I served on that sub-committee. Mr. Rinehart and I represented those who were interested in seeing the Potts Bill have a fair and complete hearing. We agreed before 1:00 o'clock that night unanimously to House bill known as Committee Bill No. 945. Mr. Rinehart and I left that sub-committee and for an hour after that meeting he praised that bill, praised the provisions of it, and in truth, gentlemen of the House if that bill is enacted into law it will for the first time in the history of the State of Illinois give the people of the State of Illinois supervision over the making of rates for fire insurance in this State. Up to date there is no legislation in reference to the making of fire rates. The rates are arbitrarily fixed, the Insurance Department is helpless, the people of Illinois are helpless, and it was my opinion and it is now, that if No. 945, the committee bill, is enacted into law the people of the State of Illinois will have a remedy in the form of that legislation.

I am in favor of House Bill No. 945, because it is my firm belief that those who are in favor of no regulation whatever are now many of them in favor of voting the Potts Bill out on this floor in an endeavor, in a hope to becloud the situation so that the people will have no remedy whatever for the next two years, and if this motion prevails to place this Bill No. 949 upon the calendar this morning, you may go home when this when adjournment is had in this session of the General Assembly and explain to the people of your districts that you had an opportunity to afford them relief from the fire insurance combine doing business in this State, but that you failed to grant them that relief by supporting a make-shift proposition at this late date after the Committee on Insurance had given a full and complete hearing of this proposition. If this motion is in order, Mr. Speaker and gentlemen of the House, then why any committees of this House, why spend six or eight weeks weighing the questions pro and con on propositions submitted to this House, why not place the entire 990 bills presented in this House upon the calendar and allow the members of the House to discuss each of them free and openly. If that were done sessions of this General Assembly would not end, but would be continuous from one election to another.

I believe, Mr. Speaker, that there is a purpose in making this motion this morning, and that the purpose has been served in the making of the

motion, and in having this question brought before the House, and I believe that the interests of the people of this State can be best served by voting that motion down, and by supporting the committee bill which was adopted and is now on the calendar on the order of second reading.

Mr. RINEHART (Effingham). Mr. Speaker and gentlemen of the House: The rates in the city of Chicago as shown by the evidence before that committee are \$1.50 per hundred for three years on a frame, shingle roof dwelling. This would make \$1,000 insurance cost \$15.00. The same kind of buildings down State in the State of Illinois cost the people \$8.00 for \$100 insurance for three years. In the city of Milwaukee it costs the people \$7.50, in Wisconsin \$7.00, in New York \$4.00, in Detroit \$6.00. In other words the hearing before that committee showed that if there was anything that was needed in this State it was a regulation of fire insurance rates. Now, Mr. Potts, the State Superintendent, had worked a great while on the bill. After that bill, No. 274, was introduced and went to that committee the matter was discussed pro and con. The domestic fire insurance companies, the Illinois companies, came in and said, gentlemen, if you eliminate certain features in that bill, we will support your bill; it is all right with us. Now, that bill provided for a State rate making bureau. It provided for rebates, and certain other things, and among the other features was this State fire insurance feature. Now that State fire insurance which they raise so much howl about is only to become operative in case the insurance companies withdraw from the State of Illinois by concerted action, and I want to say that the bill as finally submitted to that committee had an express provision in it so that under no circumstances, unless the old stock companies would walk out of the State of Illinois and leave us without insurance, that bill would never be put into operation. This was the bill that was submitted to that committee just before the report of this subcommittee was voted upon and I believe on the motion of Mr. Hamlin that bill was voted down by this committee. I have a report of the proceedings before that committee, and as I have been misquoted, and my position misstated, I want to read to this House what took place there:

"Mr. BRUCE (Cook). Moved that the Butler Bill be substituted for all previous bills and that it be reported out to the House and recommended that it do pass.

Mr. HAMLIN (Cook). Substituted the motion with one to the effect that this bill be reported out with the recommendation that it do pass and also that the Potts Bill as amended be reported out with the recommendation that it do pass.

Mr. SCALAN (LaSalle). I will not entertain any such motion. This committee has got to go on record as being for one thing or the other.

Mr. HAMLIN (Cook). I am willing to withdraw the motion and substitute the motion that the Potts Bill be reported out and recommended that it do pass.

Mr. TUTTLE (Saline). Seconded the motion.

Mr. BRUCE (Cook). Moved that the motion be laid on the table.

Mr. RINEHART (Effingham). If you take this bill, the amended bill, I will vote for your motion?

Mr. HAMLIN (Cook). That is the one I refer to.

Mr. RINEHART (Effingham). I second the motion.

Mr. DONAHUE (McLean). What did you bring us up here last night for if you wanted this bill. Why didn't you say so?

Mr. RINEHART (Effingham). I did say so and voted so. I can vote against that bill consistently, Mr. Donahue.

Mr. DONAHUE (McLean). Lot of consistency in you. I don't believe you know where you are at. Don't you gentlemen want any insurance legislation at all?

Mr. RINEHART (Effingham). The committee last night voted that they didn't want that bill.

Mr. DONAHUE (McLean). Didn't that settle it?

Mr. RINEHART (Effingham). But I voted against that.

Mr. DONAHUE (Effingham). And now you make a motion against the action of the committee last night.

Mr. HAMLIN (Cook). I insist on the motion.

Mr. SCANLAN (LaSalle). It is up to the committee to decide whether or not Mr. Potts is to be allowed to appear before the committee. Mr. Potts said he wanted to appear before the committee before any bill was reported out and it is up to the committee as to whether or not he is to be advised. If you want to give him a chance before this is reported out, why say so.

Mr. HAMLIN (Cook). I insist on the motion.

Mr. RODERICK (Cook). As I understood last night, the draft of this bill was only a tentative arrangement and was to be submitted to the full committee today.

Mr. BIPPUS (Cook). To be reported out.

Mr. RODERICK (Cook). And I think the first thing is that."

Now those are the proceedings before that committee after the subcommittee bill had been reported in. That was when the stenographer was taking down the proceedings from the Insurance Department. Now in regard to the Bill No. 945, which has been referred to here, I have a letter from Commissioner Ekern of Wisconsin, chairman of the Insurance Commissioners of the United States, or the committee in that body that looks after just these things, and if anybody wants to know I consider him, and I guess the committee does, one of the best authorities in the United States, and after the Potts Bill was amended I wrote for Senate Bill 88 of Wisconsin, being a bill that is along the lines as recommended for this kind of legislation by the National Convention of State Superintendents of Fire Insurance, and this is what he says on the general subject: "The insurance companies are also attempting to give the impression by constantly referring to the Minnesota, Iowa, Missouri and Oklahoma laws as 'anti-discrimination' laws that these are not 'rate regulation' laws, and differ from the recommendations of the Insurance Commissioners' Convention. This is absolutely false as you will see by comparing section 1, of Bill 88 S, with section 7 of House File 495, being the Iowa law as enacted, and with section 6 of the Minnesota law, chapter 101, laws of 1915. I regret that I do not have extra copies of these to send you, but I believe Superintendent Potts has copies which I have sent him heretofore. I have studied the so-called committee bill, introduced in your Legislature, and note that this very carefully omits the provisions contained in all laws and bills mentioned for regulation of the rates; otherwise this bill conforms quite closely to the commissioners convention recommendation, and I have also written to Superintendent Potts suggesting that he make the fight squarely to put this feature in the committee bill."

Now this committee bill has been out here since the 19th day of May. It is on second reading and gentlemen that is where it is going to stay. I have been watching for the bill. I wanted to substitute the Commissioners Bill for the committee bill, something that will give the people some relief, in case they could not get the Potts Bill through we could get the bill through getting them some of the relief as recommended by the State Superintendents of Insurance. But that bill has never been moved. It won't be moved and it will lay right where it is, and the people will go right back home and pay the exorbitant rates for insurance, and I just want to call your attention to something about what the Illinois people are paying.

Mr. BUTLER (Sangamon). Did you refer to No. 945, that it will not be pushed?

Mr. RINEHART (Effingham). Yes, sir.

Mr. BUTLER (Sangamon). I want to tell you that you are most mightily mistaken on that.

Mr. RINEHART (Effingham). I am not through with No. 945.

Mr. BUTLER (Sangamon). You are not going to recognize me. Bring it up on second reading. If you will stop right now, we will bring it up right now.

Mr. RINEHART (Effingham). Now, the people of the State of Illinois pay in premiums \$202.80 for every \$100 in losses, while for the last 34 years the average premium paid by the people of the United States has been only \$182.80 for each \$100 in losses. That is the point that has been covered all the way through.

Mr. Speaker, I want to say this in conclusion, that is in regard to Bill No. 949. The gentleman from Sangamon (Butler) talked to you about

No. 949 providing for State insurance. The only feature that is in No. 949, that in any way provides for State insurance, or the State insurance fund, is the provision that provides when the insurance companies by concerted action leave the State of Illinois and leave it without insurance.

Mr. RYAN (Cook). Point of order, Mr. Speaker. The gentleman is not talking to the amendment before the House.

Mr. RINEHART (Effingham). It is a time when we have to have some relief, and that is the only case where the insurance bug-a-boo should be raised.

Mr. SCANLAN (LaSalle). Mr. Speaker, as chairman of this Insurance Committee, I wish to say that I do not think there has been a single bill before a committee of this House at this session that has had a more complete hearing than that bill. After the hearing of all the testimony was over it was the decision of that committee by a decisive vote, not once, but many times, that the principle upon which the Potts Bill was built did not conform submit a substitute bill, which is Bill No. 945, as a substitute for the Potts Bill, and at that same date the Potts Bill went upon the table of this House.

The House Bill 949, upon which this motion turns, is identical with man (Mr. Richard) himself was appointed on the sub-committee to write a new bill, and I am reliably informed by a member of that committee that he agreed to vote for the sub-committee bill. He has blown hot and cold throughout the whole thing, and I don't know where he stands today. The House Bill 945 is in accordance with the laws in force in Iowa, Minnesota and Michigan. It accords with the National Insurance Commissioners' model bill. Mr. Ekern, who was Insurance Superintendent of the state of Wisconsin, and recognized, before the advent of Judge Potts, as the most radical fire insurance commissioner in the United States, upon examination before our committee, when asked the question, whether he approved of the Potts bill as it stood before the committee, said, I can't stand for this bill, it is too radical for me.

Now I want to say that it is up to the Legislature to say whether they want to put the State of Illinois into the fire insurance business; whether you want to put the State of Illinois into the business of going out and rating and inspecting every risk in the State of Illinois.

We brought in here a sane, conservative and progressive bill. That bill is on the order of second reading and if that bill is passed Judge Potts will have more power than any insurance commissioner in any state in this Union.

On this motion it takes seventy-seven votes, and I ask the House to stand by the Committee on Insurance that has spent six weeks in constant hearing until one and two o'clock in the morning throughout all that time. We have given the subject our best attention and we believe we have brought out a bill that is a model bill and I do not think that the State of Illinois and the members of this General Assembly and particularly this House, today want to take a plunge into the doctrine of State insurance, and I think this House ought to sustain the committee.

Mr. Speaker, I move the previous question.

Mr. PURDUNN (Clark). Mr. Speaker and gentlemen of the House: There is a great deal of feeling exhibited today against bringing this bill on the floor of the House. If the Committee of the Whole is organized for the purpose of hearing important questions, this is the question that ought to come before the Committee of the Whole House, because every member here is interested in this question, and I can see no reason why the members of the House should not have a chance to discuss the question and pass their opinion, regardless of what the committee report amounts to.

(VOICES. Roll call.)

Mr. SCHUBERTH (Cook). Mr. Speaker and gentlemen of the House: As a member of that committee I want to defend the action of that committee and say that I have attended every hearing of that committee, and every meeting except the one where the sub-committee drew up the bill known as Committee Bill 945. I have to a great extent investigated the insurance question and I want to say to the members of this House, it is a big question. It took us six weeks to hear the proposition from both sides, and after that I went by myself, personally, and investigated some

of the most important questions in that bill, and that was the question of financing a bill as proposed by Mr. Potts. Under his bill the State would be required to maintain rating bureaus. Today it costs the Board of Underwriters something like a half million dollars to maintain its rating bureaus, and I contend that if you want to incumber the people of the State of Illinois with that kind of an appropriation we are doing something that is wrong, when the committee has recommended a bill which provides for the revision of rates, and the cost is maintained for the establishment of these rating bureaus by the insurance company.

I say to you at this time that I was in favor of many of the provisions of the Potts Bill. Mr. Potts had given the members of that committee who were friendly with him an opportunity, at the different conferences he had, of changing the provisions of this bill. I believed we would have had a bill here that would be presentable and would appeal to the members of this House. But at this time I say, Mr. Speaker and gentlemen of this House, this is not the proper bill. If you want to, as I said before, incumber the tax payer with the expense of something like a half million of dollars, then advance this bill.

Mr. IGOE (Cook). Mr. Speaker, and those who are opposing this motion: I would like the privilege of closing the debate, and I will do so as briefly as possible.

Now it must sound sweet indeed to the ears of many here to listen to the gentleman back here from Cook County (Schuberth) stand up for this, that and the other thing, but I believe when I went home last week I read in one of the Chicago dailies that he was racing around down here because some committee would not give him a hearing upon some bill, and as I read the article he got into some committee room and was asked to leave, he became so outspoken in favor of what he was seeking.

Now as an example of the tirade that is being made against those who are advocating this motion, when the gentleman had uttered the last word he immediately moved that all debate be closed and that we proceed to the previous question. It is absolutely unfair and unqualified, because he knows that when a person starts a debate, in fairness and in righteousness he ought to have the right to close, and that is an example of the manner in which that committee was conducted, and I don't wonder that the people all over the State of Illinois are crying out against the action of it, and you know there is nothing sacred about that Insurance Committee, nothing any more sacred about it than there is to any other committee in this House. Only today they took a bill from Mr. Shephard's committee and they absolutely ignored the recommendation he made and placed the bill upon the calendar. Why? Because the members of this House from all over this State know that the people are demanding a regulation of private banks and they know that the voice of the people is louder even than the voices of some chairmen of some committees in this House.

Now there is no reason to be fooled over this matter.

Mr. SCANLAN (LaSalle). Do you know the difference between the two motions?

Mr. IGOE (Cook). Now, Mr. Speaker, I respectfully ask that I be given the floor. I didn't interrupt him.

There is no reason why any single man should be fooled about this proposition. The proposition is squarely put before you whether you are with the insurance trust or whether you are with the people. That is the only question here and it is the only question that will be decided by this motion and any man who refuses to vote to bring this bill out of the committee forever shows himself to be a man who is lined up absolutely with the insurance trust of Illinois and with those who are associated with it. (Applause.)

Now the only thing sacred about this Insurance Committee as I can see it is the name of Doyle. Doyle absolutely permeates it all, it is Doyle here and there and everywhere. You have got a resolution in the Appropriation Committee to investigate that Doyle, but you can't get it out and the reason is that Doyle is too strong in Illinois at the present time to let honest men get up and voice their sentiments and to let the people rule. That is the man who is holding things up here, that is the issue before this

House at the present time; Doyle representing the insurance trust. It is Doyle everywhere and it is Doyle, Doyle, Doyle, casting his spell over this House today. And it is up to you to decide whether you are going to bow to Doyle or whether you are going to let the people rule. (Applause.)

Mr. DONAHUE (McLean). I would like to ask the gentleman a question. Do you know anything about the National Operating Company?

Mr. IGOE (Cook). Yes, I know anything about the National Operating Company and I will tell you all about it.

Mr. DONAHUE (McLean). You were the attorney for that company, were you not?

Mr. IGOE (Cook). You know I am not.

THE SPEAKER. The question is entirely out of order. The gentleman moves that the Insurance Committee be discharged from further consideration of House Bill No. 949 and on that question the clerk will call the roll.

(Roll called.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, I wish to explain my vote. This is another matter in which the people are vitally interested, that of insurance rates. I do not think I shall vote for this bill on the floor of the House when it comes up but I do think there should be some discussion and I will willingly vote that it may come out on the floor and I want to be recorded as voting "aye."

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) Mr. Speaker, just a word. I think, as has been well stated, that this question has been thoroughly discussed in the committee, and thoroughly discussed this morning in the House. Sometimes such things are done for the purpose of killing legislation. The crux of this matter to my mind is the regulation in this State of fire insurance rates. It is known that we pay more than all the states around us. I think that the fire insurance rates of this State should be properly regulated by legislation, therefore I vote to sustain the motion of the gentleman from Cook.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 68 and the "nays" 20, and the motion to discharge the committee from further consideration of House Bill No. 949 is lost.

Mr. CURRAN (Cook). I desire to call up House Bill No. 899, for reconsideration.

(Motion prevailed, and the House proceeded upon reconsideration of House Bill No. 899.)

Mr. FRANKHAUSER (Cook). Mr. Speaker and gentlemen of the House: There is only one statement that I desire to make at this time. I have in my hands what purports to be a circular letter signed by the Home Rule League of Illinois. I want to say in behalf of the proponents of this bill, and all those who have had anything to do with this measure that we know nothing of this letter nor from whence it emanates, who instigated it, or who purported to sign it. We know nothing of such an institution or organization as the Home Rule League of Illinois. I just want to make that statement that it does not emanate from the proponents of the bill; they know nothing about it, and don't endorse it, and don't believe in that kind of a policy.

Mr. SCHUBERTH (Cook). Mr. Speaker and gentlemen of the House: Two years ago when the Public Utilities Commission's Bill was up for consideration, I was one of the several member from Cook County who voted to give home rule to Chicago. Since that time I have had an opportunity to test the merits of this commission and now deem it my duty to give to the members of this House the benefit of my experience with said commission. For several years past I have taken an active interest in the development of our city, particularly the fast growing section in which I live, and I feel that under a State Public Utilities Commission, the public's interest is best served.

In making this statement I will give you facts that have come under my personal observation, to substantiate my claim.

To begin with, home rule is a *catchy* phrase and ninety per cent of the people do not understand the proposition, nor the purpose for which the Public Utilities Commission was created.

The mayor and the aldermen are the men who have deliberated over the destiny of the city of Chicago since the day it became a city, March 4, 1837. Since that time, many of the rights of the people have been lost sight of to the sole benefit of the utilities corporations.

Many of you will recall the days of Yerkes, when the 50-year franchise ordinances were up for passage in the city council of Chicago. Do you remember the public's attitude at that time? Do you remember that indignation meetings were held throughout the city protesting this outrage and that the people, in their wrath, even went so far as to threaten to march on the city hall, with ropes to hang the councilmen?

Had it not been for the great cry emanating from the people at that time, that franchise would have passed and the streets of Chicago lost to the people.

Let's go on further, and see what great benefits the public has derived under their supervision and control by this so-called home rule.

Is there a man here acquainted with conditions in Chicago who will dispute the fact that there are in Chicago today hundreds of streets left stub ends? Useless monuments to the negligence of the city council who in their anxiety to serve the interests entirely lost sight of their value to the people to whom they rightfully belong. The loss in depreciation of values here alone mounts upwards into the millions. I can site you instances where great important section line streets have been closed to traffic for a great length of time in order to make it convenient for the railroads to carry on their work of elevation in their own leisurely fashion and in some cases, where the streets have been closed up entirely. One particular instance comes to my mind—79th Street—running from the Lake west to the city limits and beyond, connecting all of the great trunk lines of the surface cars, leading into the down town district; namely, Stony Island Avenue, Cottage Grove Avenue, State Street, Wentworth Avenue, Halsted Street, Ashland Avenue, Racine Avenue and eventually Western Avenue, and all other section and half-section line streets. When public interest demanded the opening of this subway, the city was compelled to appropriate something like \$170,000 for the opening of this street. It is my contention that public interest was not considered when this particular track-elevation ordinance was up for consideration and passed. The closing of streets of this character should not have been tolerated by the members of the council in control of these propositions. I could cite you many instances of similar character, but will confine myself to those that have come under my personal observation.

Again, at 79th Street and the Illinois Central right-of-way, when the track elevation ordinance was passed by the city council, the railroad companies were given the right to elevate at a point that would have a depression of 17 feet below street level. Just stop and consider for a moment the unreasonable concession in granting the railroad that right to leave a depression of 17 feet below street level on a business thoroughfare. This condition would make this street practically impassable for team and street car traffic. In this case, as in many others, the railroad companies did not comply with the provisions of the time limit specified in this ordinance, which resulted in their forfeiting their right to that ordinance. Some time later, however, they came in and wanted to accept the conditions of this ordinance and carry out the provisions of the same.

The public, realizing the detriment of these conditions, objected and held indignation meetings throughout this territory. The result of these meetings brought on litigation between the city and the railroad companies, which covered a period of more than three years. The public demanded the right to run street cars under this subway. The railroad companies refused from time to time to allow the opening of the subway and I, personally, filed a petition with the Public Utilities Commission, demanding that the street be opened and the public be allowed to participate in the development of the city by allowing the city railway to pass through this subway.

A hearing was held and within 90 days, an order was entered and the

cars were running through the subway, giving the territory between Ashland Avenue and the Lake access to street car service connecting with all large trunk lines. While the litigation had been pending for over three years, without arriving at any satisfactory results, the Public Utilities Commission brought about the desired results within 90 days. Do you believe the public's interest was considered when the original ordinance, closing up this street, was allowed to be passed by the council? I say no! And had it not been that the railroad companies had given us the opportunity to open the case by their failure to accept the provisions of the ordinance within a specified time, the public would have had to be content with a 17-foot depression, which would have rendered the street practically useless at this point.

The last street car franchise granted required the City Railway Company to build 8 miles of street car extension each and every year after the passage of that ordinance. This provision is being absolutely ignored. In many cases, they have failed to complete, up to the present time, many of the extensions that were to have been built in the years 1912, 1913, 1914.

What about the strap-hanger's case that is being heard before the Public Utilities Commission? What was the testimony of Mr. Bemis, one of the supervising engineers of the street car companies? He testified that it was almost impossible to regulate street car service. But isn't it a fact, that after the Public Utilities Commission had started to investigate conditions, they were asked, by Mr. Bemis, to withhold their finding or order, and give them another chance to relieve the situation. At a public hearing, held here in the House, some of the eminent gentlemen testified that the Public Utilities Commission were taking too much time to determine this question.

What about the service the public has had to put up with under the same conditions, without any relief for the past 20 years? For the past three months, this hearing has been going on, and just when the commission is about to enter their order, the supervising engineer, as I have said before, requests that the commission withhold its finding and in the meantime, they would try and relieve the situation.

As a matter of fact, the real trouble lies in the lack of earnest cooperation between the city council and the Board of Supervising Engineers.

I will cite you a case where the City Railway Company, on a certain date, refused to accept transfers from all interurban and 111th Street cars on Halsted Street, where previous to that time, the public was extended that privilege under the ordinance. When this day came they refused to accept transfers they had honored in the past and even went so far as to put the people off the car.

A delegation waited upon the City R. R. Co. and then upon the aldermen and the Public Service Commission and presented their case. They investigated the same and found it a direct violation of the ordinance, and in spite of this finding, people to this day are obliged to pay a second fare if desiring to go on.

This proposition has been hanging fire for over a year—the city and the city council have jurisdiction in this case. Where is the relief?

In another instance, the City Railway Company wanted to build a loop on certain streets, namely, Emerald Avenue, cutting through between 80th and 79th streets, and around Halsted. The law specifically states that in order to do this work, they must first secure the consent of the owners of the majority of frontage on the proposed loop. The people objected and refused to sign up. The matter was deferred for some time and one bright sunny morning, the City Railway Company came along, with a large crew and laid their tracks, regardless of the law. By whose authority? Not the people's, but with the generous consent of the city council. What was the result? When the street car company laid those tracks on Emerald Avenue—a residence street—the property depreciated in value, over night, almost 50 per cent. Ninety per cent of the property owned by the people fronting this loop was incumbered for more than 50 per cent of its value. and in those homes, these people had their life earnings. The arbitrary action of the City Railway Company in building this loop, and of the city

council in permitting the loop to be built, virtually wiped out the life's earnings of the majority of the people living in that particular section.

In another case, where the railroads are elevating, at about 75th Street—at the Halsted Street intersection, the subway has been practically closed and the street left almost impassable. In the elevation ordinance—it is provided that the paving of the street under this elevation should be done by the railroad company. That subway is completed and the paving should have been completed long before January 1, 1915. That street is in the same condition today that it was 6 months ago. Why is it, the city council does not insist this work be done? Is it because they have too much work, or is it because they don't want to embarrass the railroad company?

For the past year, delegation after delegation appeared before the Track Elevation Committee, pleading with them to compel the railroad companies to put in subways at Ashland Avenue, Racine Avenue, and other streets, but they have met with only delay after delay. Is that serving the public's interest?

Is that in the interest of the public, granting these extensions from time to time? I say no.

The Public Utilities Commission has in the last 18 months disposed of something like 1,700 cases, of which about 20 have appealed to the Circuit Court. There has been paid into the State treasury something like \$700,000 derived from the efforts of this commission. Does not that appeal to you as service to the people of the State?

Now, again, just a word about the recent telephone ordinance passed by the city council. Do you believe the people's interests were considered when that ordinance was passed? Isn't it a fact that we people in Chicago are paying exorbitant rates for telephone service? Why didn't the council give us some demonstration of their interest in public welfare by establishing a more equitable rate for this service? How about the rates for gas and electricity? These are the problems that will be left for the Public Utilities Commission to regulate. I have heard it asked—why not give Chicago the right to look after its own welfare?

Does the action of the council in the cases I have specifically mentioned, covering the past 20 years, warrant commendable reference for their control or for the establishment of a Home Rule Commission, as provided for by this bill? By their deeds they must be judged, and, in my opinion, they have not treated the public with the proper consideration in the past.

I have heard it said at the public hearing held in this House, that it was too much work for the commission to look after. I believe that if the truth were known, it is entirely too much work for the council to look after. At a meeting of the city council about 18 months ago, a resolution was introduced asking the Legislature and give the people of Chicago this so-called home rule. During the discussion of this resolution, one of the aldermen used the following language against home rule:

"The members of the city council," said this alderman, "are not able to govern themselves. They have had the garbage question at their disposal for the last three years and are unable to devise a plan which would meet with the approval of the people and the council. They are unable to govern themselves and should have conservators appointed over them."

Mr. SANTRY (Cook). Who was that alderman?

Mr. SCHUBERTH (Cook). Stanley Kunz.

One great question that the proponents of this bill have failed to mention is the question financing this so-called home rule of Chicago. What'll cost and who will pay for it?

It reverts back to the dear people. And the taxpayers will have to bear the burden. While this increase in taxes would possibly be very slight, it seems to me that it is uncalled for, when we already have a commission established, who in the past 18 months has been successful in all their undertakings and in addition have added practically \$700,000 to the State treasury.

I further believe that a commission of the character of the Public Utilities Commission will give better service to the public.

Mr. SANTRY (Cook). What became of that particular alderman, is he still in the council?

Mr. SCHUBERTH (Cook). No, sir; and there is a whole lot of them there that ought to be relegated the same as he was.

Now, a word in reply to a remark made by Mr. Frankhauser when this bill was on second reading. He referred to the elevated station at Thorndale Avenue, saying that the people had to come to Springfield to file their complaint. Isn't it a fact that the people for some time have been striving through the city council to get that depot without any result, and from the advice and consent of their aldermen, they filed a petition with the Public Utilities Commission, and within ninety days the public was given that depot and that same alderman testified in behalf of the public at that hearing.

Just a minute gentlemen, and I will close. In concluding my remarks, Mr. Speaker and gentlemen of the House, I want to say that I have no interest in the Public Utilities Commission, none further than to say that they have served the people of the city of Chicago and the State of Illinois in a manner which should demand commendation from every member on the floor of this House, and in the name of the people of the city of Chicago, and the State of Illinois, I beg of you not to vote for this bill.

I thank you. (Applause.)

Mr. MULCAHY (Cook). I would like to ask you if you know how long it takes to get a hearing before the Public Utilities Commission? No matter what the proposition is? Do you know how long it takes to get a hearing?

Mr. SCHUBERTH (Cook). In answer to that I want to say this, that the Public Utilities Commission have been hindered by lack of money and appropriations to make investigations.

(VOICES. No.)

Mr. MULCAHY (Cook). I also want to say to you there is one proposition against the railroad companies which has been pending for over seventeen months. I also want to state to you that long hearings were had in Chicago and in Springfield and after they got through the finding of the commission was that the railroads should raise the obstruction to 22 feet above the rail, and should require the trainmen not to ride on top of the cars which is a thing that anyone familiar with railroading knows cannot be done generally in switching.

Mr. FRANKHAUSER (Cook). Mr. Speaker, I understand there are a number of gentlemen that would like to be heard on this bill. It is now late and I move you that this House take a recess until 2:30 o'clock p. m. (Motion prevailed.)

Whereupon the House recessed until 2:30 o'clock p. m.

Two-thirty o'clock p. m., re-convened,

The Speaker in the chair.

Whereupon, House Bill 899 on the order of third reading was taken up for further consideration.

Mr. HICKS (Winnebago). As a great many of you are no doubt aware I was elected a member of the General Assembly on the progressive platform and all of this session I have to the best of my ability been standing at Armageddon and battling for the Lord. I find that I am now in control of one-half of the progressive organization in this House and I can do with one-half of that organization as I see fit. I can throw it for or against any proposition that comes up, and on this proposition I most cheerfully throw it against home rule for Chicago. I have been under the impression ever since this came up several days ago that the members of this House don't thoroughly understand what is meant by the term "home rule." Mr. Frankhauser, the gentleman from Cook, the other day cited the case of several states in this Union that had adopted home rule statutes. He said that Washington, Minnesota, Colorado, Oregon, Oklahoma, Michigan, Ohio and Wisconsin had all adopted home rule statutes. This is true, but the kind of home rule statutes adopted is far different from the kind set up in this bill. There is not a single state in this Union which permits its cities to govern and control their public utilities. There is only one city in the United States to which the state legislature has given the right to control

and regulate its local utilities and that is the city of Wilmington, Delaware, located in one of the three states that have no public utility law. There are only three states in the United States that have no public utility law and they are Delaware, Wyoming and Utah, and in those three states there is only one city to which the legislature has given the right to regulate its public utilities. There were two states in the Union that had granted powers to their cities to regulate their utilities and those were the states of Missouri and California.

In the state of Missouri they passed in the year 1907 a law which gave to the cities of the state the right to regulate their public utilities and the law read that the utilities are hereby required to charge no more for the service of such utility as such rates shall be fixed from time to time by ordinance in the cities in which these utilities are operated.

I will read you what Governor Major of Minnesota had to say on this subject:

"The city of St. Louis, which is the fourth city of the United States in importance, had a commission all its own and a very good commission. There isn't any municipality that had a more successful commission in the regulation of local utilities than the city of St. Louis, and yet every one of those commissioners came in and asked the legislature that it pass the state wide law. Every utility that the local commission tried to control in St. Louis spread into some other territory."

In 1913 the legislature of the state of Missouri passed a state-wide law repealing the right that was given to the state in the law of 1907, repealing it in specific terms and placed the utilities of the various cities of the state of Missouri in the hands and under the control of the state commission.

They had a similar law in the state of California which permitted its cities to regulate and control their local utilities. At the last November election in the state of California by a referendum vote the proposition was submitted as to whether or not they should change their law and take away from the cities the power to regulate their utilities and place it with a state-wide commission. They voted on that proposition and carried it by a majority of over 31,000 votes. The last state in this Union which had granted the right to any city to regulate its own utilities backed up and took its place among the other states and placed the control and regulation of local utilities under the provisions of a state-wide public utility commission.

I am glad there was one member of the democratic side in this House who had the courage to stand up and publicly defend our State Utilities Commission. In a very few months you will be assembled in convention and you will look around for something to point to with pride as an accomplishment during this democratic administration, and there is only one thing that I can think of that you can point to in pride in this administration and that is the establishment of the Illinois Public Utilities Commission.

Some of you think that this has been an idle commission, but from their report in the first eleven months they have done business, there was filed in that commission 1,337 cases and in the first eleven months that commission decided 1,022 cases. I have here the proof sheets for the first volume of their opinions, 1,216 pages of closely printed matter, that represents the work of our State Public Utilities Commission and still there are people who will get up on the floor of this House and say that they have done nothing. They have not only handed down all of these opinions but they have made rules and standards for service in all of the public utilities of the State. They have made standards for gas, for electricity, for every public utility commodity. These standards are highly technical. The ordinary man cannot understand them. I will read at random from their rules and regulations on gas service, for instance. It says, under Rule 15. (Reading):

"Each utility furnishing manufactured gas shall supply gas which at any point at least one mile from the plant, and tested in the place where it is consumed, shall have a monthly average total heating value of not less than 565 British thermal units per cubic foot, and at no time shall the total

heating value of the gas at such point be less than 530 British thermal units per cubic foot.

"To arrive at the monthly average total heating value, the results of all tests made on any one day shall be averaged and the average of all such daily averages shall be taken as the monthly average.

"Provided, further, that in case gas is carried by mains at five pounds pressure or over per square inch, there shall be an allowance in the service of such high pressure district of 35 British thermal units per cubic foot in the monthly average, and the minimum heating value shall not fall below 520 British thermal units per cubic foot. No utility shall lower its present standard heating value without first obtaining in writing the consent of the commission."

Suppose we turned this proposition over to the city council of Chicago and if the city council of Chicago should meet 565 British Thermal Units coming down the street they would not know what they were.

Again, I say, that the regulation of public utilities in this State is a highly technical question and it should be left to the men who have spent their lives on these propositions and have done nothing else, as they understand what is required better than any committee of any city council.

I will not take up the time to analyze this bill but I hope that some of the gentlemen who do know it section by section will analyze it, but I simply want to say in closing that the bill is full of dynamite. There are more possibilities for evil in this bill than in any bill that has come to a roll call this session, and I hope that no man from down the State, and I don't believe that any man from Chicago who thoroughly understands the possibilities for evil that lie in this bill, will lend it their support. I don't believe a bill should be passed which will allow Old Dr. Yak to run for mayor of Chicago on a program of 50-cent gas and when elected know nothing about what gas can be manufactured for and to care less.

The utilities of this State are a big proposition for a city council, too big, and a council has not the time and the inclination, perhaps, to delve into these matters and I earnestly hope that this bill will not pass. The city is the buyer and the utility company is the seller and the city should not be allowed to sit as a judge of its own case. (Applause.)

Mr. GRAHAM (Mercer). Yesterday when this bill was before the House, I voted against it. I think every man should have some good reason for his action on these matters. I am still of the same frame of mind as I was yesterday and I want in a few brief words to give you my reasons for the position I take. It occurs to me that this bill gives to the city of Chicago too many additional judicial powers. The city of Chicago has the right to grant franchises and to give permits for the conducting of public utilities in that city. The bill seeks to give to it the judicial powers of passing upon these public utilities from time to time as to the character, quantity and quality of their service. I will ask you gentlemen in this House if you and I make a contract for the performance of any particular act, and in case of a disagreement between us, is it advisable that one of us be given the power to pass upon that contract as to what it means and how it should be construed, and yet this act gives to the city of Chicago the right to pass upon all contracts which it has with public utilities doing business in that city. A franchise, so-called, is nothing more or less than a contract between the city and some public utility company as to how the public utility company shall be permitted to use the public streets of that city and to serve the people of the city, and yet this bill seeks to give to the city of Chicago the right to pass upon the terms of these contracts and in case of a disagreement to act as the judge and I say that is not a power that can be safely given to any municipality. I say that simply because there ought to be a judicial forum where these contracts can be construed and their true meaning can be interpreted and there should be a court where these things can be taken. Whether it is by inadvertence, accident or intention, this bill does not provide as does the present Utilities Act for any appeal to any court or to any forum from the decision of the board, if created by this bill to consider matters affecting utilities in Chicago. The present public utility law provides that cases that go before the commission within thirty days from the time of the ultimate decision, an appeal

may be had to the Circuit Court of Sangamon County and there the case may be heard according to the rules of a chancery court, and if that decision is not satisfactory, an appeal may be taken to the Supreme Court of the State of Illinois, and yet, here is a bill that provides for the creation of a new commission with power to pass on and regulate the quality and quantity of service of a public utility corporation in the city of Chicago with no appeal to any court in Christendom. Their decision is final, except that an injunction may be prayed to some court to prevent putting into force and effect some ruling. Let me ask the lawyers of this House whether you think a court of chancery would interfere unless there were some mistakes or some great damage that would call for the interposition of a court of equity. These are fundamental errors in the framing of this bill. I don't know whether they were intentional or accidental. We have to take the bill as we find it, and you are creating a forum in Chicago that will have absolute domination and control of the public utilities of that city and the company has no right of appeal to any court in this State.

Let me say to you gentlemen from Chicago that I have had many favors from you gentlemen during my existence in this House and I have no interest in this matter one way or the other and I don't care personally whether Chicago has home rule or not, but these things appeal to me as fundamental faults in this bill we are now asked to vote upon. There is omitted from this bill section after section in the public utilities bill relative to regulation of the proceedings of the public commission in Illinois. One of two things is true, either the Public Utilities Commission of Illinois will have no jurisdiction in Chicago or it will have jurisdiction there. If it has jurisdiction there, there will be two concurrent jurisdictions. If it has no jurisdiction there, then we must go to this act for all of the powers that the new commission will have.

Have you noticed in reading this bill that it does not say that a commission may be appointed, but that "commissions" may be appointed. Under this bill the mayor and the city council of Chicago has the right to appoint not only one commission, but a dozen commissions to regulate the public utilities of that city. Examine the language of the bill. There may be one commission for elevated railroads, another for surface lines and another for the gas companies and another for the electric companies and another for telephones and then you will have a half dozen concurrent and conflicting commissions in that city so far as this bill is concerned.

In the Public Utilities Act of this State there are three sections which deal with discriminations and rebating of public utilities within the State of Illinois. Take the first section. It provides (reading):

"SEC. 37. Except as in this article otherwise provided, no public utility shall charge, demand, collect, or receive a greater or less or different compensation for any product, or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates or other charges applicable to such product or commodity or service, as specified in its schedules on file, and in effect at the time, except as provided in section 35, nor shall any such public utility refund or remit, directly or indirectly in any manner or by any device, any portion of the rates or other charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons."

"SEC. 38. No public utility shall, as to rates or other charges, services, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or other charges, services, facilities, or in any other respect, either as between localities or as between classes of service.

Every public utility shall, upon reasonable notice, furnish to all persons who may apply therefor and be reasonably entitled thereto, suitable facilities and service, without discrimination and without delay."

"SEC. 39. No public utility, or any officer or agent thereof, or any person acting for or employed by it, shall, directly or indirectly, by any device or

means whatsoever, suffer or permit any corporation or person to obtain any service, commodity, or product at less than the rate or other charge then established and in force as shown by the schedules filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device or means whatsoever, whether with or without the consent or connivance of a public utility or any of its officers, agents or employees, seek to obtain or obtain any service, commodity, or product, at less than the rate or other charge then established and in force therefor."

Those sections are entirely out of the present bill. Let me ask the members of this House whether those sections thus omitted don't take away from the present bill some of the greatest safeguards for the safety, not only of the general public but of the corporations doing a public utility business, that could possibly be taken from the bill and yet there is not a single word or single sentence or a single phrase in this bill that prohibits rebating or discrimination and other things that go to make up bad public service by a public utility.

So far as the personnel of the present city council and the mayor of the city of Chicago is concerned, I know none of them and I have no personal acquaintance with those gentlemen, but I have no doubt they are high-minded men and worthy of the offices they occupy, but in construing a law you should try to construe it under the most unfavorable circumstances. You should look to it and see what could happen under bad circumstances with this instrument placed in their hands. So, I say to you, that this bill ought not to pass in its present form. In my opinion from a careful study of the instrument, it is not one that this Legislature ought to enact into law. Some years ago a bill was brought before this Legislature known as the Allen law, and today among many people of the State it is a stench in the nostrils of those who assisted in its passage. It was simply a bill giving the city of Chicago the right to grant a franchise for fifty years. In my humble opinion this bill has more elements of evil in it and more potential evils that might bring about bad conditions than did the Allen bill years ago. I thank you for your attention. (Applause.)

Mr. DE YOUNG (Cook). Mr. Speaker and Gentlemen of the House: I feel bad, coming from Chicago, to be against the provisions of this bill. I have no bias against the city of Chicago. I was reared in that city and my adult life was spent there. If I have any feeling at all in that respect, it is one of admiration. No man who has witnessed the rapid growth of that city, which in less than three-quarters of a century has risen to be the second city in America and the fourth in the world, can help but admire it. I have no prejudice against its council or its mayor. I believe that its council is not only comparable with any council in any city in America, but it is at least equal if not superior to any other city council in this country. I am sure that under the guidance and administration of the present wise and energetic chief executive that city will make more rapid growth and more rapid progress in the next four years than it has ever made in a like period of time. I believe I approach this question with considerable reluctance. I have heard much of home rule. Home rule is what we are told this means and it seems to be something sacred. Let us pause for a single moment. Are there not some questions in the government of this State that are beyond the confines of the municipality? Is not the question of the administration of justice wider than that of the municipality? Isn't the imposition of taxes for the purpose of carrying on and supporting the government one that is wider. I yield to no man in my adherence to home rule. I am somewhat familiar with the institution known as town government. I yield to no one in my respect for the New England town meeting and town government, and I am aware to a slight extent as to the influence that form of government has had on American institutions and I am glad that the State of Illinois is one State that has reserved the old form of town government greater than any state in the middle west.

Because there are some questions beyond home rule and some questions, the disposition of which, are wider and greater than any municipal question or any municipality can deal with, I am sorry I cannot support this bill.

I don't fear the criticism that members from Cook County will receive irrespective of what this measure may contain. In the last 24 hours I have

been asked by more than one, yes by a half dozen different persons to support this bill, who, upon interrogation, admitted that they have not read a single line of its provisions. I can see it my duty as a member of this General Assembly to be something more than merely going with the tide. A careful consideration of the provisions of this bill will lead one to vote against this bill.

In the Public Utilities Act passed by the 48th General Assembly there are 86 sections. In the pending bill there are some of the sections of that act but there are only 31 sections in all. Prior to 1913 the city of Chicago exercised all of the powers conferred by the General City and Villages Act and now seeks by this bill to get not only what the Public Utilities Commission of the State has but in addition to its ordinary powers, powers that don't exist anywhere in the United States. There is no place in the country where such powers have been conferred upon a city council. Here is the unqualified control of public utilities by this bill conferred upon the city council. The limitations which are imposed or which are found in the Utilities Act of two years ago are not incorporated in this bill.

The gentlemen who have preceded me have referred to the fact that the city council is the judge of its own acts. Nowhere have I ever been able to find in the law any place where a person is allowed to be the judge of his own acts. I will pass over that lightly as it has been more ably handled by those who have spoken ahead of me. The contracting party is permitted to be the judge of his own acts and without any right of appeal at all. The city council is the sole judge and final arbiter of matters coming before them. The average citizen who may make a complaint to the city council has no appeal. Under the Public Utility Act he has. There are two revisions provided for under the Public Utility Act; one by the Circuit Court of this county, and one by the Supreme Court of this State.

Conceive, gentlemen, if you will, a citizen of Chicago who may be aggrieved by an adverse adjudication by the city council, conceive the opportunity for such a citizen to get into court and enjoin such a proceeding. The Public Utilities Act provides with considerable particularity what the qualifications of a member of that commission shall be. He is not permitted to be a stockholder or a bondholder in any utility operated in the State. If he shall become such voluntarily, then, *ipso facto* his office becomes vacant. He is not permitted to place upon the pay rolls of any utility any relative or any other person. I am well aware that it has been said that any such regulation in this bill would be a reflection upon the members of the city council. Why shouldn't there be such a regulation if they are to be the regulators of questions of this kind, especially when it is necessary in the State Commission. Is it any reflection upon the members of this House that the Constitution of this State prescribed the oath of office that you and I took. Is it any reflection upon us? No, not at all. Why are the same qualifications placed in the Commission Form of Government Act? It is no reflection upon the men elected to those offices. But, here is a council of seventy members that is to regulate the character and the rates of service of the greater share of the public utilities in this State and they say that the incorporation of any such a qualification is a reflection upon their integrity. Not at all.

Again, nearly every utility, even the gas companies, in the city of Chicago do some business without the confines of the municipality. Surely the telephone company does. There is a provision in section 20 where the two commissions may make a joint order. Suppose the city council cannot agree with the State Commission, how are we to get an order? Without going into detail on these matters, simply allow me to say that there would be endless conflict and no end of trouble, and in the final analysis, there would not be any smoothness of operation of the two authorities, but constantly there would be a conflict of jurisdiction.

There would be no uniform system of accounting under the proposed arrangement of Chicago having home rule and down State having the State Commission. Everywhere, one of the fundamentals has been to have a uniform system of accounting so that the regulatory body might be able to determine the condition and what sorts of rates should be prescribed. I will not dwell upon the other deficiencies of this act, or proposed act, and

I do not approach the consideration of this measure with any bias against the city of Chicago, nor do I approach its consideration with any unkindly feeling toward the public utilities. I have never represented any such utility and have never been fortunate enough to have any of their stock, but for seventeen years, during all of the time I have practiced at the bar, I have represented municipalities. I believe that if I have any sympathies at all they are on the side of the municipalities. My whole work throughout my career at the bar has been in the interest of small municipalities. I represent now the city in which I live and I am entering upon my ninth year in that capacity. The last two terms were by appointment without my even seeking the place. I cite this to show you that I believe that I am conversant in some slight degree with the limitations that are in the make-up of the average village board and city council, and in saying that, I don't mean in any way to impugn their integrity. I have no patience with the indiscriminate criticisms that appear so often in the public press of men who are seeking to do their duty. I welcome a vigilant press and much of the good work in Chicago has been on account of the vigilant press of that city. The average city council consisting of a large membership is not so constituted that it can properly regulate its public utilities.

I have seen some of this so-called home rule. It is a problem that is too big and has too many ratifications and requires expert knowledge and the average city council by reason of its many other duties is not the proper body to be vested with this broad and unlimited power as contained in this bill.

I served on the sub-committee that had this bill under consideration. In sub-committee and in committee I advocated a separate commission in that city of sufficient length of tenure so it might not be subjected to the many changes in politics. I don't believe that a man who has to perform the duties of alderman, taken all in all, that they can gain in their short tenure of office sufficient knowledge to properly regulate public utilities. I advocated a separate commission for that city, appointed by the mayor, if you please, and approved by the council of that city, with the right in the conflict of outside territory for a review so that there might be a body that could settle questions of service, or matters of the proper rate between territory inside and outside of the city. I believe still that if home rule is sought for the city of Chicago that is the proper solution of that problem and the only thing that will work out.

I submit earnestly and sincerely and wishing that Chicago could get home rule in the proper manner, I submit this is not the manner to get it. This bill ought to be defeated. (Applause.)

Mr. McCORMICK (Cook). I think that no member of this House will question either the learning or the unselfish and honest purpose of the three members who have last spoken on this bill. I don't believe that the members from Chicago who are for this bill are going to visit upon the members of the House from the rest of the State their disappointment because those members individually are against or are for this bill. We ask the votes of the members outside of Chicago for this bill on its merits and because it is asked for by the people of Chicago and by them must be approved in a referendum election before it can become law.

But, Mr. Speaker, I submit that these gentlemen who have studied this bill would have rendered a greater service to this House—

THE SPEAKER. Will the gentleman consent to an interruption for a moment?

Mr. LIPSHULCH (Cook). It is necessary for me to leave at this time because of sickness in my family, and I desire unanimous consent to be recorded as voting "aye" on this bill.

Mr. McCORMICK (Cook). I was about to say, Mr. Speaker, that these gentlemen who have subjected this bill to searching analysis as is shown by their speeches would have rendered a great service to this House and to the State if that analysis had been brought to bear upon consideration of the bill on second reading, for the purpose of amendment. This bill, and any other bill that comes before this House for consideration is not without fault. There are things in it which I individually would not have in it. It contains provisions which I would not have placed in it, but it is the

fruit of long study and long preparation. It can not become law until after prolonged discussion it goes to the electorate. We know from experience now that that electorate in Chicago has not passed hasty or harsh judgment upon the proposition. The city council and then the people in referendum are responsible for the complicated and really statesmanlike ordinances under which the surface lines are now operating. The franchises under which all the utilities save one are operating came from the city council. As to the present rates, the terms of service and the character of service, the city council has signal ability and signal restraint in dealing with these problems.

My friend, the gentleman from Cook, for whom I have the highest possible respect points out, or would point out, that the city council lacks in the experience or ability, the expert advice, with which to deal with these problems. The history of that council shows that the men on the committees which primarily deal with these questions are re-elected for term after term. They have employed as advisers of those committees, as experts in the settlement of the problems which come before them, the best talent which the country affords, talent which I think the gentleman will not deny, comparable in every way with any which can be had to serve upon the State Utilities Commission or any utilities commission.

I hope, Mr. Speaker, that the members of this House, almost a majority of whom voted for this bill yesterday, will vote "aye" upon the roll call today.

Mr. BURNS (Cook). Mr. Speaker and gentlemen of the House: The people of the city of Chicago have asked this Legislature to give them a chance to say whether or not they shall have home rule of the public utilities. They have voiced their sentiments on this question and have asked you to give them the privilege of voicing it again.

The gentleman from Cook County, from the outlying districts, outside of the city of Chicago, has seen fit to criticize section after section of this bill. The same gentleman sat night after night and day after day in the committee, and I want to say to you that he gave this bill careful and studious attention. With the exception of one and possibly two criticisms that he has made upon the floor of the House, I don't believe that I heard him criticize any of the other sections and if I am not mistaken as the vote of the sub-committee was taken he voted "aye" on the different sections before they were placed in this bill.

Mr. DE YOUNG (Cook). May I ask the gentleman a question?

Mr. BURNS (Cook). Yes; you can; but I had rather you would wait until I have finished for you may desire to ask other questions and I can answer all of them at one time.

Now, gentlemen of the House, one of the other gentlemen who preceded me, and he from the city of Chicago, has given you some of his reasons for not voting for home rule, and in his statements, and I know not where he got his information, but it seems to me, to say the least, that he has been entirely misinformed on the question of transfers here upon which he spoke. I want to say that the city of Chicago through its law department fought that case out and it was decided against it by Judge Landis. It was carried into the Appellate Court, reversed and sent back and re-tried in the lower court and there the city won and it was from them, and from them alone, that the case was won and not from the Public Utilities Commission. That is of record in the United States Court and, gentlemen, any of you can get it. That victory, gentlemen, was won by the law department of the city of Chicago and not by the Public Utilities Commission of the State of Illinois.

On the other proposition of the 79th Street viaduct. At the settlement of those cases some years ago when this opening was asked for, it had been closed for some time, the proposition was that the city of Chicago and the railroads, provided this opening was made, would stand equally the price of the opening. The opening under those tracks was made and the settlement afterwards and the entire price of the opening was paid by the railroad companies through agreement with the city of Chicago, and today the city of Chicago is indebted to the railroads for half the price of that.

opening, leaving that open so that if there are any other cases in which the city may become indebted or the railroads may become indebted it will be balanced in that way and the city of Chicago still owes the Pennsylvania and the Nickel Plate Railroad \$100,000 for that work. That was done through the city council, gentlemen, and not through the Public Utilities Commission.

The gentleman told you that in the agreement between the service lines and the city council, in their contract ordinance, that the street car companies were to build eight miles of railways each year. If he will look at that contract ordinance he will find, gentlemen, that it was twenty-three miles that they were to build each year instead of eight. The city council of the city of Chicago, and here possibly is a chance where men may have a difference of opinion, as the gentleman from the outlying districts of Cook well said, that while we may and do represent the people of the State, we must look to the constituency our four districts and see wherein their interest lies, and that is the fundamental principle of home rule.

And the other gentleman from the city of Chicago asks how many miles of roads have been laid by the service lines of the city of Chicago. The question that some of them look at is has all of this twenty-three miles of road been laid in their districts wherein possibly they are particularly interested, where interests of their own are at stake and not the people of the great city of Chicago. The city of Chicago covers a vast territory, and quite naturally in the large number of miles of road laid, they can not be laid in just the one district in which a particular person may have property and financial interests.

Now, gentlemen, that is the proposition that we must meet. Again, the gentleman from the city of Chicago said that there were various and many stub ends of the street railways in the city of Chicago. I grant that that is true. There is today in this House, a House bill for the purpose of eliminating those stubs and which you will be called upon to give the city council the right to change the mode of protecting themselves and carrying out the interests of the people of the city of Chicago by extending those stubs.

In the matter of extending the surface lines of the city of Chicago, the law says that the consent of publication must come from either side of the House. This bill asks that the consent come from the city council, because no matter what orders the city council may give for the construction of extensions the railways may move and move and at the end of each season they will say it is too late, we will commence next year. There is another reason why the power of regulating surface lines should be in the city council of the city of Chicago.

Let me ask the gentleman from Cook, and I need not ask any of the lawyers of this House, they know, and everyone else knows that none of the street car lines in the streets of the city of Chicago were built without the consent of the city of Chicago and when he says that they were he was entirely mistaken and the gentleman who gave him the information knew less about it, should have known that no extension of those lines could be built in the city of Chicago without a majority of the frontage. Before they come to the city council, you know and I know, that they must have the frontage and consent of the owners of the property in the city of Chicago.

Now gentlemen of the House, and I want to say to each and every one of you when I respond to those who have antagonized this measure, I feel that it is one of the wonders of the world to go back and think of the foresight and the wisdom of the men who wrote the Constitution of this country when they looked far into the future and gave to each and every state unlimited power up to and with one limitation and that was that it did not interfere with the Constitution of the country. Then we, the smallest, or one of the smaller units of the State under that same are entitled to the powers up to where they do not conflict with the Constitution of the State. Two years ago this Legislature took from the city of Chicago, and I might say robbed the city of Chicago of its birth-right, and that was the right to say that they knew how best to control the public utilities in the city of Chicago. The city of Chicago and the tax payers of the city of

Chicago were then and are now willing to pay any reasonable price for experts who will advise and confer with the city council members and give them the benefit of their knowledge; we believed now, and we believe then, that we have a council in the city of Chicago unequalled and unsurpassed rather by any body of men taken collectively. If the same criticism was voiced, it could be voiced just as well against this Legislature, against every Congress and the United States Senate that ever was in session, and you can say the same thing yet this country has gone on and those who have not been up to the standard, they have seen to it that there was someone else in their place.

The gentleman has told you that one of the members of the city council of the city of Chicago has told you that they could not control themselves. That gentleman has been left at home by the voters of his ward. Standing alone in the council of the city of Chicago, and because at any time, and at no time could we have his selfish interests, could he have the council come to his selfish interests, and he has made that statement because they didn't allow him to control. They knew how to control themselves, and they would not allow him to control. This comes from the gentleman from Cook for this one man, and this one man only in the many years in which we have had a city council in the city of Chicago.

Mr. Speaker and gentlemen of the House, we ask only this, let you gentlemen from the various sections outside of the city of Chicago do with this bill as you do with nearly every bill in this House, you scrutinize it, and see if its interests are opposed to any of the interests in your section. We find that this bill is giving the interests of the city of Chicago just what they want, and we ask you to do the same with this bill that you would do for your own by telling us from Chicago this bill represents my district, and I want you to help it. Now, this bill represents the city of Chicago, and we ask you to give us your assistance to pass this bill.

Mr. HUBBARD (Greene). Mr. Speaker, and gentlemen of the House. I will not occupy but a few minutes of your time. I wish to state at this time that I want to compliment the gentlemen from Cook (Mr. Schuberth and Mr. DeYoung), coming from the great county of Cook, both practically from the City of Chicago, coming down here on this occasion, for the backbone and the courage to stand here on the floor of this House and advocate what they believe to be to the best interests not only of the State of Illinois, but of the citizens and taxpayers of Chicago. I say that such courage as that is deserving of commendation by this House, and by all good thinking men. I wish to say particularly in reference to the speech of the gentleman from Cook (Mr. Schuberth) that he bore out my statement here yesterday that the charges made that this Public Utilities Commission was not meeting the requirements of the City of Chicago were not well founded. He not only bore that out, but he brought to you specific information to the effect that this Public Utilities Commission had done its work well in Chicago.

All that I can hear is home rule. I have not heard anything here by the proponents of this bill that has charged specifically that the Public Utilities Commission have not done their duties well in Chicago. I heard the statement made by one gentleman from Cook that because of the great congestion down in the loop that it was due largely to the inattention or the lack of attention given to this by the Public Utilities Commission. He didn't stop to go on and tell you gentlemen that the same conditions have existed in Chicago for the past twenty years, and is expecting the Public Utilities Commission in less than a year and a half to correct those things in Chicago, which the Chicago council has failed to correct in the last twenty years.

I claim that what we should do is to be fair to this Public Utilities Commission, and not make such charges that cannot be substantiated, such charges as have been made against this Public Utilities Commission, and I want to refer here, and I am very glad that the gentleman from Cook (Mr. Frankhauser) took that matter up and disclaimed any credit for the circular which the members of this House received today that those who were working in the interests of the proposition had nothing to do with the sending out of that circular. That was one of the meanest circulars, one

of the vilest circulars that was ever circulated in this House, and I am glad that the gentleman from Cook, who is for this bill because he is honest in it and I want to stand in defense of the Governor of the State of Illinois for this circular is practically charging him with appointing four members of that commisison, men owned and controlled by the public utilities of this State. I am not prepared to say that this Public Utilities Commission is entirely a success, but I do say this, gentlemen, that we should give it a fair trial, and not condemn it after only one year's trial. Let us give it two more years' time, and give it an opportunity to get in good working order, and see if it wont meet the conditions in Chicago.

Now, gentlemen, I need not take more of the time of this House, and I hope that every member on the floor will stand up and vote as he thinks and believes, and I believe that from the pressure that has been brought to bear from the city council and the Mayor of Chicago, I believe that when the Mayor and the city council of Chicago have no just rights to attempt to bring pressure to bear upon the members of this House from the City of Chicago. We should stand here like men and vote our honest convictions regardless of party convictions.

Gentlemen of the House, I appeal to you now to let this commission stand as it is. I said I was with the Public Utilities Commission, and I believe that there should be but one in this State. I believe that if you create two Public Utility Commissions in the State of Illinois you will have conflicting interests, and you could not get the result that you can get with one commission. Now, then, to create another commission in the City of Chicago, a commission that will control or attempt to control the utilities of that city there is bound to be a conflict of interests, and you will have the City of Chicago with the majority of control in the public utilities of the State. It is not right, it is not just, and this bill should not pass.

(VOICES. Roll call.)

(Roll called.)

Mr. BAKER (Hamilton). On this bill the City of Chicago asks for home rule. On second reading this bill was amended to give home rule to every city and village in this State of ours if they wanted it, but there was a movement that went up over this State that brought about the taking out of that amendment and if the down-State didn't want it and Chicago does want it, and if it don't hurt the down-State, and if it will help Chicago, and they think it will, I believe I am in favor of voting to give it to them.

Now the members of Chicago here, I don't know how many there are, but I know just from their speeches that there are only two against them, there may be more when the vote is taken, but if we are going by the vote for and against the bill, let us measure by the members from Cook County. I believe that a down the State man can vote for the bill, and I do not believe that it will hurt the down-State section of Illinois. I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) I thought that some one on the floor of this House, and I wish that it had been some one else, had done it before it came to me, some one here ought to dispute the impression of those members who are not familiar with the law and legal procedure of a something which I am sure has gotten a foot hold here and has gained considerable credence among the non-lawyer members of the House, and I think that it was sowed unwittingly, or at least I think that the gentleman who voiced the information or statement which has given rise to this condition did that unwittingly or at least with no intention I am sure of misleading anyone. The gentleman from Mercer, (Graham) gave the House to understand that there was no appeal from the action of a city council upon any matter which they pased upon, or any action which they took, that the action of the city council was the alpha and the omega, the beginning and the end from which there was no appeal, from which there was no getting away or going back. Now that is not correct, that is not correct at all. Every act of the city council in regard to public utilities as well as in anything else must be, and the courts have so held so many times that

it is an old, old story, must be fair, just and equitable, and if it is not then the simplest method of appeal that the world knows has been thrown open by the courts and the decisions by our courts for those actions, and that is a bill in equity for an injunction, and the court never has refused to act in a proper case. No city council can go ahead and perform reckless willful acts beyond its jurisdiction and power and beyond its rights and not be brought up immediately by a round turn by the shortest method of appeal known to the law. Now that is so and no lawyer when he comes to think of it will deny that it is so, and it is not a new thing. So much for that.

Now, gentlemen of the House, there has been a good deal of sentiment expressed here both for and against. Let's get down to a little business and common sense for just a moment. The city of Chicago ought to be responsible for its actions, and behavior. Every individual is, why not an artificial person like a municipality? Every corporation is, why not a municipal corporation? Then I say to you, and you won't deny the accuracy of the statement that the city of Chicago ought to be responsible for its actions and its behavior, not only socially, not only morally, not only from a point of criminality or non-criminality, but the standpoint of finance, from the standpoint of business management. It ought to have the same responsibilities along those lines as an individual. There is just one way gentlemen of making the city of Chicago fairly and honestly responsible, and that is to give her control of herself. You can't hold me responsible for my conduct to you and to others and my fellow beings unless I am a free moral agent in the charge of my own actions, and my own conduct. Isn't that true, and when I am, and when I am a sane being, then you can hold me responsible morally, religiously, financially and otherwise, because I am a free moral agent, and I do the things, or fail to do them myself.

Now, is it fair to attempt to hold Chicago responsible for her social condition, for her moral condition, for her financial condition, for all those things that go to make up an entity, either in an individual or an artificial person, and still deny to her the right of self government? I say it is not fair, it is not right.

And I say to you, and I have traveled this ground yesterday, and I am not going to travel it far today, I say to you that if you want to keep Chicago in swaddling clothes, if you think that she has not the capacity for taking care of her public utilities that she has not men that are sufficiently intelligent to control her government, and that that work should be left to the power of a bunch of men who don't know anything about her except as they go there occasionally. That if, gentlemen, you want to take her away from herself, away from the government of her own citizens, which is by the people, because they don't know enough, to put her in the hands of a bunch of men who are supposed to be away and above anybody there who do not know anything about the public utilities of the city of Chicago; in other words that a member of the city council is not as capable of dealing with public utility problems of that city as a member of the Utilities Commission. It isn't so. I say, give Chicago a chance, and let her run herself. If you want to keep her in swaddling clothes until she gets to be a thousand, if you want to do that all right, but I vote "aye".

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) I wish to say a word in explanation of my vote in reply to the remarks of the gentleman from Cook. I never voted in committee in support of this bill. The gentleman will remember that in the hearings in the LaSalle Hotel in Chicago, and at the Leland, we worked on the other bill, the general bill 1. I vote "no".

(Roll call continued.)

Mr. FRANKHAUSER (Cook). (On roll call.) Just a word, Mr. Speaker, to some of the members that have taken occasion to say that they believed and were kind enough to say that they believed that I believed in this bill. I want to say that I do believe in this bill. I believe in the eternal principles of right and justice that this bill stands for. I believe that the right of a city to govern itself is as sacred as the right for a home to govern itself. I believe in this bill, gentlemen, I do. I believe that it is the voice of humankind, the cry of the ages. It is the right to home rule. It must be that the gentlemen who have talked against this

bill have been talking for the 2,500,000 people of the City of Chicago. It must be that they are speaking for them, I think that the city council represented here and representing the millions of people of the City of Chicago and the city administration are advocating this measure and that they are representing the people of Chicago in advocating this bill.

Now, I want only to say this, gentlemen, and to any other man of this House who today raises his voice against home rule, that he might as well go to the grave of Nazareth and with a loud voice call Him to come forth as to try to impede the eternal principles of right that are involved in this bill. I want to state to you that the chariot carrying home rule has started to move, and it cannot be kept down here today. It may be that this Assembly at this time will not see fit to pass this law, but if you do in two years from now it will be here asking you again for home rule for the City of Chicago. I vote "aye."

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) It has been said by the gentleman from LaSalle (Browne) that a method of appeal is contained in this Act. I challenge the attention of any lawyer in this House whether his statement will bear inspection or not. No lawyer would contend and honestly contend, in my judgment that the remedy by injunction in a court of equity repeals anything in any statute or at common law. It simply gives to the persons complaining the right to go into court and call for the intervention of a court of equity, and therefore we may accept the statement that I first made that the right of appeal absent is correct, and if that is not true, why was it written in distinct terms in the original public utility law?, that the right of appeal should go to the Circuit Court, and from thence to the Supreme Court while it is entirely omitted from the present Act? I vote "no."

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Gentlemen, as the argument has proceeded here it would seem that the City of Chicago was the only home there was in this State or in this country. I want to say to you that I regard the great State of Illinois as primarily the home. The State of Illinois is primarily the home that should be considered. The County of Cook is only one out of 102 members of the great family of the great home of the State of Illinois which has been made by noble men of this country, and the County of Cook in which is located the City of Chicago is only one member of that home, and they seem to have disregarded their relationship with that family and desire to take over the charge of the affairs and be the whole family, and all in one. That is the argument that the learned gentleman from LaSalle (Browne) in his eloquent appeal would have you accept. The County of Cook is only a member of the family, the great family of the State of Illinois, the home of Grant and Logan, and of Douglas, and of Abraham Lincoln, that is our home. I want to say to you that if one member of the family wants to have something that is not good for the other members of the family, then you are going to have trouble in that family. Whenever one boy grows up so big that what is good for him is not good for the rest of the family and he gets too big to take what the rest of the family take, you are going to have trouble. Let's stand for home rule, a home rule of the State of Illinois, of which we are proud. I vote "no."

(Roll call continued.)

Mr. F. J. RYAN (Cook). (On roll call.) In behalf of the great majority of the voters of the 11th Senatorial District I vote "aye."

(Roll call continued.)

Mr. SANTRY (Cook). (On roll call.) Mr. Speaker and gentlemen of the house, I happen to be one of the representatives of the third Senatorial District, and that district happens to be located in the city of Chicago. It seems to me that any time we seem to want anything up there that some members of the House try to take a fall out of it. Now it is the opinion of the majority of the voters of the city of Chicago that they ought to have home rule, and I believe in it, and I believe that we ought to have some consideration. We try to do the best we can with some of the other members here, and I believe that we should be considered in this thing.

The members of the city council are down here, and the Mayor is here. I am a Democrat, but they have elected a Republican Mayor in Chicago, and I believe that they ought to have a little lee-way, therefore, I vote "aye".

(Roll call continued.)

Mr. SCHUBERTH (Cook). (On roll call.) Mr. Speaker and members of the House, in defense of the attack made on some of the statements that I made this morning by the gentleman from Cook, I want to say in reference to the 79th Street proposition when that ordinance was passed closing that street the city council did not consider the public's interest. He says the city of Chicago has not paid it, but the city of Chicago is indebted for the opening of that street, and they owe for it today. Now, in reference to the 79th Street elevation, I want to say that the property owners fronting on that street did not give their consent, but that the city council voted certain frontage belonging to the Board of Education giving the street railway a right to pass that loop through that street.

On the question of transfers, I didn't say at any time that the Public Utilities Commission had decided that question. I said that the people today were still without the use of that transfer, and that is true. I failed to make mention gentlemen of the contract elevation ordinances that were passed and by the city council certain time limits were given to the railroad companies to complete that contract elevation, and what did the city council do? It gave them an extension from time to time to some extent in years, and what was the result? Do you remember the great crossing accidents that happened there? These accidents whereby many lives were lost. There is not a man on the floor of this House can question that fact, and the statements I made here this morning, were made in good faith and are true, and I deny the right of any man to say they are not. I vote "no".

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) I realize that it might not be the most appropriate thing in the world for a man down the State to vote for this so-called home rule to be honest with himself, and I would very much prefer to repeal the entire Act. I think that if home rule were given to Chicago that it would be a long step in the right direction. I believe that we should hear their cry and give them home rule. Now, it appears to me that the man who votes for this measure is not voting in the interests of the corporations. My experience on the utilities committee has taught me that when the corporations are attacked by legislation that is adverse to their interests, that they hurry to where the Utilities Commission makes it stand. They want to place their rights in the hands of the Public Utilities Commission instead of placing their interests in the hands of a legislature who is responsible to the people of the State of Illinois for legislation. It seems to me that the home rule idea should appeal to all the State, and inasmuch as it is impossible to pass a bill at this point, I undertake to vote according to my belief from the earliest conception of this measure. In the Forty-second District I have talked with some of my friends and they said personally, we believe Chicago ought to have home rule, personally we feel that it is a good idea to protect them from this Public Utilities Commission as much as possible. Now when it comes to a matter of right, I undertake to say that I have got the nerve to vote for this bill, therefore I vote "aye."

(Roll call concluded.)

Mr. BROWN (Cook). I would like to have a verification of the roll.

(Roll verified.)

Mr. CURRAN (Cook). I desire to change my vote from the "aye" to "no", and to serve notice that I will move to reconsider the vote by which this was lost tomorrow.

THE SPEAKER. On this question the "yeas" are 72 and the "nays" 61; the bill having failed to receive a constitutional majority is declared lost.

Mr. GORMAN (Peoria). Mr. Speaker, I am willing that that motion should prevail, but there is other business here for our consideration, and this matter has taken up two days of the time of this House. The business

of this House is growing to an end, and I think that this question certainly has had all the opportunity in the world, everybody has had an opportunity of expressing their opinion on it, and we ought to settle this question at this time.

THE SPEAKER. The right to move to reconsider is one that we cannot deprive any member of.

Mr. MERRITT (Sangamon). I desire to move to reconsider the vote by which House Bill No. 697, the School Text Bill was lost, as notified heretofore.

Mr. F. J. RYAN (Cook). I move to lay that motion on the table.

Mr. MERRITT (Sangamon). The bill is a good bill and there is no objection to it.

(Motion to table lost.)

(Motion to reconsider vote by which House Bill No. 697 was lost prevailed.)

Mr. SHURTLEFF (McHenry). I don't desire to oppose this bill, but I would like to ask unanimous consent of the House that the bill go over until tomorrow. There has been a good deal of contention over this bill when it was on second reading, and there was practically an agreement that there should be an amendment as to how the Commission should be made up, and if that change is made in it, then so far as I know there will be no objections to the bill, but the bill in the form it is now provides a commission to be appointed by one man, by one officer, and I think it should be changed. Now with a change to make an amendment along that line, I know of no objection to the bill.

Mr. HUBBARD (Greene). The bill provides that the Commission shall be appointed by two county officers.

Mr. SHURTLEFF (McHenry). One by the Superintendent of Schools, and three by the county judge, and that practically means a commission appointed by one man.

Mr. MEENTS (Iroquois). I now object to having this bill go back to second reading.

Mr. SHURTLEFF (McHenry). I move that action on this bill be postponed until tomorrow.

Mr. MEENTS (Iroquois). I move that that motion be laid on the table.
Motion tabled.

Mr. IGOE (Cook). Before the roll is called I think some one ought to explain this bill in detail. Now it was up once before on the floor and failed of passage mainly because no one knew anything about the bill, and if it affects any city and the school system of any city I think some person ought to explain in detail this bill, and tell us specifically how it will apply.

Mr. HICKS (Winnebago). I will be glad to briefly explain this bill. I was on the subcommittee which gave considerable attention to the provision of the bill. It provides for county uniformity of text books, that county uniformity is to be brought about by a commission, and that commission is appointed in this way. Three members are appointed by the county judge and two members of the commission are the superintendent of schools and one member whom he appoints, so that the five men on the text book commission are composed of the county superintendent who is chairman and one man whom he appoints, and three members appointed by the county judge, all the members of this commission must be experienced in school work and have been actually engaged within five years prior to their appointment.

The bill further provides that any manufacturing concern making text books must file with the Superintendent of Public Instruction a list of books and samples of the books and prices and must also file an affidavit and a bond and it must be provided in this affidavit that the book is being furnished to the counties of the State of Illinois at as low a price as is being sold at any other place in the United States under the same conditions of distribution. Those, in substance, are the essential provisions of this bill.

Mr. KANE (Saline). In addition to text books the bill also provides that school supplies must be purchased in the same manner. It is reported to our committee and I believe it to be a fact that books are sold in Indiana at about 50 per cent of what they are sold immediately across the line in

Illinois because of the fact that Indiana has a text book commission and uniformity of text books.

This bill applies only to Chicago in this way that Chicago must pick its text books from the list on file with the Superintendent of Instruction and will receive the benefit of the price which is on file in the State Superintendents office.

For the further information of the gentlemen I want to state that this bill only applies to the books which are used up to the eighth grade, including the eighth grade. It does not apply to the books used in the high schools or in any branches beyond the eighth grade, and I want to say gentlemen, that if you were down through the State anywhere where I am acquainted from this time on you would be absolutely convinced from now on until school opens our country is flooded with agents representing all kinds and characters of books made under the present law. Some of the contracts for text books are made by men who hardly know what one book is from another, and there are so many agents that the farmers can hardly do a days work in the corn field from now until school opens in the fall.

You will have no conception unless you know from experience of what this will mean to the rural communities, communities where the people move about, and must move in order to keep up with the work. They are compelled to move two or three times, and when they move three times, they have to buy three different sets of books, and they cannot use one set in connection with another, so it is not only a saving in the price of the book one time, but it is a saving in the price of two or three sets of books. I say to you gentlemen that this is a bill that is not only in the interests of education, but it is a bill in the interest of those who can hardly afford to own school books, those who are in such circumstances financially that they can hardly afford to buy school books. If a man with five or six children has to buy school books it is quite an item, and here when he moves from one line to another, if he has to buy another set of books he cannot afford the expense. I say gentlemen that you would be doing an inhuman act to withhold your vote on this proposition and I think that we should enact this bill into a law, and it should be done at this time.

Mr. VURSELL (Marion). Just one word in regard to this bill. I will not attempt to make a talk on this subject at all, but I live down in southern Illinois, and I want to say to the members of the legislature from Cook County, and from other parts of the State that I have had more people ask me to speak for this bill than practically any other bill, and I want to tell you in my humble way that the poor people of the rural districts, and the cities and villages are earnestly hoping that this legislature will enact this bill into a law. Can we afford to say to the people of the State of Illinois as their representatives that we will not as much as give them county uniformity of text books.

7. The great Commoner, W. J. Bryan, has well said that you might as well cut a boys arm off and send him out into the world to make a living as to send him out into the world half educated to compete with the boy that had the opportunity of getting an education. Now, I hope the father and the widowed mother of the State of Illinois who have all that they can do to maintain a livelihood for their family are earnestly hoping that this legislature may pass this bill in order to reduce the expense in the education of their children, and I do hope that this bill will pass.

Mr. SCANLAN (LaSalle). I was a member of the sub committee that prepared this bill. I think that it is the best bill on the subject that we could ever present to this Legislature. I think that it is a good bill and there is nothing in it, there is nothing objectionable in it to any person of any belief or any creed. I think it is a good bill and deserves the support of this House. It provides that this County Uniform Text Book Commission, after selecting the books cannot make a contract for less than five years. It provides for a schedule of prices that must be filed with the Superintendent of Instruction. I think it is a good bill and that it is in accord with the progressive methods of school teaching of the United States, and I think it ought to be adopted.

Mr. PURDUNN (Clark). I can see nothing wrong with this bill. It is

for the benefit of the people who have to buy their text books, and it will do away with the scandal in certain districts where contracts have been made for the purchase of certain books by the payment of certain amounts of money. This will do away with that at least.

(Roll called.)

Mr. BURNS (Cook). (On roll call.) During the discussion of this bill last week there was some criticism offered on this side of the House as to whether or not it applied to the county of Cook. Some of the sponsors for the bill said it didn't apply to the county of Cook, while others said that it did. Certain features of the bill have practically been in effect in the county of Cook for some time, and we have had uniformity of text books by common consent, and believing what the gentlemen have said on the other side that the bill is of interest to many of the counties down the State, I vote "aye". (Applause.)

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 123 and the "nays" two; the bill having received a constitutional majority is declared passed, and the clerk report the title of the bill.

Mr. MULCAHY (Cook). Mr. Speaker, I wish to call up House Bill 239 on the order of second reading.

Mr. GORMAN (Peoria). I object.

Mr. MULCAHY (Cook). Mr. Speaker, I move to suspend the rules and call up House Bill 239 on the order of second reading, under Rule 12.

Now, Mr. Speaker and gentlemen; this House Bill 239 is commonly known as the 50 car train limit bill. I want to say to you gentlemen that I think this is a bill that ought to be given some consideration at this time. I still conted that it is a safety measure and if you have read the newspapers you know how the railroads have opposed this bill in lengthy advertisements. It is a case of life and limb to the men employed on these long trains, and I hope some of you members, since you got your jolt the other night on the Alton train, will now aid us in getting this bill up on the order of third reading at least. You who were on that train can see what sort of a stop they can make with their air cut in; you know that that train, which consisted of eleven cars made the shortest stop they can make in an emergency case; they showed you in what a short space they could stop. I happened to be on that train and I took the trouble to go back to see where the train hit the rail and it was at least half a mile from the place where it hit the rail to where it stopped. Now, if they can't stop a train in less than a distance of half amile, what can they do with fifty or a hundred cars?

I will cite you another instance that happened here in Springfield two weeks ago. There was a heavy train loaded down toward the Baltimore & Ohio crossing. The engineer put on the air in order to stop at the crossing, but the air failed and he went right through the B. & O. crossing.

Gentlemen, I ask you and I appeal to you, if you have any regard for the life and limb of these trainmen, to vote to give this bill the consideration it deserves. I also appeal to you to look at the case of the firemen who fire these large engines that the railroads are building now; just think of the work and the energy that it takes to fire one of those big Mogul engines; no man who is a weakling can handle that work, and I say to you that it takes a darned strong man to fire those engines that they are using today. I ask and I appeal to you gentlemen to vote to reconsider this bill at this time.

Mr. BRINKMAN (Cook). I would like to ask the gentleman a question: Do you mean to say that a freight train of 75 or 100 or 125 cars goes at any such speed as that passenger train the other night was going?

Mr. MULCAHY (Cook). No, I don't mean to say any such a thing.

Mr. BRINKMAN (Cook). How many cars were in that train the other night?

Mr. MULCAHY (Cook). I say about eleven cars.

Mr. BRINKMAN (Cook). Could a big freight train go the same speed?

Mr. MULCAHY (Cook). You know they have high-speed brakes on passenger trains where they don't have them on freight trains. There are

some refrigerator cars equipped with those high-speed brakes and when the engineer applies the air on a train consisting partly of those refrigerator cars, it jars the men at the rear end in the caboose so that they are in danger of life and limb. One of the speakers here advocating this bill a few weeks ago, cited an instance where the stove was tipped over in the caboose and a man burned, when the emergency was applied.

Mr. VURSELL (Marion). Mr. Speaker and gentlemen: This is a bill of considerable importance, and it seems to me that this bill should be given serious consideration. At some time or other there will be another bill in the Utilities Committee. The railroad officials have stated that they have gone to work and laid heavier steel and leveled grades so they could build big engines—

Mr. BRINKMAN (Cook). Mr. Speaker, I rise to a point of order. This gentleman (Vursell) is speaking as to the merits of the bill and I object to it at this time.

Mr. VURSELL (Marion). I wasn't speaking as to the merits of the bill; but I will say this, that during this session of the Legislature, the laboring men and the railroad men of the State of Illinois have had their legislative representatives down here. These men have sacrificed being with their families; they have been here earnestly working and pleading for some legislation along that line and have been away from their jobs, largely at their own expense, and if not at their own expense, at the expense of their fellow workers. The match has not been even by any means. These men have been here unsupported, and every gentleman here will agree with me that they are as gentlemanly as anyone here lobbying in the interests of any legislation. They are all practical railroad men who have come up from the ranks. I happen to know that two or three of them have been left as orphan boys and have grown up against the hard knocks of the world and have made a success of it so far, and they have the confidence of the men in the ranks, who are honestly and earnestly looking upon them to prevail upon the Legislature here to give them some recognition,—to give some recognition in favor of the laboring men of this State. Now, they have waited long and vainly; they have acted honestly and upright in the matter; and on the other hand we have had the men here from the corporations, who have argued the matter from the standpoint of the corporations; we have had division superintendents and general managers,—numbers of them. The railroad companies have been granted the right of having the home rule bill of Chicago exempt them from coming under the jurisdiction of the city council, or a commission appointed by them if they so desire; we have granted them favors on every hand. The match has not been even in any way. We have had men here representing the ease and the luxury and the power with which they are clothed by the railroads which they represented, and they have been successful so far in their endeavors to retard the progress of this bill.

Now, I understand that there is an amendment that will be offered to this bill,—an amendment raising the limit to 75 cars. Now you have called up on special order bill after bill of the lesser importance than this bill, and several members have declared their intention to support to any bill that has the semblance of 77 votes, saying that it should be allowed to come up on the floor of the House and be heard.

Now, we have had the boxing bill up; we have heard the pension bills; we have heard bills in every other vocation almost,—and now have the railroads ever sacrificed their interests? And now we say we will not give them a chance to even amend this bill on second reading. I say the rules ought to be suspended in order to give this bill just as much chance as the others; we have a semblance of 77 votes and yet you won't vote to suspend the rules. We may never get this bill by the House, and if we do we may never get it through the Senate. We should have recognition to some extent anyhow and see just where we stand.

Mr. BROWNE (LaSalle). Mr. Speaker and Gentlemen: There is no necessity for any friction one way or the other over this matter. The bill either appeals to men or it does not; there is either some merit in it or there is not; we can't all view things from the same viewpoint; but I want to base my few words to you in support of the proposition of calling up

this bill now and advancing it, upon what occurred the other night on the Chicago & Alton Railroad, and also upon a proposition that I advanced before the Public Utilities Committee that was considering this bill some weeks ago.

Now, contrary to what the gentleman from Cook, Mr. Brinkman would infer, and contrary to what he evidently thinks, it wasn't the speed of that train that caused any damage the other night; that didn't have a thing to do with it. The same thing would have happened if the train had been going 25 miles an hour, or at the speed at which it was going,—about 60 miles per hour. To start with, from the bottom up, the track and the right of way was a disgrace to any railroad in any civilized community, and any set of officials who would permit its train, carrying human lives, to run over a track of that kind,—well, I was going to say that they ought to be prosecuted, or at least they ought to be asked to resign. When the accident happened, or rather when it started to happen, the train ran over a quarter of a mile. Now the track was torn up for a very long distance, and the bridge over that ravine, which was about ten or fifteen feet deep and ravine about 20 feet wide,—the ties and the woodwork on that bridge were torn up. I went along there and I examined the ties and the woodwork; I looked at the condition of the bridge as the portion of the train then on it stood there. Gentlemen, there wasn't a tie in the whole business that was worthy of the name; there wasn't a tie in the whole business that hadn't outlived its usefulness long, long ago; there wasn't a piece of wood in the woodwork on that trestle that was fit to be there; it wasn't wood; it was punk, and the stuff wasn't even kindling wood; it was simply punk. Bark is the same as punk would be, when you crumble it up. That was the kind of stuff that was laid down there to put rails on, over which a train of that weight and size,—ten cars,—was to speed with human lives. It was a crime, gentleman, nothing more nor less.

Now then, you will say, What has that got to do with it? I will show you. What was it that caused the wreck? The front truck of the tender came to a place where the rail had spread a little and it went down between and it commenced churning those old punk ties and then broke away from the fastening on the bottom of the tender body and commenced skewgeeing, but could not get out, and so dragged along, and the coupling of the engine was strong enough to hold the end of that tender up and pull it along.

If the engineer had been an ordinary human being; if he had stopped as *he could have stopped with his* air, it would have piled every one of those cars up in the ditch and there would be some of those people that were on that train who wouldn't be here now; but he had the head, and the courage and the intelligence, and he eased the air on gradually, taking a chance on his own life, until he had passed over that bridge, and the tender had come clear to the other side of it and chewed that bridge to pieces, and there the wheels of one car went clear off the rails and if we had gone another 150 feet the passenger coaches would have been piled up in that ravine. Was that all due to the spreading of those rails? Oh, no, not at all. It was due to the passage of those heavy trains, the 100 car trains, the 150 car trains, loaded as they were, to be pulled by engines that are too big for an 85 or 90 pound steel—and with these old punk ties,—that was the trouble and the rails were spread.

Gentlemen, this is a bill that ought to be considered, and that was an object lesson the other night, and one that I shall never forget, and one that nobody that saw it ought to ever forget.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I didn't intend to say anything in regard to this bill or upon this motion, but inasmuch as the wreck Monday evening is brought into it as an argument here as to why this bill should be considered, it seems to me that a word ought to be said.

I was on that train; I went over the ground and I saw the whole of it, and if it is anything in the world, it is an absolute argument in favor of the heavy engine, because if that engine had been an engine of smaller weight, the lighter, or one of the old style engines, that engine would have gone into the ditch and the train would have gone into the ditch; but the engine, which was three times the weight of the tender,—a big, mammoth, giant

engine, never left the track; it stayed on the track and its weight kept it on the track, and it went over the spread rails. I didn't know before that it was spread rails that caused the accident; I don't know now that it was spread rails that caused that accident. I read in the newspapers and I have heard some say that it was a broken flange upon the wheel, which may or may not be so; I don't know. I don't know how it happened; I don't know that anybody knows how it happened. I don't know, if this bill should be passed, that this bill would put any new ties in the Alton Railroad, or better rails on the Alton Railroad, and I don't know that this bill would do anything else to correct many of the criticisms that have been made against the Alton Railroad, and I did not know before that the purpose of this bill was directed against the Chicago & Alton Railroad, and if you pass it you are not going to change the weight of the rails in Illinois; you are not going to put in new ties in the roadbed. I would say, if the gentleman's argument is correct, that instead of making this a bill to limit the length of trains, we ought to make it a bill to increase the weight of the rails,—a bill to compel railroads to put in new ties and steel and to put in a firm bed and rail; then there might be some sense in it. But the wreck at Willow Springs, if anything, was an absolute argument in favor of the engine being of a size and a weight that it will hold itself upon the rails and save lives, and not go back to the old style of engine that would have gone in the ditch in that wreck.

Mr. SMITH (Cook). Mr. Speaker, I have not heretofore taken up any time of the members of this House in speaking on any measure, but as it happens, I was very much interested the other night when that accident occurred, and I made it my business to go back and look over things to see if there was any possible way that I could account for that accident.

Now, it has been said here time and again, and it has been claimed here time and again, that the weight thrown on any part of a train by serving the air, will cause the train to buckle. Now, in my estimation, gentlemen of the House, it was just such a thing as that which caused this wreck. I went back to where the accident happened. It was some 1,200 feet beyond the rear end of the train. My way of making that measurement was by pacing the distance between telegraph poles and then counting the telegraph poles to where the wreck occurred, from the end of the train. In that train there were eleven cars—three sleepers, an observation car, parlor car, diner, day coach, a legislators' car, combination car, chair car and also the baggage car, making a total length of something like 1,800 feet that the train had run after she jumped the track. There were three of us gentlemen sitting in the seat in the front end of the so-called legislators' special when the accident happened. I know from experience that the engineer had put his air on, and at that time we commented on it, and commented on the length of time it was taking him to stop the train. Well, when I got back to where the accident occurred, I found it was near a curve—possibly a 30 per cent curve. It seemed to me that at the rate the engineer was going, he tried to hold his train before striking that curve, and he threw on the air. In doing that she raised the forward trucks of the tender and she jumped the track just about striking the curve. When the tender jumped the track it certainly drew the rest of the cars with it. Now, on that curve, it seemed to have lacked the attention from the railroad officials or whoever had charge of that part of the track; they never made any attempt to keep it up to the standard it ought to be kept at. There seemed to be no elevation whatever of the outside rail, and any person with common sense will know that where there is a curve, the outside rail should be raised higher than the inside rail, or the train will jump the track.

I think this wreck the other night should have a great deal of weight with the members of this House in bringing this matter before the House for discussion by all the members, and I think this bill should come up for discussion.

Mr. KANE (Saline). Mr. Speaker and gentlemen: This matter of the Chicago & Alton trouble is interesting, and I rather suspect that it was not very delightful to the parties who were mixed up in it; but that is not the question before this House. It is not a question of what caused that wreck; it is a question of really whether this is a good bill or a bad bill. Now, I

say that, meaning just what I say. There has been bill after bill asked to be brought up here on motions to suspend the rules and have the bill considered. The question is whether or not we are going to be fair to all. It is generally understood that there are going to be some amendments made to this bill—I don't know how many—and we are going to be unfair enough to prevent this bill from coming up when it is to be brought up for the purpose of amendment? If it should be killed where it is there will be many others that will come up the same way and take its place. If it is to be amended, if 50 cars isn't enough, or if something else was in it and some member says, "Oh, I couldn't stand for it in that shape," give them a chance to amend it. Now, let's put it in a position where they can either vote for or against it and give it an opportunity to be amended. That is all that this motion means—that the bill may be taken up and be given an opportunity to be amended on second reading and given a chance to advance to third reading. Let's do it.

Mr. GORMAN (Peoria). Mr. Speaker and gentlemen: My friend from Salem (Vursell) made reference to the railroad legislative committee, who, by the way, are a very nice lot of gentlemen, and a lot of gentlemen that I have a great deal of respect for, although we may differ in opinion. But he laid stress on the great suffering they were undergoing by having to be here at Springfield. I want to say for the benefit of the gentleman, that the railroad legislative delegation has been here at every session that I have been here, and this is my fourth session. They are here advocating this line of particular legislation, which is beneficial to their interests, and when you differ with these gentlemen, of course you are looked upon as a very, very bad man. They are claiming to you that this bill has not had consideration. If there is any bill that has had consideration, it is this bill, and if this House had done its duty and if the committee had given it due consideration it would not be here. All the parties concerned had an opportunity of being heard and to adopt the committee report as it was submitted to this House, and this bill should not be here today taking up the time of this House in discussing it. The report of the committee was against this bill. The action of the House was not an adoption of the committee report, but it was a non-concurrence in the committee report, which placed the bill on the calendar. The bill was placed on the calendar; the bill was called up and on objection, the required number of votes, namely, seventy-seven, were not available, indicating, you understand, that majority of this body did not see fit to take up the time of the House in the consideration of this bill.

Now, some of you men are not the proponents of this bill and my friend from Salem (Vursell) I just want to call your attention to a little something along the line of consistency. You are posing here, I understand, on your great interest in both of the railroad committees. If my recollection serves me right, and I think the records will bear me out in the statement that I am about to make—my opinion is that when the Women's 9-Hour Bill was here to be voted on, the gentleman from Salem (Vursell) voted "no," he was against it, if my memory is right; the proponent of the bill was conveniently absent and didn't vote at all.

Now, I want to say this: The old saying is, "Consistency, thou are a jewel," and the rumors have been that it was a proposition of amending this bill. The gentleman stated a few minutes ago that opportunity presented itself not at one meeting, but many meetings, and many weeks there were wherein any proposed amendments could have been considered by the committee which was considering the bill. No amendment was proposed.

Now, if these great big trains are so objectionable, why not increase the number of employees necessary to operate them instead of proposing legislation in regard to the size of the trains? That, in my opinion, would be legislation along the lines that would appeal to the average man. Now, the men who are engaged in the work of constructing and building these large locomotives took no exception to being employed at that kind of work; they were glad to get it and glad to work at it and possibly hoped that they might have more work of that kind; and I stated before, gentlemen, and I want to state it at this time, that there is not in the city of Peoria—and, by the way, while I am on that subject, I will go over to Danville. A communication was received by me this morning and, I have no doubt, by all the members.

relative to some gentlemen whose names should have been withdrawn, who wanted it understood that they had signed the petition under a misapprehension. The number of names, I think—and I will stretch the number—is fifteen or twenty, and I think I am doubling up on that proposition.

I want to say to you that in the city of Peoria there is a petition containing some 3,500 or 4,000 names, citizens of Peoria and of Peoria County, petitioning me to vote against this 50-car train limit bill. Now, the expressions and the wishes of the business interests of Peoria which are unanimously opposed to this bill have indicated that my position here, which is the position of all legislators, should be to carry out the wishes of the people who sent me here. I have heard a number of rumors in regard to what will be done with Gorman if he assumes to try to come back to the Legislature. Inasmuch as that is a long time away, and that it will be a long time before that time will present itself, we will discuss that when the question and the time present themselves.

Now, you are not going to get anything by any threats about what you are going to do and along the lines of legislation that we recommend and legislation we are interested in. I, the other day, as well as today, voted for what is known as the uniform text book bill. Now, my record along the lines of being friendly and voting on measures relative to benefits to the laboring man is an open book, and I invite investigation; but I want to say to you that the objection is so unanimous in my home town against this bill that I can not and will not under any circumstances vote for it, and so expressed myself before, and I so express myself again.

Mr. McGLOON (Cook). Mr. Speaker and gentlemen of the House. I did not intend to take up any of your time in discussing this bill, but inasmuch as my seatmate referred to some of the members not being consistent relative to the eight-hour bill, I want to say that I did not vote for that bill for the reason that it was called up out of its regular order, and I didn't know that it was going to be called up; it happened that I was absent from the chamber at that time, and I did not get back until after the roll call had been completed. I want to say to you that I am consistent and I resent the remarks made by the gentleman from Peoria (Gorman).

I believe that this is a good measure, gentlemen, and inasmuch as we are about to close the session, we have got to act on this bill today; otherwise it will be too late; and although I didn't see the wreck the other night—I wasn't on that train, I was on the later train—I will say for the benefit of the gentleman from McHenry (Shurtleff), relative to the heavy engine being an example of their value to the railroad business in regard to not leaving the rails, I want to say that it was the heavy locomotive that caused those rails to spread, if such was the fact, and the little light tender came along just as the rails had been spread by the weight of that heavy locomotive passing over it; that is the reason that the heavy locomotive passed over that particular part of the rails that spread. And if it was caused by a broken flange, I want to say that that is an unforeseen act of God. No one could prevent it. It is simply a point where the steel in the wheel simply was worn out and gave way, the same as a man or woman would fall over dead.

I believe, gentlemen, that this is a meritorious bill. It has taken up considerable time. We have heard discussions, both from the proponents of the bill and the people representing the railroad corporations. I know that you are all worn out in regard to the discussion of questions. You have heard enough home rule bill discussion and the 50-car train limit bill to make you weary, and it is getting pretty near time for supper. But I am again appealing to you gentlemen to give this bill your earnest consideration, and those of you who were on the train the other night should feel as though the men engaged in this hazardous occupation should be supplied with every means of comfort and safety. Although they don't carry passengers on freight trains other than the men actually engaged in their duties, they sometimes haul livestock back and forth, to and from the stock yards, and for that reason I think that you gentlemen ought to feel as though an amendment should be suitable to this bill and let it pass this

House, or let it go on the calendar or at least to third reading. I thank you for your attention.

Mr. McCORMICK (Cook). Mr. Speaker. If I believed it were possible for any legislative body, upon such evidence as may be submitted to it with reference to this bill being amended to achieve the end in view, would sustain it, I would vote readily enough to take the bill up for consideration; but after the hearings before the Committee on Public Utilities, I am frank to say to you that I have come to the conclusion that although the time is coming where the limit will be used in the length of trains, it is not possible for an ordinary legislative assembly to determine what that limit should be. If there is anything that ought to be fixed by a commission of experts, it is the operating conditions of a railroad. We can not determine whether 60, 75, 80, 85 or 90 cars constitute as many as may be safely hauled by a single engine. If this bill were to be upon second reading and amended, we can have no real knowledge that the amended bill would meet the situation. It is a matter for expert determination.

I don't know what proportion of the freight that is carried in this State is carried in this State alone, but I will venture the assertion that a great majority of all the freight goes in interstate commerce, and this is a matter, in my judgment, for determination by the Interstate Commerce Commission, and not by this or any other State legislature. Fourteen other state legislatures have so decided, and I believe that that should be our course, and for that reason I am one, and I hope many others will not vote to have this matter taken up.

(Roll called.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, I don't expect to vote for this bill on third reading, but I will vote to extend to it now the same courtesy and consideration that other bills have had. I vote "aye."

(Roll call continued.)

Mr. BURRESS (Champaign). (On roll call.) Mr. Speaker, I will not vote for the bill if it comes to third reading, I have said so before; but in view of the fact that a number of bills have been called up in this way and given consideration and the members have advocated a fair show on this, I vote "aye."

THE SPEAKER. On this question the "yeas" are 78 and the "nays" 10, and the House is willing to consider this bill on second reading. Are there any amendments?

Mr. DUDGEON (Grundy). Mr. Speaker, I offer the following amendment and move its adoption:

"Amend House Bill 239 by striking out in section 3, line 7, the word "fifty" and inserting in line 7 the word "seventy-five."

(Amendment adopted.)

Mr. BRINKMAN (Cook). Mr. Speaker, I offer the following amendment and move its adoption:

"Amend by striking out the enacting clause."

Mr. McGLOON (Cook). I move to lay that motion on the table, Mr. Speaker.

(Motion carried. Amendment tabled.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading. (Applause.)

Mr. BROWNE (LaSalle). Mr. Speaker, I ask leave to have House Bill 563, which is on the order of third reading, recalled to the order of second reading for the purpose of amendment, and I would like to suggest, Mr. Speaker, that the amendment will consist of a substitute bill.

(Motion prevailed.)

THE SPEAKER. I would like to announce at this time that at six o'clock we will take a recess until eight o'clock; come back at eight o'clock and work until ten o'clock. So much time was taken up today on these motions that hardly any bills were considered on third reading and I desire to advance as many House bills to third reading as possible.

Mr. HUBBARD (Greene). Mr. Speaker, I object to calling back for second reading. If we are going to spend all the time of this Legislature on these motions to bring bills back to second reading for amendment we will never get through, and I object to this bill being brought back.

Mr. BROWNE (LaSalle). On this bill the amendment has been submitted to every man on the floor of this House that made any objections. Now every objection has been eliminated and the bill is satisfactory.

Mr. HUBBARD (Greene). It is not satisfactory to me.

Mr. BROWNE (LaSalle). And it is on second reading now by the vote of the House.

THE SPEAKER. Are there any serious objections to recalling this bill to second reading?

(Leave.)

THE SPEAKER. The bill is called back to second reading.

Mr. BROWNE (LaSalle). Now, Mr. Speaker, I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 563, by striking out all after the enacting clause and by inserting and substituting in lieu thereof, the following:

That the Governor, with the consent of the Senate shall appoint a Chief Examiner of Steam and Operating Engineers, who shall be a competent and practical steam and operating engineer, and who shall serve for a term of four years from the first day of May following his appointment, and until his successor is appointed and qualified.

SEC. 2. The Chief Examiner of Steam and Operating Engineers shall divide the State into two or not to exceed three districts, and appoint one district examiner for each district. All district examiners shall be steam and operating stationary engineers of not less than five years' experience immediately prior to his appointment, and shall be appointed under and be subject to the laws of this State relating to civil service.

SEC. 3. The Chief Examiner of Steam and Operating Engineers shall be a practical steam operating engineer of not less than ten years' experience as a steam and operating stationary engineer immediately prior to his appointment.

SEC. 4. Before entering upon the discharge of the duties of his office, the Chief Examiner of Steam and Operating Engineers, and each district examiner, shall give a bond to the State; the Chief Examiner in the sum of three thousand dollars, and each district examiner in the sum of two thousand dollars, for the approval of the Governor. Such bonds, with the oath of office endorsed thereon, shall be deposited with the Secretary of State and kept in his office.

SEC. 5. The Chief Examiner shall have an office in the State House in which the records of the department shall be kept. He shall appoint a sufficient number of clerks to keep the records of the department. Said clerks shall be appointed under and be subject to the laws of this State relating to civil service. Each clerk so appointed shall give a bond of fifteen hundred dollars, for approval by the Chief Examiner, and conditional for the faithful discharge of his duties. The salary of each clerk appointed shall be not more than twelve hundred dollars (\$1,200.00) per annum.

SEC. 6. All appointees under this Act shall not follow any vocation except that named herein. The Chief Examiner shall issue such instructions and make such rules and regulations for the government of district examiners, consistent with powers and duties conferred on them by law, as he deems necessary to secure uniformity of action throughout the State.

SEC. 7. For the purpose of examination or inspection authorized by this Act, the Chief Examiner and district examiners are empowered to enter upon any premises and into any building or room thereof at all reasonable hours.

SEC. 8. The Chief Examiner of Steam and Operating Engineers shall receive a salary of not more than twenty-four hundred dollars per annum; each district examiner shall receive a salary of not more than fifteen hundred dollars per annum. Each shall be allowed traveling expenses actually incurred in the discharge of official duties, such expenses to be paid upon warrant of the State Auditor, upon presentation of proper vouchers therefor.

SEC. 9. No person shall operate any manufacturing or commercial plant, or any heating plant using a boiler carrying a pressure of more than 20 pounds gauge without first obtaining a license to do so as provided by this Act. No owner, or agent or user of any such heating, manufacturing or commercial plant shall permit it to be operated unless it is directly in charge of a duly licensed engineer.

SEC. 10. Each person who desires to act as a steam and operating engineer shall make application to the district examiner in the district in which the applicant is employed, for a license upon an official blank provided for such person. Persons so applying shall pass an examination in the construction and operation of steam boilers and power generating and driven apparatus. The examination shall be conducted under the rules and regulations adopted by the Chief Examiner, shall be of practical nature, and shall be uniform throughout the State. The Chief Examiner and the district examiner shall have power to administer all oaths or affirmations to any applicant whenever the same are made necessary by the rules and regulations adopted by the Chief Examiner.

SEC. 11. If, upon such examination, the applicant is found proficient, a license shall be granted him, to have charge of and operate stationary steam boilers and power driven apparatus, for one year from date on which it was issued. Upon written charges, and after reasonable notice and hearing the district examiner may revoke the license of a person guilty of fraud in obtaining a license, or who becomes insane, or who is addicted to the liquor or drug habit to such a degree as to render him unfit to discharge the duties of a steam and operating engineer, or who has been guilty of gross negligence in the discharge of his duties as an engineer.

SEC. 12. Upon application, the person to whom the license is issued under the provisions of this Act, shall be entitled to a renewal thereof annually, unless the district examiner, for a cause named in the preceding section and upon notice and hearing shall refuse such renewal.

SEC. 13. Each applicant for examination for a license as engineer or for renewal of such license, shall pay to the district examiner, at the time of application, a fee of two dollars. On or before the fifth day of each month each district examiner shall remit to the Chief Examiner all fees so received, together with a monthly report of the business of the office.

SEC. 14. Any person over 21 years of age, who is a citizen of the United States, or who has declared his intention of becoming such, shall be eligible to make application for license as a steam and operating engineer, provided he has had three years' experience on boilers and power driven apparatus; that any engineer who shall make affidavit as having had three or more years' experience prior to the passage of this bill as a steam and operating engineer, next preceding his application, and upon certification of such fact by his employer, shall be granted a license for the plant he is then operating without further examination.

And, it is further provided, that any person holding an engineer's license issued by a regularly constituted municipal board within the State prior to the passage of this bill, shall upon application, and upon payment of the prescribed fee, be granted a license without further examination.

SEC. 15. A person dissatisfied with the action of a district examiner in refusing a license or revoking same or refusing renewal of one already granted, may appeal to the Chief Examiner, who shall investigate the action of the district examiner. If the Chief Examiner finds that the action of the district examiner was justified under the requirements of this Act, he shall sustain him in the action. If he finds that the district examiner was not justified, he shall require him to issue a license to the person making the appeal.

SEC. 16. Each engineer shall exhibit his license under glass in a conspicuous place in his engine or boiler room, if possible, and for each neglect or refusal to comply with the provisions of this section, shall be fined not to exceed five dollars.

SEC. 17. Whoever, being an engineer or owner or user of a steam boiler, heating, manufacturing or commercial plant, violating any provisions of this Act, except as specified, shall be fined not less than \$10.00 or more than \$100.00.

SEC. 18. The provisions of this Act shall not apply to locomotives used by incorporated railroads, or steam boilers or power driven apparatus under the jurisdiction of the United States; nor to engines, boilers or other apparatus used at a railroad pumping station.

SEC. 19. Neither this bill, nor any part thereof, shall have any application to the "traction" or "stationary" engines on farms for purely agricultural purposes, nor to any saw-mill, grist-mill, greenhouse or transitory or traveling threshing outfit.

SEC. 20. Neither shall this bill or any part thereof have any application to engines or power driven apparatus used by the mining industries in the process of mining.

SEC. 21. Cities and villages having municipal license laws covering the licensing of steam and operating engineers prior to the passage of this Act, and all persons natural or artificial living or being therein and while so living or being therein shall be exempt from the provisions of this Act.

SEC. 22. The Chief Examiner shall pay all moneys and fees received by him from the district examiners into the State Treasury, to the use of the general revenue fund, on or before the tenth day of each month; and file a report with the Governor at such time, giving an account of all moneys received by him and paid into the State Treasury.

SEC. 23. No money or moneys, in any amount, over and above the money or moneys actually paid into the State Treasury under the provisions of this Act, shall, in any event, be appropriated from or by the State of Illinois under, or to carry out, the provisions of this Act.

(Amendment adopted.)

Mr. BRINKMAN (Cook). Mr. Speaker, I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 563, line 12, section 14, by striking out the words "and upon payment of the prescribed fee."

(Rising vote taken. Amendment lost.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. CURRAN (Cook). Mr. Speaker, I move we take a recess until 8 o'clock this evening.

Motion prevailed and a recess was taken until 8:00 o'clock p. m.

Eight o'clock p. m., reconvened.

The Speaker in the chair.

Mr. GRAHAM (Mercer). I desire to offer a resolution.

HOUSE RESOLUTION No. 96.

WHEREAS, The present session of the General Assembly is now approaching its close with a crowded calendar, and with but little time for the consideration of each measure; and,

WHEREAS, It is essential that time be economized as much as possible; therefore, be it

Resolved, That from the time of the adoption of this resolution, debate upon any motion or bill shall be limited to ten minutes for each member, and that in the explanation by any member of his vote upon any such bill or motion, not more than two minutes shall be taken, and no additional time shall be allowed to any member.

Mr. Speaker, I ask the unanimous consent of the House that this resolution be taken up without referring to a committee.

Mr. BROWNE (LaSalle). It is a limitation of the constitutional right of free speech and the right guaranteed in the Constitution. It is not a constitutional measure in any way, shape nor form, and it takes a two-thirds vote to change the rules, anyhow.

Mr. GRAHAM (Mercer). The House has the right to make its own rules.

Mr. BROWNE (LaSalle). The fact that the House has the right to make rules don't affect the rules providing how long members shall talk.

Mr. GRAHAM (Mercer). There is a standing rule now that thirty minutes shall be the limit placed on debate.

Mr. BROWNE (LaSalle). Suppose there is. It is not legal.

Mr. GRAHAM (Mercer). I would like to say to the gentleman from LaSalle (Browne), Mr. Speaker, that my intentions are good on this. We are taking up too much time with debates, Mr. Browne.

Mr. BROWNE (LaSalle). I recognize that.

Mr. GRAHAM (Mercer). I am willing to quit if you are. I think you ought to permit this matter to come up.

Mr. BROWNE (LaSalle). I object to it, but I will endeavor to economize with you and every other member here, but I object to this.

Mr. O'ROURKE (Cook). Mr. Speaker, I think if we would dispense with the record they wouldn't want to talk so much.

THE SPEAKER. The speaker is trying not to be offensive to any member. He has allowed every member latitude both in explaining the votes and in debate, and I have been chastized, not by one, but by many, many members of this House on both sides, saying that I am allowing the members to take up the time of the House with long explanations of votes and long debate. Now if the House is willing to stand for it, certainly the speaker can. I have no desire to shut off any member.

Mr. BROWNE (LaSalle). There is only this: Ordinarily ten minutes is long enough, unusually long, but there are cases now and then when you have to present your objections to a bill and you cannot present your explanation in ten minutes; it cannot be done, and if you have an iron-clad rule of this kind it just simply stultifies the situation; it just simply makes a farce out of an attempt at explanation or an attempt at presentation.

Mr. GRAHAM (Mercer). Mr. Speaker, is it not true that in preceding sessions of this General Assembly a similar resolution has been adopted, or been followed?

Mr. BROWNE (LaSalle). No, never.

Mr. GRAHAM (Mercer). I am reliably informed that this has been the practice. However, Mr. Speaker, if the gentleman from LaSalle objects, I would like to have this resolution referred to the Committee on Rules, so that we can get it reported back.

THE SPEAKER. The resolution will be referred to the Committee on Rules.

Mr. SMEJKAL. I desire to call up House Bill 912 for the purpose of considering the Senate amendments thereto.

Mr. Speaker, I move the House to concur in the Senate amendments and I desire to explain them at this time. This is the bill that provides for repairing the Senate and House chamber and carries an appropriation of \$50,000. The original bill provided for a commission consisting of the Speaker, President pro tem and the Secretary of State. For some reason the Senate desired to have the President of the Senate and Lieutenant Governor, and therefore they added another to be appointed by the speaker, to certify to the payment of the bills. It just enlarges the commission from three to five as I have stated. There is nobody taken out, but simply two added.

(Roll called on concurring in Senate amendments.)

THE SPEAKER. On this question the "yeas" are 90 and the "nays" are none. The House concurs in the Senate amendment to the bill.

Mr. SMEJKAL. I desire to call up House Bill 605 for the purpose of considering the Senate Amendments thereto.

House Bill 605 provides for an appropriation of \$85,000 for the County Fair associations in the State.

Two years ago the Legislature appropriated \$85,000 per annum to be used towards paying the premiums of the Agricultural Fairs of the State. The first year, the year 1913, there were 70 fairs held, and the percentage of the premium paid by the State came to approximately \$82,000, or to be exact, \$81,922.75.

Last year, the year 1914, there were 77 fairs held and the State's proportion of the premium came to \$89,759.74. By ruling of the Attorney Gen-

eral, the \$3,000 left over from the year 1913, was used last year, which left a shortage of \$1,772.50.

With the added increase in the interest taken in agriculture, it is reasonable to expect that it will require approximately \$100,000 for each of the years 1915 and 1916, if the State pays the same proportion of the premiums offered on agricultural products as it now does.

Mr. O'ROURKE (Cook). I want to move as a substitute that the House do not concur in that amendment. Now I want to say that I believe that the farming interests of this State have been treated very leniently and magnanimously by this House, and the idea of coming along with additional requests all the time is out of line, and I think we ought to give this \$15,000 for some other purpose.

(Roll called.)

Mr. O'ROURKE (Cook). (On roll call.) Mr. Speaker, I want to call the attention of the House and the attention of the appropriation committee to this bill. In the Appropriation Committee I offered an amendment that the vouchers should be signed by the President and attested by the Secretary and approved by the Governor, and it was agreed upon, and that part, being approved by the Governor, is left out of this bill. I want to say for the information of the Gentleman from Grundy (Dudgeon) that Mr. Small was in the committee room, and the chairman of the committee asked him if he had any objections to the Governor approving the bills, and he said no.

Mr. DUDGEON (Grundy). Mr. Small is a member of the Board of Agriculture. This is not the bill. That was a board of agriculture bill.

Mr. O'ROURKE (Cook). This is one of the bills that ought to be approved by the Governor.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 105 and the "nays" none. The House concurs in the Senate amendment.

Mr. SMEJKAL. I desire to call up House Bill 988 on the order of third reading.

House Bill 988 is what is commonly termed the tax levy bill, providing for appropriation of \$12,250,000 for 1915 and a similar amount for the year 1913, and \$4,000,000 for the common school fund for both of those years.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 108 and the "nays" none. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. O'ROURKE (Cook). I desire to call up Senate Bill 66 on the order of third reading.

Mr. SMEJKAL (Cook). Is this the bill that raises the salaries of the members of the Industrial Board?

Mr. O'ROURKE (Cook). Yes, that is the bill.

Mr. SMEJKAL (Cook). I simply raise the point that it ought to be referred to the Appropriation Committee, and I understand the other day that it would be referred to that committee.

THE SPEAKER. Do I understand this raises salaries?

Mr. O'ROURKE (Cook). It is an agreed bill.

THE SPEAKER. Does it raise salaries?

Mr. O'ROURKE (Cook). I think so.

THE SPEAKER. Under the rules the bill will have to go to the Appropriation Committee.

Mr. SMEJKAL (Cook). I desire to call up House Bill 948 for the purpose of considering the Senate amendments thereto.

This bill is what is called the Normal School Omnibus Bill and carries an appropriation of \$1,502,129.12. The Senate, by amendment, has added \$6,000,000 to this bill by putting buildings into almost every normal school in the State and I can't believe that we are justified in doing that at this session of the Legislature, and therefore, I move that the House non-concur in the Senate amendment. If there are some particular schools that need attention they ought to be taken care of, but I do not believe this amendment is justified, and therefore, I move that the House non-concur in the Senate amendment.

THE SPEAKER. The gentleman from Cook (Smejkal) moves that the House non-concur in the Senate amendments.

(Viva Voce vote taken. Amendment lost.)

Mr. FRANZ (Stephenson). I desire to call up House Bill 524 on the order of third reading.

Mr. Speaker and gentlemen of the House This bill is in regard to Election Commissioners. I have a little article here which will explain the matter briefly:

"A prominent business man of Freeport who voted for the creation of a board of election commissioners said he did so without fully understanding its provisions, and he gave as his opinion that if it was re-submitted that fully ninety per cent of those who voted the same as he did, would now vote against it. This business man spoke of the large added expense in conducting elections, for the registration and re-registrations, and that elections are not more closely safeguarded than they were under the old system. Such an elaborate method is not needed in a city of the size of Freeport, and complaint of its cumbersomeness is being made in cities much larger than Freeport. Especially at Galesburg is there complaint and its citizens are active in having Representative Franz' bill enacted into law.

"There can surely be no serious opposition to the measure. It simply provides for a vote as whether the Board of Election Commissioners is to be continued or abolished."

I hope you will vote for this bill.

Mr. G. H. WILSON (Adams). Is this the bill that authorizes cities to get out from under the commission form of government.

Mr. FRANZ (Stephenson). No, sir; this is in regard to election commissioners.

Mr. WILSON (Adams). If this is the bill which authorizes cities to get out from under the election commissioners,—I don't care to discuss this bill at large,—but it seems to be that it is inadvisable that this bill should pass. I think there are a great many protections under the law that are given for elections to cities which have adopted this Act, and I do not believe that it would be good policy to pass this bill.

Mr. FRANZ (Stephenson). The referendum is on this and they can vote for it or against it.

Mr. HOLADAY (Vermilion). Mr. Speaker, this is the same bill that has been in here session after session, and is commonly known as the Hurlburg Bill which provides a method for the cities to get out from under the Election Commissioners' Act, one of the best election measures that has been placed on the statute books of this State. It is one of the old stand-bys here and I think it should be defeated.

Mr. GORMAN (Peoria). Mr. Speaker, just a word. Have you had this very good law that you speak of over in your country very long?

Mr. HOLADAY (Vermilion). Well, several years.

Mr. GORMAN (Peoria). Well, judging from newspaper accounts of election laws over in your county, this election law has proved a failure.

Mr. HOLADAY (Vermilion). The gentleman is wrong. Those conditions that you read of were just outside of the city limits.

Mr. GORMAN (Peoria). Oh, I see.

Mr. DAVIS (Knox). This affects the city in which I live. We have a board of election commissioners, and I think there is a great demand in that city for this method of getting out from under the present law. Under the present circumstances you can adopt, it, but you have no way in which you can vote yourselves out from under it. This is a good bill; it simply provides for referendum vote on the question of whether or not you want to maintain this expense of election machinery.

(Roll called.)

Mr. FRANZ (Stephenson). I move that further consideration of this bill be postponed.

(Motion prevailed.)

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 929, for the purpose of considering the Senate amendments.

House Bill No. 929 as originally passed provides for appropriations for the State Charitable Institutions, commonly known as the building bill, and the Senate took out an item of \$10,350. The fact of the matter is the recommendation was made by the Board of Administration, and for this reason it was left in when the bill passed the House, and it is taken out. There is a switch track inserted for the Peoria State Hospital, costing \$35,000. This bill originally had an item of \$10,000 for this, but after investigation by a sub-committee of the House, and the Board of Administration we found it was not enough, and the recommendation was \$35,000, and it ought to be put in the bill. There is a drill hall at the Chicago State Hospital, and I think they need that, therefore, I move that the House concur in the Senate amendments.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 104, and the "nays" none; and the House concurs in the Senate amendments.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 980 on the order of third reading.

This is practically the last foot-and-mouth bill of the session, the fourth one, and appropriates \$200,000 to the Live Stock Board in a lump sum.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 101, and the "nays" 2; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 885 for the purpose of considering the Senate amendments, and I desire to move that the House non-concur in the Senate amendments.

House Bill No. 885 is the second bill providing for the payment of fifty per cent of the veterinary's and other damages under the foot-and-mouth disease. House Bill No. 885 authorized, I think, \$104,000, and as much more was added by the Senate. I think it is important enough to submit to a committee.

THE SPEAKER. The gentleman moves to non-concur in the Senate amendments to House Bill No. 885.

(Motion prevailed, and the House refused to concur in the Senate Amendment.)

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 247 on the order of second reading.

I ask the unanimous consent of the House to act on these amendments at this time. It is similar to House Bill No. 728, and provides for the appointment of a Superintendent of Printing. It is on third reading, the House bill is.

I offer the following amendments, and move their adoption.

AMENDMENT No. 1.

Amend Senate Bill No. 247, in House, as follows: In line 4, section 32, after the words "Attorney General," insert the words: "including the opinions of the Attorney General, which may be printed annually."

AMENDMENT No. 2.

Amend Senate Bill No. 247, in House, as follows: In line 13, of section 34 of the printed bill, after the word "report," insert the words: "and opinions," and strike out in said line 13, the words "exclusive;" also in line 14 of said section 34, strike out the words "of opinions," and substitute in said line 14 for the figures "3,000," the figures "5,000."

AMENDMENT No. 3.

Amend Senate Bill No. 247, in House, as follows: Strike out all of section 68 of the printed bill.

AMENDMENT No. 4.

Amend Senate Bill No. 247, in House, by striking out the number "69," appearing in the first line of section 69 of the printed bill, and inserting in lieu thereof the number "68."

Amend section 70, by striking out the number "70," appearing in the first line thereof, and inserting in lieu thereof the number "69."

Amend section 71, by striking out the number "71," appearing in the first line thereof, and inserting in lieu thereof the number "70."

AMENDMENT No. 5.

Amend Senate Bill No. 247, in House, in section 28, by striking out all of said section after the word "printing," appearing in line 7, and inserting in lieu thereof the following: "Daily Calendars, Journals, and other similar printing for which manuscript or copy is delivered to the Superintendent of Printing by the respective clerical officers shall be printed at such time as will permit their delivery by nine o'clock of the morning, except Sunday, next succeeding the day on which the order for such printing is delivered. Any petition or petitions, bill or bills, resolution or resolutions, joint resolutions, memorials and similar printing for which manuscript or copy is delivered to the Superintendent of Printing by the respective clerical officers shall be printed at any reasonable time required by the respective clerical officers, and the Superintendent of Printing shall issue such orders to the contractor as will insure delivery of same to the respective clerical officers at the time required."

(Amendment adopted.)

Mr. ROTHSCHILD (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 6.

Amend Senate Bill No. 247, as printed, by striking out in section 2, lines 20 and 21, the words and figures "five thousand (\$5,000.00)," and substitute the words and figures: "four thousand (\$4,000.00)."

THE SPEAKER. I just want to say briefly, I am offering this amendment to the House for their judgment. This bill, as it originally came to the Committee on Efficiency and Economy, had a salary in there of \$4,000. The present salary of the Printer Superintendent is \$2,500. and the raise as suggested by the Committee on Efficiency and Economy was \$4,000. Subsequently that was raised, I don't know where or how, to \$5,000, and it has been reported back here by the Appropriation Committee at \$5,000. I want to say this is not anything that is personal to the Printer Expert, because he is a good man and does his work well, but I think a raise from \$2,500 to \$4,000 is rather ample.

Mr. SMEJKAL (Cook). The gentleman evidently is assuming because I am a member of the Efficiency and Economy Committee, and that committee recommended the salary of \$5,000, and we cut it down in the House from \$5,000 to \$4,000, I move, Mr. Speaker, that the amendment of the gentlemen from Cook (Rothschild) lie on the table.

Mr. DEVINE (Lee). There is no more important office, or will be no more important office under the whole State government, if this bill is adopted, than the office of Superintendent of Printing. It is a fact known to all the members of this House that it costs approximately \$500,000 to take care of the printing for two years, between \$400,000 and \$500,000. The man who is capable of handling those contracts and who will give them the attention they should receive, is certainly worthy of a salary of \$5,000 as compared with other State offices, and I suggest that it has been stated by the newspapers of Chicago, and competent men who are familiar with the State printing, that this office will pay the State \$100,000 in two years if the systematic way is adopted of handling the State printing, and I submit that this is a reasonable salary, taking into consideration the amount of business that is necessarily transacted in that office.

Mr. SMEJKAL (Cook). I want to ask the gentleman from Cook (Rothschild) what he finds by reading the House Bill?

Mr. ROTHSCILD (Cook). It says \$5,000 in it. I would like to ask—there was one bill that had \$4,000—which one was that? It is my recollection that there are two different House Bills that accomplish this same purpose.

Mr. PURDUNN (Clark). That was the tentative bill that we were working on.

(Motion to table amendment prevailed.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon the House proceeded upon the order of reports from Standing Committees, and reading Senate bills for the first time, all without debate.

Mr. CURRAN (Pulaski). I desire to call up House Bill No. 19 on the order of third reading.

Mr. Speaker and gentlemen of the House. This is a bill providing that towns and cities of a population under 50,000 be assessed one-fourth of one per cent for the use of levees, ditches and sewers. It is a good bill, and I hope it will pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 118, and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. DAHLBERG (Cook). I desire to call up House Bill No. 937 on the order of third reading. It is an amendment to the City Civil Service Act, and provides that cities having a population of 100,000 or over, that the commission in such cities may incur municipal expenses to the amount of \$5,000 per year, for printing, stationery and other incidental matters. In the city of Chicago we have some 22,000 applications for positions under civil service, we have 236 examinations. The budget calls for some \$90,000 of expenses. This is simply to amend the Act.

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) I would like to say a few words. It is now 10:00 o'clock, time we ought to adjourn, and I suppose you won't go any further and therefore a few words won't be out of the way. I consider this a vicious bill. It seems to me while there are as many applications under civil service as there are in Illinois and Chicago, that there ought to be some that would be willing to serve the State of Illinois without pay. Now, Mr. Speaker, with this short explanation, and having a heart, I wish to vote "no".

(Roll call continued.)

Mr. GORMAN (Peoria). (On roll call.) Inasmuch as Chicago wants this, in order to show that I am not in any way prejudiced, I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 99 and the "nays" 10; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). I desire to call up House Bill No. 301 on second reading.

This bill provides for taking all of the State civil service employees from under the operation of the Civil Service Commission, excepting the trained nurses and medical help, in all of the charitable institutions. It leaves them under the supervision of the State Civil Service. I desire to have it sent third reading.

THE SPEAKER. Objections are heard.

Mr. MERRITT (Sangamon). I move to suspend the rules of the House, and proceed under Rule 12.

THE SPEAKER. The gentleman moves that we proceed to second reading under rule 12 for the purpose of considering House Bill No. 301.

(Roll called to proceed on the motion under rule 12.)

Mr. MITCHELL (Cook). I want to explain my objection. I am opposed to changing the Civil Service Law, but I do not care for a roll call,

and I am willing to withdraw my objection for the purpose of allowing it to come up.

Mr. McCORMICK (Cook). I offer the following amendment and move its adoption.

AMENDMENT No. 1.

Amend House Bill No. 301, by striking out the enacting clause.

Mr. McGLOON (Cook). I move to lay that amendment on the table.

THE SPEAKER. The gentleman from Cook (McCormick) offers an amendment to strike out the enacting clause.

Mr. McCORMICK (Cook). I will yield to the gentleman from Sangamon (Merritt) if he wishes to make a few remarks on this bill.

Mr. MERRITT (Sangamon). Mr. Chairman and gentlemen of the House:

This is a bill in the interest of the working people, and the others of the people of this State who earn their living by their hands and their heads. There has been no law on the statute books of this State that has created the same amount of disturbance and unrest and dissatisfaction as this Civil Service law.

I believe in the old-fashioned American political doctrine that "To the victor belong the spoils."

I do not believe a civil service law, a law which creates an aristocracy of office-holders; a law which practically declares a very, very large majority—in fact, nearly all—citizens incompetent to administer the affairs of their government, is American and belong to the American system. If it is such a good thing, why not continue the good thing and subject the voters to a civil service examination? It is a law that belongs to monarchies, and not to a republic. Civil service laws stand for a professional governmental machine. Civil service law is a proposition to take the governing power away from the people and political parties and place it in the control of a permanent aristocratic office-holders' union. It has created greater hardships, more discontent among working people and caused more dissatisfaction and trouble among the whole people of the State than any other law on the statute books of Illinois. It don't belong to a free people. Political parties are the balance wheel of our republican institutions. Our great political parties have safely guided the ship of state and our people through many dangerous storms until now we are the greatest people and have the best government on earth. Civil service did not make this government great. The great political parties of America are today guiding this government through a crisis of its life. It will not long be the best government, however, if we turn it over to a coterie of professional office-holding, distinguished gentlemen. Destroy the political parties of this country and you destroy the great balance wheel of the nation. Take away the management of the offices, if you please, from the hands of the common people and you will abate that interest which all citizens, especially those who work for their daily bread, have in their government. Call it the "spoils system," or any other mean name you please, but the common people and those who have to work with their hands and heads, will lose interest in their government when they have nothing to do with its management. Every voter believes, and rightly so, that he has a right to have something to do and say in the management of his government. This right is denied them by civil service codes, for the great majority of good and competent citizens have not had the advantages of collegiate training, to enable them to take standard, theoretical examinations, which do not belong to the plain, every-day affairs of a republic. It is idle to tell me that only those who can pass an examination prescribed by three gentlemen, who do not know any more about the various pursuits of a business life than the ordinary citizen, or those who made the law, are only those who are fit for public service; based upon an examination that any impracticable "lightning calculator" faddist can pass and make good without batting an eye, who, after he has made good, cannot tell anything about the practical workings of the propositions he has so glibly answered to the satisfaction of the Civil Service Commission. In my opinion it is the worst kind of bunk.

These superserviceable, well-groomed gentlemen who are representing the Civil Service Reform League, the Legislative Reform League, and all the many other reforms of socialism who invade the committee room assuming that they bring all the knowledge necessary to make laws for the whole people of Illinois, now propose to put much of the judiciary of the State from the Supreme Court and other departments of government down or up to child-bearing by woman under their ideas of government. The fads should be cut out.

Departments under these alleged reforms, through a mass of civil service red tape, often shift responsibility so that a workman who happens to lose his position has no means of having his wrongs, if wrong has been done, righted, because his case was passed on by some other commissioner or other fellows, and the record cannot be changed. Civil service methods have even changed and reduced the wages of State employees after they have been fixed by both Houses of the Legislature and signed by the Governor. Tell me what meat does this Civil Service Cæsar feed upon that it can change an enactment of the law-making branch of the State Government.

The civil service menace, as the present imperfect Primary Law, and the many expensive and useless reform fads now on and seeking the statute books, have at last a high-browed companion in the proposition called "Efficiency and Economy"; a faculæ which was, no doubt, begotten in the University of Illinois. It proposes to run the State Government by turning it over to one man, the Governor. The University is succeeding in overturning Illinois Governmental affairs more rapidly than either the Kaiser or the Allies in their efforts to destroy each other's governments, with millions of men and guns that hit and kill at twenty miles distance.

Down at the Anna Insane Asylum the doctors had a hilarious time and they all got drunk. The next day they all resigned. This was at the Anna Insane Asylum. I have got the evidence of it. They all resigned and came up to Springfield, made their applications to the Civil Service Board, and every one of those doctors was replaced on the eligible list for physicians for the insane asylum, or any other charitable institution. There are cases of that kind occurring constantly.

Mr. PURDUNN (Clark). Mr. Speaker, this bill is a bad bill and I think it ought get from the gentleman from Sangamon County medicine, some of those sleeping powders.

Mr. McCORMICK (Cook). Mr. Speaker, the gentleman from Sangamon (Merritt) has not explained to the House how it happens that this bill does not take out from under Civil Service the nurses and physicians.

Mr. MERRITT (Sangamon). I will answer that question. It was the purpose to leave them there.

Mr. McCORMICK (Cook). Why?

Mr. MERRITT (Sangamon). It was regarded that in those special cases probably Civil Service would do.

Mr. McCORMICK (Cook). Why there, and not in the other cases you mention?

Mr. MERRITT (Sangamon). When we come to the trained employees, Civil Service is all right.

Mr. McCORMICK (Cook). Why is the Civil Service necessary for the trained employees of these institutions and not for the clerks, for example?

Mr. MERRITT (Sangamon). Simply because the institutions require special help, as you know, and as you employ in your house when your family is sick; the same conditions exactly.

Mr. McCORMICK (Cook). Mr. Speaker, the other departments of the State likewise require trained employees, the demand of those who work with their hands and feet, as the gentleman from Sangamon (Merritt) said, the demand of those people for this law comes from that group of deserving Democrats who served under the late Secretary of State, comes through them because in two more years, and two only, these places will be open to appointment of those workers with their hands and feet, who are affiliated with that political group. Now, Mr. Speaker, in all seriousness the platform of the gentleman from Sangamon (Merritt) and the platform of every other party in this State, declared unequivocally for Civil Service, and to that, the gentleman from Sangamon, I have no doubt will

bear witness. He had not taken the precaution as his colleague did of preparing an alibi by going on record all through the campaign as against the institution of Civil Service. I do not believe that this Assembly in a serious moment, when it sits down to the consideration of this measure is going to vote against every political platform in this state, and to destroy the civil service of this State by repealing the law. That is the purpose and that will be the result of this bill. I am sorry that my friend from Cook (McGlooin) does not feel like letting this question go to a roll call direct, but since he has made a motion to table, we will anticipate the eagerness of the Gentleman from Sangamon (Merritt) to have a roll call to show who is a friend of the people and who is not, and we will have a roll call on the motion to table my motion to strike out the enacting clause.

Mr. BUTLER (Sangamon). Mr. Speaker and gentlemen of the House, I consider it an intimidation for every time I rise to speak an expression of pain passes over the Speaker's face. (Applause.)

Now, Mr. Speaker and gentlemen of the House, there may be a little gayety about this matter, and I believe in mixing a little gayety along with the soberness of our consideration; it enlivens the occasion, and gives interest to the topic under consideration. Now then, this is a most serious matter, and I want to say that it belongs to that class of patent political nostrums that has been handed out among us, and that is intended to bring about the millennium of civilization. I want to say Mr. Speaker, that according to the civil service reformer that the State of Illinois has certainly been a benighted place up to the time that they passed Civil Service. Think of it when they tell you what it will do for you. When they pronounce that which it is to bring about; when they tell you the awful conditions it is to dispose of. Just think what our forefathers lived under, and yet you have the nerve and the effrontery and say that you are proud of the history of Illinois, and talk about the grandeur of your dads, and how noble old Illinois. How could it have existed without Civil Service? We point today with pride, and talk about it as a disgrace, and yet all this time and all those years in the good old days of Dick Oglesby, all those old names, Cullom, Tanner, Logan, Grant and Lincoln. Think of it: Lincoln lived in those benighted days, and it is one thing I cannot understand how Civil Service can get one vote from the Democrat party. Don't you remember your patron saint? My God, gentlemen, turn your memories back. Who was he? It was Andrew Jackson, that said, "few die, and none resign." And how do you expect to fill the offices with patrons today? (Applause.)

Now, I want to tell you, you have had fun and laughing at what I have had to say, but it is the facts. Think of it. How did they build up the proud history of Illinois without Civil Service? Where did these great institutions of which we are proud if we did not have Civil Service, where did Chicago build itself out of the sands. I have been over on the sands in the North. How did it lift like a dream city out of the sea without Civil Service? My God, gentlemen. You have come, as it were, from nothing into this grand present. Civil Service has cast you the halo of sanctity. It has brought you out of the mud, and it has lifted you up until you are now the proud citizens of Civil Service. How did you build yourselves without it? How did you get here? And now you cannot get along without it.

I want to tell you that the first step toward monarchy and aristocracy is to develop a class of holders of office for life. That is the first step, and the next step, when you put them in office for life is, the proposition that you must support them with a pension when they cannot work any longer and do the job. Civil Service is the breeding of a new pension list, and time will bring it on until everybody that holds a job has got to have it for life, and when his trembling hands can no longer hold the pen, then you have got to put a bottle in his mouth with a nipple on it. (Applause.) It is the first step towards caste. After you put them in office for life and support them with a pension then their children will believe that they ought to have the place that dad had, and so up the line. I believe that Mr. Merritt's bill is getting right down to the fundamental principles of Democracy. (Applause.) Throw it open to those dear people about whom you sit up nights to progress and bring about their prosperity. Throw it open to the dear people and everybody who has the ability, let him have the job. Oh

no, oh no. You want Civil Service, he who must ever have his salary raised by progressive bills; they come up in every legislature, a little more this year and a little more next year for the Civil Service Board.

And who is it propogates Civil Service? It is the boards who get the salaries, it is not the people who do the jobs. They are the ones that produce the lobbyists; that incite the inspirations that bring about Civil Service. (Applause.)

Now then, gentlemen, get down to what the people want. Mr. Merritt is right. The dear, good, kind people for whom you are supposed to legislate, and for whom you pretend to legislate, if you would submit Civil Service to them by referendum vote they would lay it on the shelf, and that is what we ought to do now.

THE SPEAKER. The gentleman from Cook (McCormick) offers an amendment to move to strike out the enacting clause of this bill.

Mr. McGLOON (Cook). I will withdraw my motion to lay on the table, and let it go on a straight vote.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker, I think if this House would do as much good as will be done by the passage of this bill, and that means the beating of this amendment, at this session, it could go home and win the old time honored encomium of praise, "Well done, thou good and faithful servant." That is true. If we could just kill civil service, and not even pronounce over the corpse any obsequies, or last words of any kind over it, we would still be doing all we ought to do and we would be doing our full duty.

(Roll call continued.)

Mr. BRUCE (Cook). (On roll call.) Mr. Speaker and gentlemen of the house: I would like to explain my vote. I expect that every member of this House on the Republican side will vote "no," because I know that they are inclined to be consistent. This bill seeks to repeal a law that was placed upon our statute books by a Republican Legislature and signed by a Republican Governor, which law contained a blanket clause that the Republican members of this House sought refuge of the gavel to get from under only about four or five weeks ago, and every member was tickled to death to accept that refuge and I hope that you will be consistent tonight and vote in the open as you did under the gavel, and vote "no" on this motion.

I desire to be consistent and vote "aye."

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Speaker, I do not think I will have violated any confidence when I tell the members of this House that a short time ago I received a letter from the Superintendent of the State Hospital for the Insane in Cook County, in which he stated that if the domestics and attendants could be taken out from under civil service it would be a God send; that the treatment afforded the patients would be better and it would be a great improvement over the present state.

Therefore, I vote "no."

Mr. GRAHAM (Mercer). Mr. Speaker and gentlemen of the House; I think the gentleman from Sangamon (Merritt) should be given a chance to have his bill considered on third reading, although personally I cannot vote for it. I therefore vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 42 and the "nays" are 64, and the amendment is lost.

THE SPEAKER. If there are no further amendments to this bill it is ordered engrossed and to a third reading.

Mr. WILSON (Adams). I desire to call up Senate Bill 38 on the order of second reading.

THE SPEAKER. Objections are heard.

Mr. WILSON (Adams). Mr. Speaker, it is getting to be a familiar practice to object to bills here and this bill is a general enunciation of the law as it should be, and of course when it gets to third reading if you don't want to vote for it that is all right. I want to say that that bill ought to

go to third reading. If the people are going to object to that bill I am going to begin to object to every bill that comes up.

Mr. O'ROURKE (Cook). Mr. Speaker, I am not going to object to this bill because it is number thirty-eight, but I intend to object to every Senate bill on second reading until we take up bills that have had precedence upon this calendar for the last month.

Mr. WILSON (Adams). As a matter of fact this bill was brought up a day or two ago and objected to, and if my bills are going to be held up I will hold up some other bills in this House. I am getting tired of it.

Mr. BROWNE (LaSalle). Are you aiming at me?

Mr. WILSON (Adams). Not at anybody.

Mr. BROWNE (LaSalle). Don't aim at me. I have not said a single word. You are not out looking for trouble are you?

Mr. WILSON (Adams). Not a bit of it.

Mr. IGOE (Cook). This bill, I think, should be given the full consideration of this House.

Mr. WILSON (Adams). This bill should be allowed to go to third reading, whether you are for it or against it.

Mr. IGOE (Cook). Isn't this the bill that affects the property of that boy, Pfanschmidt?

Mr. WILSON (Adams). No, not at all. I want to tell you something. This bill does not affect the property of that boy, or any one in Adams County.

Mr. IGOE (Cook). You need not get mad. I am not going to fight with you, you are too far away.

THE SPEAKER. I desire to suggest that Mr. Wilson said he had to leave to go to the Bar Association meeting at his home, and would not be here for several days.

Mr. DEVINE (Lee). Mr. Speaker. I will withdraw my objections to this bill.

Mr. DONAHUE (McLean). I object.

(Rising vote taken to suspend rules to consider Senate Bill 38. Motion prevailed.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. VICKERS (McHenry). I desire to call up Senate Bill 383 on the order of second reading.

I offer the following amendment, and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 383, as printed in the House, by striking out in line 15, all after the semi-colon (;) all of lines 16, 17 and 18, up to the semi-colon (;), and substituting in lieu thereof the following: "or which is so labeled or branded as to indicate on the receptacle, vessel or container the name of any firm or corporation other than the firms or corporations actually manufacturing, packing or dealing in the article or product so sold or offered for sale."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments, this bill is ordered engrossed and to a third reading.

Mr. BOYER (Cook). I desire to call up Senate Bill 108 on the order of second reading. I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend section thirty-one (31) of printed Senate Bill No. 108; in House, by changing the period in line 9 after the word "indebtedness," to a semi-colon, and adding the following:

"Except where such bonds, notes or other evidences of indebtedness are issued either for the purpose of taking over, refunding, discharging, or retiring any note or renewal thereof, issued without the consent of the commission as provided for in section 21 of this Act; or for the purpose of refunding, discharging or retiring any bonds, notes, or other evidence of

indebtedness issued prior to the enactment of this Act; in which latter case an amount equal to fifty cents for every one thousand dollars of such securities shall be charged by the commission and paid into the State Treasury in the manner aforesaid.

(Amendment adopted.)

THE SPEAKER. If there are no further amendments. this bill is ordered engrossed and to a third reading.

Mr. RETHMEIER (Cook). I offer the following resolution, and move its adoption:

HOUSE RESOLUTION No. 97.

WHEREAS, The Hon. John E. Thomas, of Belleville, was an honored member of this House during the session of the Fortieth General Assembly; and,

WHEREAS, The said John E. Thomas was a highly respected member of the community, in which he lived, and greatly beloved of his family, relatives and friends; and,

WHEREAS, His useful life is worthy of emulation by his fellow countrymen; therefore, be it

Resolved, by the House of Representatives of the Forty-ninth General Assembly, That we publicly express appreciation of the valuable public services rendered by the Hon. John E. Thomas, and his highly commendable private career; and, be it further

Resolved, That these resolutions be spread upon the Journal of this House; that a copy thereof, signed by the speaker and attested by the clerk of the House, be transmitted to the bereaved family; and as a further mark of respect to his memory, that the House do now adjourn until 9:00 o'clock a. m., tomorrow.

THE SPEAKER. Gentlemen, before this motion on this resolution is put, I desire to state to the House that it will be absolutely necessary to hold a session all day on Friday and a session on Monday if this House is going to close next week. Now, the members want to know it. The older members know well that we always hold a full session on Monday the last week of the session. We haven't attempted to have anything but a short session on any Monday, but it will be absolutely necessary to hold a session on Monday and a full session on Friday.

Mr. BROWNE (LaSalle). What time, Mr. Speaker.

THE SPEAKER. We ought to hold it just as we always did, beginning in the morning.

Mr. BROWNE (LaSalle). On Monday?

THE SPEAKER. Always, on the last week of the session. It will be absolutely necessary.

Mr. BROWNE (LaSalle). It will be impossible for some of the members, Mr. Speaker, to be here at 10:00 o'clock Monday morning. If they could meet at 1:00, or 12:00 o'clock, they could make it.

THE SPEAKER. I am just making that statement so that the members will make their arrangements to be here all day on Friday.

This calendar is loaded up with bills, and I am trying in every way to advance some of the bills as fast as I can.

Rising vote taken on the adoption of the resolution. Resolution adopted unanimously, and the House adjourned.

THURSDAY, JUNE 10, 1915.

9:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Brown (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded upon the order of presentation of petitions, introduction of bills, reports from standing committees, reports from select committees, and messages on the speaker's table, all without debate.

Whereupon House Bill No. 777 as amended by the Senate was taken up for consideration.

Mr. RINEHART (Effingham). These amendments only change the time of holding the terms of court in McHenry County. They also provide for an additional session of the grand jury in Marion County. I therefore, move that this House concur in the Senate amendments.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 109 and the "nays" none, and the House concurs in the Senate amendments to House Bill No. 777.

Mr. VICKERS (McHenry). I desire to call up House Bill No. 565 on the order of third reading.

This is a bill regulating the profession of public accounting and creating a State Board of Accountancy of five persons, skilled in the practice of accounting.

(Roll called.)

Mr. HAMLIN (Cook). Mr. Speaker and gentlemen, I wish to say just a word in explanation of my vote.

I believe that this bill is a very meritorious one. It is one of the so-called agreed bills. For a number of years a coterie of certified accountants have practically had a monopoly of this business and the examinations have been conducted by the University of Illinois. The bill provides that these examinations are to be placed in the hands of a board and it will mean that there will be a little bit more liberality and a greater number of men will be permitted to exercise this profession. I think we all ought to vote for this bill. I vote "aye."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) During the early part of this roll call, I know there were some who are in favor of this bill who didn't vote for it. Now, this bill when it first came up had some opposition, but both sides got together and all these difficulties as I understand are ironed out and there is practically no opposition to this bill from any source whatever wherein they are concerned. I think it is a good bill and that it ought to pass.

Mr. SHEPHARD (Jersey). Does this affect the abstracters throughout the State?

Mr. LYLE (Cook). I do not think that it will affect them; absolutely not.

Mr. BURRES (Champaign). Will the gentleman yield to a question for the benefit and information of the House? Previously the equivalent of a high school education had been required for anyone to take the examination for certified public accountant. The objection of a number of the Committee on Licenses and Miscellany was that this bill eliminated the equivalent

of a high school education. Now, I do not know what the agreement was, but does this bill eliminate the requirement of a high school education, and I believe that at least any man who is going to examine books for the public in general ought to have the equivalent of a high school education, I would not say necessarily a high school education, but ought to have that equivalent, and before I vote for the bill I must know that that is still in the bill.

Mr. LYLE (Cook). I am not quite sure. Now, this bill provides that any man who has been a bookkeeper or an accountant or has the required ability to pass an examination can become a certified public accountant. Now, because a man happens to have worked twenty-five or thirty years as a bookkeeper and does not happen to have a college education, there is no reason in the world why that man should not take the certified public accountants' examination and become a public accountant.

(Roll call continued.)

Mr. SCHOLLES (Peoria). (On roll call.) I am well acquainted with the men who are the promoters of this bill and I have taken the time to examine the bill and to know its provisions. I think it is a good bill and I would like to have the support of the members of this House. I vote "aye."

(Roll call continued.)

Mr. BURRESS (Champaign). (On roll call.) I speak with some authority when I say that in so far as the University of Illinois is concerned, that there is no objection to the creation of this commission. Under the present law the holding of the examination was placed in their hands and they did require the equivalent of a high school education. The fact is that a few years ago this was the political measure and it was taken out of the hands of politicians and placed in the hands of the university. I agree with the gentleman from Cook that this is a good bill and I want to be recorded as voting "aye" for the bill.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 103 and the "nays" 8; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. MORRASY (Bureau). I desire to call up House Bill No. 81 on the order of third reading.

This bill only amends the present law to this effect, that the elections shall be under the Australian ballot system, and the school officers shall hold the election at the school house. The object of this bill is to enable people to go to an election and elect members of the Board of Education without intimidation from other parties. There are a good many towns and villages in this State that are anxious for the passage of this bill, and I sincerely hope that you will all vote for it.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 85 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. WATSON (Hardin). I desire to call up House Bill No. 57 on the order of third reading.

Mr. Speaker, the session two years ago passed a bill that permitted convicts to be placed on the public roads, but the bill as introduced two years ago limited those convicts to those that had less than five years to serve. The House Committee struck out that five-year limitation, but before the bill could be passed in the House the session adjourned and the House bill died, and the Senate bill that was passed did not contain the amendment, so under the present law no convict that has to exceed five years' sentence to serve can be placed upon the highways of the State. This amendment simply strikes out that limitation and any prisoner who can get the recommendation of the prison board can be placed at work on the highways of the State. It is in my opinion a good amendment, and my information is that some of the most trusty convicts are men with long sentences to serve, and there is no reason why that kind of a man should not be permitted to get

out and work on the highways, and that is the only purpose of the amendment.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 98 and the "nays" two; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GORMAN (Peoria). I desire to call up House Bill No. 947 on the order of third reading. This is a bill to allow the school teachers' pension fund of Peoria to come under the State aid recently passed by this body.

Mr. PURDUNN (Clark). Why?

Mr. GORMAN (Peoria). Because they have a pension fund of their own that has been in existence under a law passed by this body, and they didn't come under the provision of the State pension law.

Mr. RINEHART (Effingham). I would like to ask the gentleman a question regarding this bill. As I understand the school teachers' pension fund, the bill that was passed here specially exempted portion of the distributable fund that was to go to cities where they have pension funds now from being taken or being used. Now, this bill permits the State Treasurer to pay from the distributable fund of the whole State its share toward the pension fund of Peoria and Chicago.

Mr. GORMAN (Peoria). This only provides that the teacher's pension fund of Peoria will receive the portion due Peoria from the State aid furnished under the provision of the recently passed pension bill.

Mr. RINEHART (Effingham). Does that come out of Peoria's portion of the State distributable school fund?

Mr. BROWNE (LaSalle). If this bill—and I wish that every gentleman in the House that is a lawyer at least would look into it carefully now before the vote—if this bill only means what the gentleman from Peoria (Gorman) says, I have no objection to it, and I am perfectly willing that it should come under the purview of the Act that we have just passed, but I don't read it that way. It reads as follows. Here is the amendment.

"And there shall be set aside by the State Auditor of Public Accounts and paid by him to the State Treasurer annually from the common school fund of this State and amount equal to one-tenth of one mill upon each dollar of assessed valuation of all taxable property of the State within the city and school district coming under the provisions of this Act, and the State Treasurer shall pay proportionately from the respective city and school districts the sums so paid to him, to the treasurer of the board of school inspectors of the city of Peoria and to all other boards of directors, boards of education and boards of school inspectors in districts in accordance with the provisions of this Act who shall credit such sums so paid to him to the teachers' pension and retirement fund under the provisions of this Act."

Now, that may seem what the gentleman says, but I can't see it.

Mr. GORMAN (Peoria). Gentlemen, relative to the purpose of this bill, it is just as I have stated. This bill was prepared by Senator Dailey from Peoria, and Mr. Pierson, who is chairman of the Educational Committee, I think possibly could explain it better than I. Now, relative to the legal aspect of it, someone else will have to pass upon that.

Mr. PIERSON (Cook). As I understand this bill, it is simply a provision supplementing the Teachers' Pension Bill. As the matter will stand on the first day of July, when this new bill becomes effective, it will be unfair to the county of Peoria unless this bill passes. As to the legal aspect of this bill I do not recollect, but I think it is in legal form, and that it ought to pass.

Mr. BROWNE (LaSalle). Peoria and Cook County are expressly exempted in the Teachers' Pension Bill.

Mr. PIERSON (Cook). Yes, sir.

Mr. BROWNE (LaSalle). Now, then, when you put this bill in in this way, you are giving them the benefit of that pension fund, of participation under that law, without practically any of the burdens attached to it.

Mr. PIERSON (Cook). As I understand the bill they pay the same taxes as anybody else.

Mr. BROWNE (LaSalle). You are giving them participation without any of the burdens that the rest have?

Mr. GORMAN (Peoria). I would like to ask at this time that further action on this bill be postponed in order that the gentleman may study it and become familiar with it.

Whereupon further consideration of House Bill No. 947 was temporarily postponed.

Mr. PIERSON (Cook). I desire to call up House Bill No. 189, on the order of third reading. This is a bill to legalize the organization of a park district in the town of Wilmette. When that district was organized the attorney who handled the matter included the city of Evanston by mistake, and those living in the city of Evanston had no chance to vote, and as a consequence the district has not been legally organized. To pass this bill it requires 102 votes. I think I have explained this sufficiently, it is purely a matter of correcting a mistake, a blunder, that is all there is to it.

THE SPEAKER. On this question the "ayes" are 116, and the "nays" nothing; the bill having received the required two-thirds vote is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. TICE (Menard). I desire to call up House Bill No. 921 on the order of third reading.

Mr. DEVINE (Lee). I would like to have the gentleman explain just what this bill is.

Mr. TICE (Menard). Mr. Speaker. Under a recent decision of the Supreme Court the provision of the statute enabling road districts or townships to assess a poll tax in their respective territory was declared unconstitutional because it exempted the towns and villages within the road district. This bill is to amend the law so as to cover the requirements of the decision made by the Supreme Court, and will place towns and villages in road districts under the same provision as the outlying territory and the same amount whether it be one or three dollars per capita, will be levied against the male inhabitants subject to the poll tax of a town or village, the same as those living in the rural territory. The distribution of the funds so produced is based upon the same provisions that are applicable to the property tax. The property tax of the towns or villages is divided fifty-fifty between the town or village and the country. The amount derived from the poll tax will be divided on the same basis, half of it will go to the improvement of the streets in the town or village, and half to the roads outside of the village.

Mr. DEVINE (Lee). Will everyone in the village or city be subject to the poll tax?

Mr. TICE (Menard). He will, unless it is part of a road district.

Mr. DONAHUE (McLean). Will you expect people in the village to go out in the country and work on the roads.

Mr. TICE (Menard). No, sir, they can't. The present law absolutely eliminated the old system of working out your tax. All assessments of poll tax or property tax must be paid in cash. The original statute was eliminated two years ago.

Mr. DONAHUE (McLean). Does this apply to every city of the State?

Mr. TICE (Menard). No, only those in road districts.

Mr. THOMASON (Clay). This bill corrects matters that were gone all awry by reason of the decision of the Supreme Court holding unconstitutional the levying of a poll tax. Now, in the country districts we certainly need the poll tax. This provision while it provides that it shall be levied against all people, all able bodied men within the township, and there is no more injustice in including them than the property tax for road and bridge purposes today that is levied against the people in the cities and towns, but the same rule applies as to that that applies to the property tax, one-half of the amount collected, is refunded back to the corporate authorities just the same as it is under the property tax. Now, you people who have cities in your townships, there is a referendum here by which you can go out from under it if you desire, and we ask that you pass this law in order to help us, then you can come out from under it, and you can

assist us and no harm can come to you, and I hope that you will help us to pass this bill and help us in the country districts.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 92 and the "nays" three; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. CURRAN (Cook). Mr. Speaker, I desire to call up House Bill No. 406 on the order of third reading. This bill is known as the architect and structural engineers bill.

Now, Mr. Speaker and gentlemen; this is an agreed bill between structural engineers and architects of the State. When the bill was first introduced there was some opposition to it from the architects of the State, and the committees of the Western Society of Engineers, and the Illinois Chapter of the American Institute of Architects and the Illinois Society of Architects came here and they met and agreed upon an amendment.

I introduced this bill at the request of the Western Society of Engineers; I know nothing of architectural or structural engineering. I simply introduced this bill by request. They have agreed upon the amendments, and it seems to me they are all satisfied. I have the agreement here signed by the joint committees of the Illinois Chapter of the American Institute of Architects and the Illinois Society of Architects by the Chairman and Secretary, and the legislative committee of the Western Society of Engineers, by its chairman, in which they agree upon the bill, and if any gentleman here wishes to see the signed agreement they may see it. I had nothing to do with the drawing up of the bill at all I think gentlemen, it is a good bill; it is an agreed bill; everything which was objected to by the architects has been taken out of the bill, and I think it should pass.

(Roll called.)

Mr. FRANKHAUSER (Cook). (On roll call.) I just want to coincide with the statement made by Mr. Curran (Cook). I hold in my hand an agreement prepared in typewritten form and signed by the joint committees of the Illinois Chapter of the American Institute of Architects and the Illinois Society of Architects, by its chairman and secretary and the legislative committee of the Western Society of Engineers by its chairman. I want to say that I have had considerable to do in the negotiations leading up to this agreement, speaking as I did for the architects, and that this is all agreed upon and satisfactory to the architect as represented by this Illinois Chapter, and the Illinois Society of Architects, and it is satisfactory to all parties as far as we have been able to determine.

(Roll call continued.)

Mr. YOUNG (Cook). (On roll call.) Mr. Speaker, I desire to ask a question of the gentleman from Cook (Frankhauser) with reference to this bill. I would like your explanation of what power is given the engineers now over what it was before, by this bill. I can't find anything in it where it gives them any more.

Mr. FRANKHAUSER (Cook). I can only answer the gentleman's question by saying that he would have to take the bill as amended and determine himself. It is too technical for me to undertake to explain it. I only know this, that this agreement as it was stated here this morning is the result of conferences and deliberations and meetings between the architects and the engineers. I could not explain to you from a technical standpoint what is the difference between a building that has a stone foundation and one that has a brick foundation. I might determine the difference between a building that was made of sand and one made of brick, but the gentleman can find by reading the bill just what the distinctions are. See paragraph 12 of the bill.

Mr. YOUNG (Cook). If the gentlemen have been in conference for three weeks, the explanation is not satisfactory. I vote present.

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) Mr. Speaker, all of my constituents have asked me to vote against this bill, and I therefore, vote "no."

(Roll call continued.)

Mr. PIERSON (Cook). (On roll call.) Mr. Speaker, it seems to me in the light of the statements made by the gentleman from Cook, that the architects are not playing fair here after they have come to an agreement and understand through their legislative committees, that the bill should be supported by both sides.

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker, the reason I voted "aye" was because I did not recognize the bill. They have come to me in the last two or three days and advised me not to vote for it, saying that the parties hadn't any authority to make any such agreement.

Mr. CURRAN (Cook). I will state that the people that were down here and appeared here before this committee represented the architects; they came to me personally and told me they represented the architects; and they sent for me to come to their office in Chicago. Mr. Carnegie appeared before the sub-committee and said they represented the architects, and he told me this was an agreed bill; they came onto the floor here and gave me these amendments, which I offered in good faith, and they were given in good faith at the time. Probably there are some architects throughout the state that do not agree with him, but as architects they agree with this bill.

Mr. PIERSON (Cook). Mr. Speaker, may I finish?

Mr. Burt, President of the Western Association or Society of Engineers is a neighbor of mine. He told me they had come to an agreement. Mr. Wheeler of the architects, representing the other side, told me they had come to an agreement which was satisfactory and to support this bill. Now, it is not fair for these architects, after that agreement has been made that they should stand out and try to defeat this bill.

Mr. FRANKHAUSER (Cook). Mr. Speaker, I would like to read this agreement.

"Memorandum of Understanding Between the Legislative Committee of the Western Society of Engineers and the Joint Committee of the Illinois Society of Architects and the Illinois Chapter of the American Institute of Architects, relative to their attitude as to House Bill 406, which was amended on second reading in the House on May 27th, 1915.

It is hereby mutually agreed that the following changes should be made by the Senate to the amended bill before passage:

In section 12 change the word "industrial" to "manufacturing." After the word "dams" insert "reservoirs, water-works, sanitary works—as applied to the purification of water, or plants for waste and sewage disposal."

In section 14, near the middle of the section, insert the words "as defined in section 12," making it read,—“or alterations of such buildings or structures as defined in section 12, to any owner or his agent, etc.”

It is understood by all parties whose signatures are hereto affixed, that these are the only changes to the bill as amended which will be requested by them." Signed Joint Committees of the Illinois Chapter of the American Institute of Architects, and the Illinois Society of Architects, by the chairman and secretary, and the Legislative Committee of the Western Society of Engineers, by H. J. Burt, Chairman."

Now, just a moment: I want to say that since this bill was amended upon second reading, the amendments as presented at that time were agreed upon by these representing these societies of engineers and architects, and the only change and the only amendments were the limitation of the powers given to the engineers, and that was agreed upon,—defining the character of structures and buildings that the engineers could design and plan and make specifications for.

Mr. SHURTLEFF (McHenry). There is a letter on the floor of the House which has been shown me that claims that this is not an agreement, but the letter is signed by the Secretary of the Examining Board of Architects, and it would look to me as though he might be afraid of losing a few fees. Now, there are a great many architects living in my district, but since the agreement was made I know that they have withdrawn their objections to this bill. Mr. B. J. Arnold of Chicago, was here at Springfield. He was interested in the bill, and he told me it was an agreement between all parties, and further, the bill makes it possible for a man in business to have some protection, and for the reason that there has been an under-

standing, and an agreement between the architects and engineers, I vote "aye."

(Roll call continued.)

Mr. COOPER (Wayne). Mr. Speaker, I am trying to find a letter I had relative to this matter, and I believe I am violating no confidence when I read a portion of it. It is dated June 1st, and addressed to me here. It says: "Regarding House Bill No. 406, I might state that a couple of architects prepared some amendments without my knowledge; I have not yet gone into the merits of these amendments, but will do so as I do not believe the bill will come up for second reading."

This letter is dated June 1, and was signed by the Secretary of the State Board of Architects.

Mr. R. E. WILSON (Cook). (On roll call.) I have here before me one of these agreements between the architects and engineers. I don't see a stamp of any kind on it to show whether these men signed it or not. Every architect that has been down here has told me after this bill was reported out that they were not for this bill, and I vote "no."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, I have not voted yet, when my turn comes to vote, I want to say that it seems as though there is some serious misunderstanding here. Now, I would like to have the word of the gentleman who says there is an agreement—it seems to me that if there was an agreement, that a copy of that agreement would have been sent around to every member of this House, and I would have been informed. Now, I was informed by some of the architects in my district—and there are 48 architects in that district—some of them informed me that there was some proposed amendments which were acceptable to a few architects, but not acceptable to all, and that this agreement is not an official agreement of the whole architects' association.

Now, I could not vote in favor of this bill under the circumstances, and so I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 81 and the "nays" 10; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. O'ROURKE (Cook). Mr. Speaker, I wish to call up House Bill No. 516 on the order of third reading. This bill is not only an agreed bill, but it is a satisfactory bill. It simply applies to the county of Cook and to one township in the county of Cook in which through the increase in population, in one particular section of the township, they desire to build an additional high school.

Mr. LYLE (Cook). There was some amendment put in that bill, was there not?

Mr. O'ROURKE (Cook). Yes.

Mr. LYLE (Cook). Has that been taken care of?

Mr. O'ROURKE (Cook). Yes, and that only applies to the town of Lyons. It is just the same kind of a bill that you voted for to change the courts. Now, vote for this bill to change the school.

Mr. SCANLAN (LaSalle). Mr. Speaker, this bill, when it was before the Committee on Education, was objectionable to some of the down-state members because it might create trouble in the down-state districts, but it has been so amended now, so it cannot possibly apply to any other district but the district where it is intended to apply. This limits its application to counties of the third class, and only in those cases where the Sanitary Canal divides the district. I think it is a good bill and ought to be adopted.

(Roll called.)

Mr. WEBER (Cook). (On roll call.) Mr. Speaker, I would like to explain my vote. This bill, gentlemen of the House, I understand, permits a portion of the high school districts to withdraw from that high school district upon the vote of the portion which withdrawn from the district. It has an amendment which provides that the portion which does withdraw remains liable for the bonded indebtedness. When this bill was in committee there was an amendment added to it that the portion that desired to

withdraw might take a vote, and when it so decides, it can withdraw, provided that portion from which it does withdraw consents. That amendment is not in this bill now. I see that the amendment provides for the bonded indebtedness, but, as it stands now, any portion of the high school district can withdraw from the high school district and leave its indebtedness as the running expense of the other portion of the high school district, and withdraw from it without paying their proportion of it. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 108 and the "nays" 2; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I desire to call up House Bill No. 806 on the order of third reading. That is the River Improvement Bill.

Mr. Speaker and gentlemen, this bill merely provides a plan and a scheme by which two or more counties can organize a district for the improvement of a watercourse to reclaim land, deepen, straighten and dredge out the streams in the State of Illinois. It has no relation whatever to the Illinois River; no river that has artificial water from Lake Michigan is included; they are excluded and it has a history that we find is wanted by a number of different districts in the State. It is a good bill, and it is an agreed bill.

Mr. McCORMICK (Cook). Mr. Speaker, will the gentleman yield to a question? (Leave.) Is it optional with the districts whether they come under this bill or not?

Mr. SHURTLEFF (McHenry). Absolutely.

Mr. McCORMICK (Cook). Has it a referendum?

Mr. SHURTLEFF (McHenry). Yes.

Mr. McCORMICK (Cook). It is the "home rule of waterways"?

Mr. SHURTLEFF (McHenry). Yes, it is confined to fresh water streams.

(Roll called.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Speaker, I want to ask a question: Does this bill provide that the trustees may create water-power rights?

Mr. SHURTLEFF (McHenry). Yes.

Mr. PURDUNN (Clark). It says that they shall have control and may control any water-power created in the construction of said waterway; is that right?

Mr. SHURTLEFF (McHenry). Yes, and issue bonds on it if they see fit, if the people vote it.

Mr. HUBBARD (Greene). How much is provided for salaries?

Mr. SHURTLEFF (McHenry). The salaries are very moderate, probably not as much as they ought to be.

Mr. HUBBARD (Greene). Not \$600,000?

Mr. SHURTLEFF (McHenry). Made to fit Southern Illinois. (Laughter.)

(Roll call continued.)

Mr. ROE (Fayette). (On roll call.) Mr. Speaker and gentlemen, there seems to be some misapprehension in regard to this bill. I believe that this is one of the good measures of this House for this reason: It creates a district in which the people may, where they have a lot of crooked streams and a lot of valuable land lying within counties of this State, in which they may straighten the river and build levees, and protect and improve that valuable land which now is practically worthless land, and I believe it is a good measure. It will give them an opportunity to take in that territory and improve it, and for that reason I vote "aye".

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" are 3; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. DEVEREAUX (Cook). Mr. Speaker, I desire to call up House Bill No. 704 on the order of third reading. It is about renovating mattresses, quilts, comforts and bed clothes.

Mr. Speaker and gentlemen, this is a bill to compel the second-hand mattress-makers in Chicago to make sanitary mattresses. It is a good bill on account of sanitary reasons.

(Roll called.)

Mr. CURRAN (Cook). (On roll call.) Mr. Speaker and gentlemen, I would like to call the attention of the House to this Bill No. 704. It is a bill introduced here to compel them to make mattresses out of new material, and if they use old material they must sterilize it. I think it is a good bill for sanitary reasons, and that it should pass. I vote "aye".

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker, this bill on second reading was amended at the instance of Mr. Epstein (Cook), so that there is no longer any objection to it. I therefore vote "aye".

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" are none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. F. J. RYAN (Cook). Mr. Speaker and gentlemen of the House, I desire to serve notice that immediately after recess this afternoon, I will ask for the consideration of House Bill No. 195, known as the Anti-Injunction Bill.

Mr. MOORE (Henry). Mr. Speaker, I move that the House do now take a recess until 2:30 o'clock this afternoon.

(Motion prevailed.)

Whereupon the House recessed until 2:30 p. m.

Two-thirty p. m. Reconvened.

The Speaker in the chair.

Whereupon House Bill 947 on the order of third reading, was taken up for consideration.

Mr. BROWNE (LaSalle). Since this bill was laid over this morning there have been quite a number of the lawyers on the floor that have examined it, gone through it carefully and analyzed it. Now, in its present condition, it is probably faulty. The idea and purpose is legitimate and all right, but the construction of the bill is faulty. The gentleman from Saline County, Mr. Kane, has, in conjunction with Mr. Gorman (Peoria) and Senator Dailey, whose bill it is, prepared an amendment that eliminates all the trouble connected with it and Senator Dailey, who has charge of the bill in the Senate, has agreed absolutely that that amendment would go through and be a part of the bill in the Senate. It has been made over and is satisfactory in that way to all of us who were objecting. I therefore withdraw my objections, and I guess the gentleman from Saline (Kane) does his.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 83 and the "nays" 1. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. RYAN (Cook). I desire to call up House Bill 195 on the order of third reading.

Mr. SHURTLEFF (McHenry). I object to the consideration of the bill.

Mr. RYAN (Cook). I move that we proceed under Rule 12 for the purpose of considering House Bill 195.

Mr. LYLE (Cook). I expect to vote against this bill, but it does seem to me that we ought to get down to the main question somehow and I don't see any reason for this objection, because the gentleman from Cook (Ryan) will only make the same motion again the first of next week.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I will state that if that goes on it will probably involve a half day of debate and arguing on the bill. It is a bill that it will be contended legalizes boycotting, legalizes blacklisting and blocks entirely the present law of the State in regard to contracting free labor, and as I understand the situation the gentlemen on this side of the House want to be heard and it will take practically the rest of the afternoon to debate the bill.

Mr. RYAN (Cook). It will not take any longer now than it will later. You have taken up a longer time of this House on less important matters than this, Mr. Shurtleff, and the House ought not to stop the discussion of this important bill. It is one of the most important measures that ever came before the General Assembly, and you know it is. It is a demand of organized labor throughout the State of Illinois. It is not a new law; it is a law that has been in force in other states, a law copied partly after the Clayton Act, and of course you know that.

This is demanded, gentlemen, not only by organized men, but organized women of Illinois. This little letter explains it.

"Chicago, June 7. Hon. Frank J. Ryan, House of Representatives, Springfield, Ill.

"The Federation of Women High School Teachers of Chicago asks your support for the passage of the Anti-Injunction Bill, House Bill 195. (Signed) Viola S. Hall, Secretary."

Now this organization of women knows something about the condition. They realize that something of this kind is necessary, even amongst themselves, and the members of the General Assembly should not be afraid to take a stand upon a bill which is now a law and in force in the State of Massachusetts, which since it became a law has made conditions so good, and brought labor and capital so closely together that there is no more trouble in the state of Massachusetts. All troubles are settled in advance of any strike. They came together as brothers and sisters and they agreed that no injunction should issue, and the State of Massachusetts today, gentlemen, is free from strikes and industrial troubles of all kinds since the passage of this bill in Massachusetts.

(Roll call on the suspension of the rules.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House; I do not propose to take up any of the time of the House at this time discussing this proposition. It simply seems to me like this. I have been opposed to calling up bills out of order. I have felt that it was not exactly the fair thing to do, but it is a custom that has been repeatedly resorted to here upon the floor. Now, in this particular instance, this is, as Mr. Ryan has stated, one of the most important bills to both sides on the floor of this House. Now we have got to take it up sooner or later, I presume, I don't know; I presume that that is true, and those that are against it and those that are for it will vote for it, and it is probably true that now is as good a time as any to do it, and it seems to me that Mr. Ryan's request is no more than reasonable, and then go to bat on the bill as it is. I vote "aye".

(Roll call continued.)

Mr. LYLE (Cook). Mr. Speaker. I am against this bill, and I would not vote for it on third reading, but I am not in favor of killing off legislation, especially labor legislation, in this fashion. It seems to me that at least labor legislation and social legislation ought to have a fair, free and open discussion. This is the second roll call, I believe, on this sort of motion. If I am not mistaken, this bill has already had two roll calls on motions of this kind. I would not blame the Representative from Cook (Ryan) if he objected to every bill that was called out of order from now on. I think this bill ought to have the same courtesy extended to it as other bills have had and that other representatives have asked at the hands of the Legislature. I vote "aye".

(Roll call concluded.)

(Motion lost.)

Mr. TUTTLE (Saline). I desire to call up House Bill 462 on the order of third reading.

Mr. Speaker and gentlemen of the House. This bill provides that in a case tried before a justice of the peace, that at the time of the approving of the appeal bond, the justice shall demand the appeal fee. After the case has been appealed and the bond filed with the justice of the peace and delivered into the Circuit Court or the Superior Court, the court from which the appeal is prayed, the defendant is required to advance the costs to have that case placed on the calendar.

Mr. BROWNE (LaSalle). You have not made any exception of criminal cases in this bill.

Mr. TUTTLE (Saline). Under the present law you are not required to advance the costs in a criminal case.

Mr. BROWNE (LaSalle). I understand that, but the way you have it, wouldn't that include criminal cases?

Mr. TUTTLE (Saline). It is a bill that I think is very important. All matters that are appealed and permitted to delay for a length of time after the appeal bond has been filed and delivered in the court, and this way requiring the advancement of the costs by the party praying the appeal, it forces the case to be placed on the docket in the next term of court, and then it will be disposed of in its regular way.

Mr. WILSON (Adams). Gentlemen of the House. Before leaving for the Bar Association meeting, I would like to have the unanimous consent to be recorded "aye" on House Bill 832.

Mr. DONAHUE (McLean). I object.

THE SPEAKER. Objections are heard.

Mr. REINHART (Effingham). (On roll call.) Mr. Speaker and gentlemen of the House. Under section 172 of the Justices and Constables Act in regard to Criminal Jurisdiction, we find: "The defendant may appeal from the judgment of the justice of the peace in criminal cases to the county or circuit court of the county, the appeal to be taken in the same time and manner and upon the same conditions, and with like effect, and like proceedings may be had thereon as in civil cases, except that no damages shall be allowed and except that in the county of Cook the appeal shall be to the criminal court of Cook County."

Now, if the gentleman will agree to amend this law so as to exempt criminal appeals, I think it is a good bill.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 89 and the "nays" none. The bill having received the constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. KANE (Saline). I desire to call up House Bill 832 on the order of third reading.

THE SPEAKER. Mr. Wilson, of Adams County, asks the unanimous consent of the House to be recorded on this bill at this time.

Mr. DONAHUE (McLean). I object.

THE SPEAKER. Proceed.

Mr. DONAHUE (McLean). Now we have been passing many ridiculous laws here this session and we have been going along very well with these gentlemen, but this is a new innovation in the laws of this State. The State of Illinois has not seen fit to tell men how many days they shall work, but in this Legislature and in this age there is a certain class of people who seem to think that they ought to dictate to the people what they should do and what eat, what they should drink, how they should court their girls, and everything else, and I say, gentlemen, that we ought to put a stop to this legislation.

Mr. PERKINS (Logan). Will the gentleman turn around so that we can hear what he says, too.

Mr. DONAHUE (McLean). You are committed to the bill, anyhow, Mr. Perkins.

I know the gentleman from Logan County (Perkins) would like to see me speak on this proposition, but I do not believe that I could convince him one way or the other, because he is already committed to the bill; I know that from his past action in this House.

Mr. PERKINS (Logan). Just like a good many other things, you don't know a thing about it.

Mr. MITCHELL (Cook). Point of order, Mr. Speaker.

Mr. DONAHUE (McLean). Now, there are different classes of people in this country, many of them. Down in Southern Illinois, in Saline County, probably a Sunday law would work very well with some of the people, but there are others down there who don't believe in a Sunday law, and the object and purpose of this law is for the purpose of creating a Sunday law, and nothing else. Now, I know the gentleman from Saline County (Kane)

will make the argument to you that this is for the benefit and in the interest of labor. Now, we have passed laws here in the interest of the women, prescribing that they cannot work over ten hours in any one day. An attempt was made here to pass a law to limit that number of hours to a little over eight hours a day, and I voted for that; I voted for that bill and I voted for the original bill when it passed here in 1909 or 1911. I have been in favor of all these laws. I don't think that this bill can stand on the pretext that it is a labor law, or in the interests of the laboring people because that class of people are not advocating this law here on the floor of this House. The class of people that are advocating this law here are the class of people who have been going off on all these fads, George Wilson from Adams, Mr. Perkins from Logan, and men of that class, gentlemen, that have been advocating this law here in this House, and these gentlemen have been against all labor laws. I didn't hear any of those gentlemen vote for this anti-injunction law that was attempted to be brought up here a while ago. They were silent on that proposition, but they are very active when a measure of this type comes up. Now, what is the purpose of this law? This is nothing more than a Sunday law, and that is all it is. The next legislature will come down and prescribe that Sunday is the day you must keep. They want to take a step along in that direction in this bill and come down here the next time and prescribe that you shall keep Sunday. Now, I say gentlemen, we have a right to keep any day we see fit. I keep Sunday, but if some other gentleman like the Seven Day Advents, or Hebrews want to keep Saturday, let them keep Saturday; let them choose the day which they might keep, and let us leave this question free and let us not take a step along this direction. It is a bad law and we ought not to take a step in that direction, and I am against this bill.

Mr. KANE (Saline). The gentleman is badly mistaken on the proposition. This is no more a Sunday law than a Monday law, or a Tuesday law, or a Wednesday law. It makes no reference to days. Now, I know of but one what I would term a valid or reasonable pretention toward an objection that could be made to this bill and that the gentleman from McDonough (Pace) in regard to cooks in small hotels. He does make that point in regard to that, but I do not believe that taking all he says into consideration that that one point, and that one objection that he might raise that may appear to have some merit on the face of it should defeat the general purpose of this bill. This bill is endorsed by the Federation of Labor. It was handed to me by the President of the Federation of Labor of this State, and that being true, it is not only a labor bill, but I have endorsement also of the Federation of the Church; I have an endorsement from the Protestant Churches, and from the Catholic Churches, and I have an endorsement from the Commissioner of Health of the City of Chicago, recommending this bill. The Commissioner of Health of the City of Chicago has recommended this bill, and I have his recommendation here.

THE SPEAKER. The gentleman from Christian (Mr. Provine) asks to be recorded "aye" on this bill. Mr. Provine votes "aye" on this bill.

The gentleman from Adams (Wilson) has asked the unanimous consent of the House to be recorded "aye" on this bill.

Mr. DONAHUE (McLean). I object.

Mr. PACE (McDonough). For several days I have heard different members of this House speaking of the "most important" bill to come up before this General Assembly. This one, gentlemen, is not the most important bill by any means, but it is a very important bill to a very large factor of the population and of the financial interests of the State of Illinois. This bill as originally drafted was a drastic bill, and you men well remember that from every corner of this chamber came objections and amendments to this bill until nearly all classes of labor were exempt from the operation of the bill. There seems to be but one class of labor that now remains in this bill. That class of men to whom I refer that are interested in this bill are those men in Illinois who have expended, or rather invested, in property in this State, nearly \$200,000,000 in the hotel interests of the State of Illinois. These interests, gentlemen, are a financial benefit to those men; at the same time they are a necessity to every man, woman and

child who happens in the course of human events, to wander away from the family hearth-stone. It is a place where food and shelter must be given to every wanderer. Now, the gentlemen are careful enough to see that in this bill are exempted the man out on the farm, or in the livery stable who administers and want, and care to all live animals, but the man or woman who administers food and shelter to the men, women and children of Illinois, were of not so much importance to the gentleman from Saline County (Kane) as was the man who feeds the horses, the cattle and the hogs in this State. Now, gentlemen, nearly all classes of labor are exempt in this bill, except one class and that is found in the hotels of this State, that is those who work in the kitchen, or especially the cooks in the hotels of Illinois. The dining rooms are many of them exempt, because of the 56 hour limit which helps them to a certain extent. It was the original object, gentlemen, of this bill to interfere with the hotels of Chicago. When this committee met on industrial affairs there was but one man who was making complaints and that was a gentleman who has been found lobbying around this building for the last four or five months, who, himself, is a professional cook, and fell out with one of the great hotels in Chicago. Since that time, in order to avenge himself he has been down here endeavoring to get through this kind of a bill to affect the hotels of that great city. But I will tell you gentlemen, and I know from experience, for I am acquainted with most of the hotel men in Chicago, this bill does not interfere with them, because they have in those great institutions from a dozen to twenty cooks in their kitchens, and they can shift them about so that each one of those can have twenty-four hours in succession of rest. But I will tell you gentlemen, who this bill does affect. It affects every little town, each and every little city, in each and every Senatorial District in the State of Illinois. Every town of a thousand to ten thousand inhabitants is especially interested in this bill and effected by it. On last Monday as I journeyed over to the capitol city I was held a few hours in the City of Beardstown. The gentleman who is the proprietor of the Park Hotel informed me then and there that it would work a hardship upon him. In towns of this size, gentlemen, the size of Beardstown, Galesburg and those towns of from two to ten thousand inhabitants, as a rule there is but one person for each hotel that can perform the duty of first cook in that institution, and I will say to you, gentlemen, that those hotels give those cooks Saturday afternoons and Sunday afternoons, thereby giving them twenty-four hours of rest during the week, but they cannot under any circumstances so arrange the work that they can have twenty-four hours in succession. I will say to you men honestly, and I speak from personal knowledge, that there is not a hotel man in any town of 5,000 inhabitants in the State of Illinois but what from a financial standpoint would rather lock his doors on Friday night and never open them until Monday morning. There is not a man but what loses money on Saturday and Sunday, but wanderers come along and it is necessary that they should keep their help in order that they can supply them with food and shelter. So, I say to you gentlemen, that this trouble is not found in the country hotels. This evil that the gentleman from Saline (Mr. Kane) seeks to remedy is not found down here. I challenge him to name a single town of 5,000 inhabitants where the help in the hotels are abused. I will say to you that the Hotelman's Association of Illinois will not stand for it. They have in their constitution, and it is generally understood among their members that where employees are imposed upon that that house must suffer at the hands of the association. And so I ask him to specify, be specific, if this law is needed in Illinois, name a single town of from two to ten thousand people where the employees are imposed upon by the employers.

Gentlemen, as I said the other day on the floor of this House, and I am only one of the average men engaged in that business, I say to you that in these towns that you inflict this hardship upon, instead of them being down upon their employees they are at all times reaching out to them helping hand and endeavoring to assist them. There is not a hotelman in any one of those towns, when his employee asks for one day or even a week of absence, whether it be for pleasure or on account of sickness, but what it is granted, if possible, and there is not a single dollar deducted from their

wages on Saturday night. And I ask you then, gentlemen, why should it be necessary that we should place upon the statute books of this State of ours a law that will inflict a hardship, not only upon that man, but inflict a hardship upon the women and men who are working as his employees. These are the conditions, gentlemen. In a town like Canton, a town like Beardstown, a town like Galesburg, should the cook in that hotel cease to labor, should he resign, it is necessary that the employer of that house send at once, either to Chicago or to St. Louis, for that kind of help, because the first cook in these hotels cannot be found in those towns. He can get girls there, and boys, who can assist in the pantry and wash the dishes, and maybe wait upon the tables, but the cooks cannot be found in any of those towns, and so I ask you, gentlemen—I am speaking now for the men of Illinois who have spent \$200,000,000 in erecting buildings in this State, men who are paying taxes upon \$200,000,000 worth of property, I speak in their behalf—I ask the Forty-ninth General Assembly to kill this bill and allow these men at least a fair chance for their lives. The conditions, gentlemen, at the present time, owing to the unsettled condition of our country, and the countries across the water, are hard enough, God knows, at the present time without placing additional burdens upon us. Rather than do that, gentlemen, it seems to me it is the duty of this Legislature to lift from the neck of the business men the yoke that is pressing them today, and give one and all an equal and a fair chance in the battle of life.

Mr. KANE (Saline). I believe in justice to this bill that I should make just one word of explanation to what the gentleman has said. It may be that there can be no inconvenience or other trouble in the places of cooks. I talk to him frankly, and I find that the first cooks would have to cut down a short time each day to bring them within the limit, that it figured up sixty-three or sixty-four hours, and by cutting down a few minutes, he could bring his own cook within the limit, and I do not believe that that is the only point. There is only this one small objection that has been raised to this bill today, and the general good of this bill should not be killed because of that one objection.

(Roll called.)

Mr. GRAHAM (Mercer). (On roll call.) Mr. Speaker, and gentlemen of the House, just a word in explanation of my vote. I am from a district where there are very large manufacturing industries, principally in the manufacturing of plows and farm machinery. This is a seasonable business and at times of the year it is necessary for the skilled workmen who work in this business to work every day in the week in order to supply the demand. I do not believe in my county there is any demand for this kind of legislation that will compel those men to cease work when they want to work and when they need the money for their families. I therefore vote "no."

(Roll call continued.)

Mr. PERKINS (Logan). (On roll call.) Mr. Speaker and gentlemen of the House: "No member shall name another member present in debate." Now, Mr. Speaker, I want to say just a word in regard to this bill. The gentleman from McLean (Mr. Donahue) singled me out here and attacked me as being one of those of that kind of character—this gentleman from McLean (Mr. Donahue) is known as the one constitutional lawyer in this House, but I say that he ought to be required in the first place to have some respect for the rules of this House.

Mr. IGOE (Cook). Point of order. If the gentleman took exception to the remarks of the gentleman from McLean (Mr. Donahue) he ought to have made that point at the time he said it.

Mr. PERKINS (Logan). I say there is no member has a right to get up here and take the floor of this House and catechise anybody.

Mr. IGOE (Cook). Point of order.

Mr. PERKINS (Logan). You just sit down.

Mr. IGOE (Cook). No, I won't just sit down. You may be a big fellow out in Logan County, but you are not a bully up here.

Mr. PERKINS (Logan). Mr. Speaker, it has been my desire at all times to be courteous in this House and treat everybody fairly.

Mr. IGOE (Cook). I insist upon my point of order. He will either speak to this bill, or not at all.

Mr. PERKINS (Logan). Mr. Speaker, if you will make that little jumping-jack sit down, I will go on.

THE SPEAKER. These remarks are all out of order. The gentleman desires to explain his vote. If the gentleman from Cook (Mr. Igoe) desires to raise a point of personal privilege, he can do so at some other time.

Mr. PERKINS (Logan). I want to explain my vote, Mr. Speaker and gentlemen of the House. I understand that this bill provides for one day's rest in seven, and it occurs to me that this is a reasonable bill, and that it is a bill that should pass this House. I have not a fault to find with anybody, or the position they might take, or their personal interest in business affairs, but I do say, when men arise on this floor and undertake to shout out against other members about a bill, or that their records are bad, I want to say to the gentleman from McLean (Mr. Donahue), or anybody else, that my record is open here, and I have got a right to stand for this measure, and I am not to be deterred by any of these wild-eyed gentlemen from Cook County, or the gentleman from McLean (Donahue). This is a bill that I have a right to stand upon the floor of this House and support, and I am going to do so, because I think it is right. It affects the whole people of the State of Illinois, and we have a right to express ourselves, and I say, Mr. Speaker, that this is a good bill, and I vote "aye."

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) Mr. Speaker. I believe that this is a good bill. It is not a blanket bill, like the Women's Nine-Hour Bill was, but it makes exceptions; it takes care of extra cases. I believe that this bill should be supported on the floor of this House, and I vote "aye."

(Roll call continued.)

Mr. DONAHUE (McLean). I ask for a certification of the roll call.

(Roll verified.)

Mr. DONAHUE (McLean). I challenge the roll in respect to the name of G. H. Wilson.

THE SPEAKER. On what ground?

Mr. DONAHUE (McLean). Not present.

THE SPEAKER. Mr. Wilson was present and in his seat and voted.

Mr. DONAHUE (McLean). Well, he must be present, as I understand, on the verification of the roll in order to have his vote counted.

THE SPEAKER. The chair was particular to watch in the instance of Mr. Wilson. He was present in his seat and voted.

Mr. DONAHUE (McLean). I understand the voter must be present at the verification of the roll, and I challenge his vote.

THE SPEAKER. The gentleman asked the unanimous consent of the House to vote, and the unanimous consent was refused on account of the gentleman from McLean (Donahue) objecting to it. He then asked again, after Mr. Provine (Christian), and was again refused. He did vote when his name was called on the roll.

Mr. DONAHUE (McLean). Does the speaker rule that when a person votes, he can leave? There might not be even a quorum by the time of roll call is finished. I insist on my point, Mr. Speaker. When a man is not present at the verification, his name is to be taken off.

THE SPEAKER. The gentleman challenges the vote of Mr. Wilson, while Mr. Wilson is not present. Let the record show, Mr. Clerk, that Mr. Wilson (Adams) was present in the House and voted in favor of House Bill No. 832, and left pending the roll call. On verification of the roll his vote was challenged by the gentleman from McLean (Mr. Donahue), on account of not being in the room. It was stricken from the roll.

THE SPEAKER. On this question the "yeas" are 95, and the "nays" 12; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to call up House Bill No. 718 on the order of third reading.

Mr. Speaker and gentlemen of the House. This bill is the Assessment Life Association Bill. It has nothing whatever to do with the old-line stock

life insurance companies, or the fraternal beneficiary societies. It is designed by this bill to strengthen the law in regard to assessment life insurance known as mutual co-operative companies. That law has not been strengthened in twenty years. It does not compel all the companies organized under the law to go under this one, but it provides that the companies now existing may take advantage of this law and organize under it. It protects the interest of every policy holder in the cumulative risks, provides for requiring an investment of funds in accordance with the laws of the State of Illinois, and the Superintendent of Insurance. I think it is a good bill and ought to be supported because it strengthens the law in regard to the Assessment Life Associations, and I think it needs strengthening.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 112, and the "nays" 1; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. WILSON (Perry). I desire to call up House Bill No. 886 on the order of third reading.

This bill is simply an amendment to the State Certificating Bill that was passed two years ago and under which a second grade certificate could be renewed but once by the county superintendent. This amends it so that it can be renewed indefinitely upon satisfactory evidence of teaching. It makes it more pliable than it was before.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 111 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. KESSINGER (Kane). I desire to call up House Bill No. 927 on the order of third reading.

Mr. Speaker, this is a bill that exempts orphanages and old peoples' homes from taxation. The objectionable features in the bill were removed by the amendment offered by Chairman Fahy of the Revenue Committee, and a great many of you have had letters from the Loyal Order of Moose and other orders asking you to vote for this bill.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 112 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent to take up Senate Joint Resolution No. 12, lying on the Speaker's table at this time, and to move that the House concur in the resolution.

Mr. IGOE (Cook). Now, Mr. Speaker, there is a similar bill which has just passed the Senate, which it would seem, will solve this question of unemployment. It is a bill which was fostered by Prof. Henderson of the University of Chicago and who died in the prosecution of that work. That bill has passed the Senate, and it is going to do the same thing that this bill seeks to do. I don't know why we should concur in this resolution, and I don't believe any good will come from it.

Mr. O'ROURKE (Cook). I move that that bill be referred to the Appropriations Committee.

Motion prevailed.

Mr. SMEJKAL (Cook). I ask unanimous consent to take up Senate Joint Resolution No. 23 and move that the House concur therein.

This is an existing commission, except that it takes ex-members of the Joint Assembly out of it, and authorizes the speaker of the House and president of the Senate to fill the vacancy.

(Roll called.)

The House concurs in the Senate Joint Resolution.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 248 on the order of third reading.

Mr. Speaker, this bill appropriates different amounts in the different sections of the bill, there being five sections, for the Farmers' Institutes. The first section appropriates \$4,200 for incidental expenses; the second section, \$3,000 for stenographic services, etc.; the third section, \$5,000 per annum for members' and officers' expenses, and section 5, \$7,650, or \$75

for each county, and sections, six and seven authorizes disbursement of the money. Heretofore this money has been included in the Omnibus Bill, but on account of a decision of the Supreme Court that this is a voluntary association and not an arm of the Government, it is put in a separate bill this time.

THE SPEAKER. On this question the "yeas" are 113 and the "nays" are none. The bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

THE CLERK. Message from the Senate reporting the Omnibus Bill, House Bill 975, with amendments.

Mr. SMEJKAL (Cook). I move that the House non-concur in the Senate amendments, there being 83 of them. The bill should go to Conference Committee.

Motion prevailed, and the House refused to concur in the Senate amendments.

Mr. CAMPBELL (Rock Island). I move that the House concur in Senate amendment to House Bill No. 18.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 114 and the "nays" are none. House concurs in Senate amendments to House Bill No. 18.

Mr. RENTSCHLER (St. Clair). I desire to call up House Bill 828 on the order of third reading.

Mr. Speaker, this bill amends "An Act to enable cities and villages to establish and maintain tuberculosis sanitariums," by providing that when boards of directors of public tuberculosis sanitariums recommend to the city council or board of trustees of any such tuberculosis sanitarium, said city council or board of trustees may pass an ordinance for such discontinuance to be submitted to the referendum of the people of such city or village. It provides the form of ballot to be used, and provides that any moneys then in the tuberculosis sanitarium fund shall be used for any lawful appropriation of such city or village. It is a good bill.

Mr. PURDUNN (Clarke). Now, where is this particular sanitarium that you want to get rid of?

Mr. RENTCHLER (St. Clair). It is located at Belleville, my home town. When this Act went into force in 1908, we were very enthusiastic and established a sanitarium. It has now been built for about five years and we have had at the highest, from two to three patients, and for the past two years we haven't had a single patient and we want to get out from under it; that is the object of the bill. This bill provides a way to get out from under it.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 103, and the "nays" are 1. The bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Whereupon the House proceeded to the consideration of House Bill 641, as reported from the Senate, with amendments.

Mr. SMEJKAL (Cook). I move that the House non-concur in the Senate amendments. They have added an appropriation for the 8th Regiment Armory, and for one at Woodstock. This is the Military Commission Bill, and it should go to conference.

(Motion prevailed.)

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up House Bill 836 on the order of third reading.

Mr. Speaker, this is one of the Highway Commission Bills, and provides for an appropriation of \$250,000 out of the revenue fund for the first year, and \$500,000 for the year 1916, out of the revenue fund. Appropriates altogether three-quarters of a million dollars.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 117 and the "nays" are none. The bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up House Bill 838 on the order of third reading, making an appropriation of one million dollars for the year ending June 30, 1916, and one million for the year

ending June 30, 1917, for the building and maintenance of roads out of the road fund,—the automobile fund, providing for State aid roads in the several counties of the State.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 113 and the "nays" are none. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. TICE (Menard). Mr. Speaker, I desire to call up House Bill 765 on the order of third reading.

Mr. Speaker and Gentlemen of the House: This bill authorizes Boards of Supervisors or County Commissioners to accept from individuals or from corporations of individuals, or from whatever source, donations for the building of permanent roads. We have found during the last two years that numbers of individuals, or residents of counties who were interested in highway improvements desiring to increase the mileage, have tendered amounts of sometimes sufficient to have very materially increased the building of permanent roads in the State. In one instance, in Christian County there has been left an estate, the proceeds of which are to be devoted to the building of permanent roads. There is no provision in the statutes at this time authorizing the State to maintain roads builded by moneys contributed in this manner. The purpose of this bill, and that which it will accomplish, will be to authorize the State Highway Commission to maintain these roads that are builded by moneys contributed providing such roads are builded and they must be built under the direction and according to plans and specifications of the Highway Commissioners. It is an important measure. We have been appropriating funds for this purpose, and under this bill we will have an opportunity to receive gratuitous contributions to this fund for the construction of highways.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 122 and the "nays" are 2. The bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. HOLADAY (Vermilion). I desire to call up House Bill No. 972 on the order of third reading.

Mr. Speaker, this is a bill that validates a bond issuance over in Vermilion County, and which has been held up by an injunction by one party. The Dixie Highway has been located through Danville, and the Commercial Association, the Bankers' Association and other associations promised at the meeting in Memphis a short time ago that the road through Vermilion County will be completed within a year, and this bill will permit the authorities there to commence work at once. I have submitted it to several other members of the House and I do not know of any other place that it applies.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 121 and the "nays" are none; the bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Whereupon, Senate Bill No. 438, as reported by the Committee on Appropriations, was read a second time, and ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I move that the House do now take a recess until 8 o'clock tonight.

Motion prevailed, and the House recessed until 8 o'clock p. m. same day.

Eight o'clock p. m. Reconvened.

The Speaker in the Chair.

Mr. TICE (Menard). I desire to call up House Bill No. 727 on the order of third reading.

Mr. Speaker, this bill is presented for the purpose of permitting the State Highway Commission to use convicts where it may be found practicable upon the construction of permanent roads. Under the law now all

this work must be done by contract and it needs no explanation, on my part to tell the members of this House that they can not lease convict labor in this State or make contracts wherein contract labor may be employed. To obviate this difficulty this bill has been introduced permitting the State Highway Commission to use these convicts under their direction. The bill meets with the very hearty and sincere approval of the Governor of the State and he has expressed a considerable degree of sympathy with the proposition as presented here in order that these convicts may be employed in such instances where it is found practicable by the State Highway Commission and under their direction, and they can only be employed where they are relieved from the provisions of the law, where they are required to be done by contract.

Mr. ROE (Fayette). What is the idea of the provision of this bill that takes from ordinary contract work the advertising, simply because it is done or controlled by the State Highway Commission?

Mr. TICE (Menard). The advertising requirements are still included in this bill. It requires them to advertise just as before except when they use convicts.

Mr. ROE (Fayette). What do you mean by this, "When the plans and specifications are completed, the commissioners shall advertise for sealed bids for said work, excepting such work as may be done by convict labor, or work done where free stone from the penitentiary is used or where work is done with machinery or supervision from the State highway department." Now, what does that mean? That means, as I take it, now reading the bill as it really is, that they are not to advertise where convict labor is to be used. I say it is wrong, absolutely wrong.

Mr. PURDUNN (Clark). Mr. Speaker, I want to say that I agree with the gentleman from Fayette (Roe) in his construction of the language of this bill.

Mr. ROE (Fayette). This bill does this, that it eliminates any advertisement for contract work which is done under the supervision of the State Highway Commission.

Mr. TICE (Menard). No, sir; it does not. When they use convict labor, use free stone and State machinery.

Mr. ROE (Fayette). No.

Mr. TICE (Menard). Yes.

Mr. ROE (Fayette). Well, take it that way, if you think it is right.

Mr. TICE (Menard). You know as well as I do that you can't lease convict labor.

Mr. ROE (Fayette). I say it is wrong in theory.

Mr. TICE (Menard). All right, that may be your opinion of it.

Mr. ROE (Fayette). Well, I read the bill as it is written here, and it is as plain as the nose on your face and I can see that.

Mr. TICE (Menard). Well, I think the gentleman is mistaken in his opinion.

Mr. PURDUNN (Clark). Now, the the roads that have been built by convict labor, for instance in Lake County, cost \$9,000 per mile. I don't think it is the proper thing to take the contracts away from letting this road work. I am a good roads man, but it is a foolish proposition; this contract end of it should not be taken away.

Mr. TICE (Menard). Otherwise, unless the contract is taken away they can't use convict labor.

Mr. PURDUNN (Clark). It turns it over to the highway Commission to determine whether or not they may advertise.

Mr. ROE (Fayette). What does the word "or" in there mean?

Mr. TICE (Menard). It means "or".

Mr. ROE (Fayette). "Or" when the work is done by machinery or supervision from the State highway department. It don't limit the work to this kind of proposition; that don't make any limitation.

Mr. TICE (Menard). The whole proposition refers to the handling of convicts on the roads, and that is the intent and purpose of it. I don't know how many different kinds of construction the gentleman may put on it.

Mr. PURDUNN (Clark). This bill doesn't sound right to a man who is in favor of good roads, the bill doesn't look good.

Mr. ROE (Fayette). I am in favor of convict labor as strong as any man, but I am not in favor of this proposition.

Mr. TICE (Menard). Now, will you please turn to the last sentence of the bill.

Mr. ROE (Fayette). Yes, sir; I saw that; but that don't cure it any.

Mr. TICE (Menard). All right, then.

(Roll called.)

Mr. MERRITT (Sangamon). (On roll call.) Mr. Speaker, I don't believe that this House should pass such a bill as this employing convict labor on the roads or anywhere else, when there are so many men that are not convict labor not working. I don't think that we can afford to take the labor that belongs to the honest, upright working man and give it to convicts. Men are sent to the penitentiary to punish them, not to hire them out. I believe this is a bad bill, and I do not think that it should pass. I am against putting up convict labor against labor that is not, at any and all times. Therefore, I hope that the House will vote it down. It is wrong in principle, it is wrong in policy, it is wrong in every way. Therefore, I vote "no."

(Roll call continued.)

Mr. ROE (Fayette). (On roll call.) The intention of the farmers of this bill may be in every way good, I don't deny that, and I am for the theory of the bill, but when we place such a bill as this upon the statute books of the State that does not limit, and I can still say that I am for convict labor, but when we place a law upon the statute books to provide as this section does, "Where work is done with machinery or supervision from the State highway department," that no advertisements or notices shall be given, I say we are wrong, absolutely wrong, and the bill should not pass as it now is, and I vote "no."

Mr. TICE (Menard). May I ask the gentleman a question?

Mr. ROE (Fayette). Certainly, I am open to all questions.

Mr. TICE (Menard). Does not that entire language there apply to the one purpose of the use of convict labor.

Mr. ROE (Fayette). It don't say so.

Mr. TICE (Menard). Now, listen just a moment, it applies, "Excepting such work as may be done by convict labor." Now, here, this is to exempt convict labor from being used under contract, to authorize the State Highway Commission to use these convicts in building convict roads, they can't use them without they have machinery to use them with. They can't use them unless they use the machinery which the State furnishes. And they can't work convicts, they can't use the machinery, they can't use the materials without they supervise them. That being the case, it is limited to this one instance.

Mr. ROE (Fayette). It don't say so.

Mr. TICE (Menard). It is limited to this one service, that is all true, and you can't apply this to any other construction.

Mr. ROE (Fayette). But you take the legal construction, I want to say to you that the last phrase in that exemption would let the bars down to all.

Mr. TICE (Menard). Without advertising?

Mr. ROE (Fayette). Yes, sir.

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) I desire to explain my vote. I understand that the purpose here is merely to exempt from the advertising proposition if possible where the State has something to do by using its convicts, materials and supervision, all of which are the property of the State. I think that this bill sufficiently makes that clear and I vote "aye."

(Roll call continued.)

Mr. RAY (Vermilion). (On roll call.) Mr. Speaker and gentlemen of the House. I am not sure as to whether the intention is correct or otherwise, but it is evident that the way this bill is drawn that it leaves a hole, and it is leaving a chance for the waving of the advertising feature possessed by the State Highway Commission, and I can hardly think that it was the intention to waive that, but at the same time this bill does waive it, or it is the leaving of an opening at least for elimination. While I am

for convict labor and believe it is all right and should be used, I believe we can make a mistake at the same time in supporting this bill, and I want to be recorded as voting "no."

(Roll call continued.)

Mr. TICE (Menard). I move that further consideration be postponed pending roll call.

There seems to be a conflict of interpretation of the language of this bill, and if the House is willing, I am perfectly willing to call this bill back to second reading, that the language may be adjusted to suit those who differ in their interpretation of the language and intent of the bill.

Mr. DESMOND (St. Clair). I desire to call up House Bill No. 508 on the order of second reading.

Mr. BROWNE (LaSalle). I would like to know what this bill does.

Mr. DESMOND (St. Clair). In East St. Louis there are at the present time two judges, and this bill permits the election of these judges at the same time, thereby affecting a very considerable saving to the tax payers in the election expenses.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. PRENDERGAST (Cook). I desire to call up House Bill No. 89 on the order of third reading.

Mr. LYLE (Cook). I would like to ask the gentleman a question. Has this bill been amended?

Mr. PRENDERGAST (Cook). Yes.

Mr. LYLE (Cook). In its original form, I understood that it allowed a man who is sent to jail to have all the luxuries that he could pay for.

Mr. PRENDERGAST (Cook). The object of this bill is to give the sheriff or the jailer the legal right to search bundles of food and the like that are sent in for the prisoners. At the time of the last election there were six filing saws found that were supposed to be for prisoners in the county jail, and this bill will give the right to search these bundles or packages.

Mr. LYLE (Cook). Is there anything in the bill that permits a man, if he wants to, to send out and get a porter house steak?

Mr. PRENDERGAST (Cook). Why, no; it simply gives the sheriff the legal right to search these bundles.

Mr. LYLE (Cook). There was something in this bill when it was first introduced which permitted a man to have almost any sort of luxury that he wanted; has that been cut out of this bill?

Mr. PRENDERGAST (Cook). Yes.

Mr. IGOE (Cook). There perhaps seems to be some misunderstanding about this bill. Now, at the present time sheriffs have not the right, under the law, to examine articles that are brought into the prison. Many of them do make an examination, but under the law they haven't any right to do it, and just as Mr. Prendergast says, and he happens to be a deputy sheriff up there under the Sheriff of Cook County, at the time of the last election they discovered six saws in different articles of food that had been sent into the jail that night, and the sheriff of Cook County sent this bill here to cure that defect in the law. In addition, it allows time off for good behavior; it allows one day off for the first month, two days for the second month, and three for the third. There is nothing very strange about the bill, and it is really a humanitarian bill and one that will protect humanity and the sheriffs in their responsibilities.

Mr. COOPER (Wayne). I believe there is a little misunderstanding here relative to this bill, that a reference to our present statute will take away. When the bill was originally presented I was under the impression that this law was not now the existing law, but I made an examination of the statute and discovered that they now have that right.

Section 17 of our present statute says that they now have this right, and I understand section 17 of this Act it now provides and gives to the sheriff the right to make examinations of this food, clothing and so forth, that is to be brought into the jail, and if anything of a wrongful character is discovered to be in there he has the right to reject it. It is probably true that the sheriffs have in the past exercised that right, but it has not

been a right given them by that law, and the only effect of the passage of section 17 would be to remedy that condition and give to the sheriff the right to make this examination.

In addition to section 17 there is the other section spoken of by the gentleman from Cook (Mr. Igoe) which gives time off for good service in the jail. That is the only change that is made from the present law.

As I said a moment ago, when I read the original bill, I thought it was wrong, because it might make a distinction between the prisoners, the poor man could not have the same privileges that the rich man did. There would be a distinction, and I believed it was unjust and I believed it to be wrong because when two men are convicted for the same offense, those men ought to have the same punishment. No favor should be shown to a man because he is wealthy, and no favor should be denied to another man because he happens to be poor, but the law is as it is, and this is the only way that they can be affected, would be to go back and repeal section 17. Inasmuch as the law is as it is, inasmuch as the present change gives to the sheriff the right to make examinations, and select from things that are being brought to a prisoner, those he should not have, I believe the amendment to the law is good, and I believe the time allowed for good service in the jail should be allowed, and that the bill ought to be passed as it is. If the question were the repeal of section 17, I would be with the gentleman, but it is not. The man of wealth is enabled, under our present law, to get these things that I think he ought not to have.

(Roll called.)

Mr. LYLE (Cook). (On roll call.) I see that a section of this bill, No. 89, is identical with section 17 in the statute. I didn't know that it was already the law, I think it is wrong. I am sorry, but the rest of your bill I think is good, and I expect to vote for it. I see the criticism is good and I withdraw my objection.

(Roll call continued.)

Mr. ROTHCHILD (Cook). (On roll call.) I would like to explain my vote. Because a man who has been sent to jail cannot give bail is no reason why he should be deprived from the privileges that can be had by the man who has been arrested, and who is out of jail because he was able to give bail. I think that is a proper provision, when you can figure that a man is innocent until he is proven guilty. I therefore vote "aye."

THE SPEAKER. On this question the "ayes" are 103 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. HICKS (Winnebago). I desire to call up House Bill No. 268 on the order of third reading.

Mr. Speaker, when this bill was before the House last week, objections were made to it because of the possibilities that occurred to some of the members that combination—that combinations of monopolies might be established under it. The bill was recalled to second reading and amended in such a way that it prohibits consolidation of any two combinations and prohibits the stock of any combination from being held in any holding company. I think the bill now is in such shape that there is no objection to it whatever.

(Roll called.)

Mr. McCORMICK (Cook). (On roll call.) In explaining my vote I would like to say I think some members are refraining from voting for this bill because they don't understand its purport. If something of this kind is not done, I think a few persons will get the control of all the down-town real estate in Chicago. I vote "aye."

(Roll call continued.)

Mr. SCANLAN (LaSalle). (On roll call.) Mr. Speaker, this bill has been amended, I think, satisfactorily to everybody who objected to it before. And as the gentleman from Cook County (McCormick) said, it was needed in Chicago, I want to say that it is needed more in the smaller towns than it is in the cities, and I think it is a good bill. I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) When this bill first came up on the floor I was opposed to it because it left the door open to corporations

in this way, one corporation could come in here, another corporation here, and another, and another, *ad libitum*, and then a holding corporation manage the whole thing. Now, an amendment has been inserted here since that time that does away with that possibility, and a corporation cannot hold any stock in a holding corporation, nor a holding corporation in this. That is the limit of their power, and I felt that it was fully protected, and that is the reason I voted for it.

THE SPEAKER. On this question the "ayes" are 102 and the "nays" 3; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MORRIS (Perry). Mr. Speaker, I desire to call up House Bill 969 on the order of third reading.

Mr. Speaker and Gentlemen of the Assembly: I desire to state that this is a committee bill, brought out by the Committee on Public Utilities and Transportation. It is a substitute for Bill No. 709, and it is an agreed bill between the representatives of the railroads and their employees, mutually agreed upon, and I trust that it will receive a practically unanimous vote.

Mr. WILSON (Cook). This bill provides for first aid to the injured. It says "train or engine." Why do you say the engine? First aid in the engine would be so dirty you couldn't use it.

Mr. MORRIS (Perry). Mr. Speaker, I would state that a representative of the railroad corporations offered this to the employees and the employees accepted it, and the package is so small that it can be taken care of there in the engine.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 111 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. LYNCH (Peoria). Mr. Speaker, I wish to call up House Bill 970 on the order of third reading.

This is an agreed bill between the railroad managers and the railroad employees, as to the length and size of the caboose, and the strength of the caboose and as to regulation doors. It is a good bill and should be carried.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 109 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. GRAHAM (Mercer). Mr. Speaker, I desire to call up House Bill 168 on the order of third reading.

Mr. Speaker and gentlemen: This bill has been very much amended from what it appears in the bound volumes. There have been many amendments offered to it. I will tell you what it is in substance. It is what is called the "borough system." I had it up on second reading quite a while back and amended it. It is intended to cover a situation that I have up in my district and the towns of Rock Island, Moline and East Moline are concerned. They lie along the Mississippi River, and there are sewers that run into this river and run on to the town below, and the consequence is that the water they drink is polluted, and it is thought that if some scheme could be devised whereby they could have a change of system of city government and still retain their city names, that it would be a great advantage. Now, this provides for a vote of each village or city that engages in it, and unless each city or village votes for it, why it is not effective. It also provides by an amendment that I drew, that the people of these adjacent municipalities can, each two years, if they want to, vote on the question of whether they will stop that form of city government or not. I would like very much to have this bill pass, on account of the conditions. I don't know whether these three towns will adopt it or not, but I would like to give them a chance to if they so desire.

Mr. BROWNE (LaSalle). As I understand it, the cities can vote for it if they want it?

Mr. GRAHAM (Mercer). Yes, if they want it, and each one of them, Mr. Browne.

Mr. BROWNE (LaSalle). And that authority is given them by a referendum vote?

Mr. GRAHAM (Mercer). Yes, sir.

Mr. MOORE (Henry). This is the bill that provides that each city, town or village that goes into an organization of this kind shall have an equal number of commissioners to govern the town, is it not?

Mr. GRAHAM (Mercer). No, this is not the one, Mr. Moore; this is amended so that is eliminated.

Mr. MOORE (Henry). The same representation in proportion to inhabitants?

Mr. GRAHAM (Mercer). Suppose they have the aldermanic system of government; they still retain it; they retain the representation that they had before; it is simply a means to let them unite for the purpose of building such works in common.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 105 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. FRANK RYAN (Cook). Mr. Speaker, I wish to call up House Bill 939 on the order of third reading.

The only change this bill makes, gentlemen, is in changing the military field batteries,—increasing the number from three to six. It is approved of by the adjutant general and it is recommended by the War Department.

Mr. ROTHSCHILD (Cook). What is the purpose of increasing the number of these batteries?

Mr. FRANK RYAN (Cook). I will tell you, Mr. Rothschild; do you read the papers every day?

Mr. ROTHSCHILD (Cook). Yes, but that is what I want to know, why they should increase them.

Mr. FRANK RYAN (Cook). At the present time you are liable to be called to face some war problem, and the government especially advocates a change of this character.

Mr. ROTHSCHILD (Cook). I saw in the newspapers recently that a number of millions were got together to form a battery. Does this have anything to do with that?

Mr. FRANK RYAN (Cook). No, not a thing. I am not one of those millions.

(Roll called.)

Mr. BURNS (Cook). (On roll call.) Mr. Speaker and gentlemen of the House; in the apportionment of the various State militias the War Department has allowed the State of Illinois six batteries of field artillery. The military code today only allows three. There are today in the City of Chicago a number of patriotic citizens who have organized what is known as the First School of Field Artillery Officers, and they want to have the field code increased to the number of six, for which the Government furnishes all the equipment free of charge to the company. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" are 2; the bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. McCORMICK (Cook). Mr. Speaker, I desire to call up House Bill 890 on the order of third reading.

This bill, Mr. Speaker, is to amend the so-called Sheridan Road Act, to make it a little easier for property holders along the road to come in under the provisions of the Act or to stay out. All the municipalities along the road were consulted and five amendments to the bill were incorporated in the bill on second reading at the instance of their representatives.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" are 2. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. THOMASON (Clay). Mr. Speaker, I desire to call up House Bill 357 on the order of third reading.

Mr. Speaker and gentlemen of the House; the present law provides that the high school tuition of pupils attending the high school who do not live in that high school district, shall be paid by their home districts. The

State Superintendent informs me that there are about 3,600 districts in the State that are unable to raise the taxes to pay this high school tuition; they are unable to have a six months' school; they pay for the salaries of their teachers probably \$300 for the term and they are unable to raise any more money for that year. If they have three or four pupils from that district attending the high school, then the high school tuition will amount to as much as the salaries of their teachers in their home school, so this bill provides that this high school tuition shall be paid from the State Distributable Fund that goes to that particular county. There is such a demand for some legislation along this line that one or two bills have been introduced, and a sub-committee has been appointed by the Committee on Education. This sub-committee went over the matter and drafted a bill providing that the money to pay all of the high school tuition in the State should be reserved from the State Distributable Fund before it was distributed to the various counties. The committee asked me about it and I told them the bill would suit me personally better than my own bill, which I had introduced, but that there would be very little of it coming to Cook County, yet they paid a great proportion of the tax, and I didn't think that they would be for it, and that it would not pass, and that it would hardly be fair. Afterwards the committee came to me and told me that they had abandoned that bill and taken the matter up and had united on this particular bill and it was reported out of the committee unanimously.

Mr. PACE (McDonough). Mr. Speaker and gentlemen of the House: Now this is a bill that is of vital importance to every taxpayer in the State of Illinois. Every man especially, living in any incorporated city or village or any person who pays a high school tax is interested, or should be interested in this bill. The provision of this bill at first glance, is certainly innocent looking, but, gentlemen, under the present law this Legislature will appropriate to the State of Illinois \$4,000,000. It is what is known as a Distributable Fund. This \$4,000,000 the State gives as a legacy to every child in the State to share and share alike, whether that child lives down in some little humble rural district or whether the child lives in some city that supports a high school. Now there should be some provision to give these rural children a chance for high school education; there is no question about that. But there is a bill here on third reading now providing for them.

Gentlemen, this is what this bill does: you men living here in the City of Springfield know that every child living in the City of Springfield or any other city, is entitled to its share of the distributable fund; but what does this bill do? The man that lives down here ten miles in a rural district sends his child here to Springfield, and if the tuition amounts to \$40, that tuition is taken out of the distribution fund that comes to Springfield. Now you men living here in this city and in every other city in the State of Illinois, should this bill become a law, will pay the tuition or a large percentage of it, of the children from the rural districts.

Now, gentlemen, I am not particularly in favor of paying the tuition of the children from the rural districts, but I want that tuition paid by the high school district and by the high school non-taxpayers of the county, just as it is provided in a bill that is on third reading now, House Bill 831; and, gentlemen, I feel this—that no man has a right to take the money away from the children of Chicago, Peoria, Springfield, Galesburg, Cairo, McComb, or any other city in Illinois, and use it to pay the tuition of some rural child who lives in some high school district; we haven't that right, gentlemen; but we should assess a tax upon the non-high school districts and let them pay the tuition. But the man living in Peoria pays his taxes for the erection of the buildings there and pays the high school teachers there, and then must he take from his children their share of this distributable fund to pay the tuition of the children that live in the rural districts of Peoria County?

Gentlemen, this is a bill that ought not to pass in this House. It is a bill that is detrimental and is taking away from every child that lives in every city of Illinois. It is this appropriation of \$4,000,000 that you are giving to the school children of this State.

On the calendar is a bill introduced by myself, House Bill 831, and as

the gentlemen on the committee will well remember, that bill provides in Sangamon County that all the territory that today is contained in the high school tax district shall be formed into a new high school district, and they shall be assessed to pay the tuition of the children living in the non-high school parts of Sangamon County. But I say to you gentlemen that it is unjust now to take any part of this distributable fund that has been handed as a legacy to every boy and girl in this State, to share and share alike. Now, do you propose to take it way from three-quarters of the children of this State in order that you may pay the tuition of the other children that come from the rural districts?

I want every child in Illinois to have an equal right in the high schools, but I want that tuition paid by a tax that comes from the non-high school districts, and not taken away from the boys and girls of this State.

Gentlemen, this is a bad bill, I say to you, and it ought not to go on the statute books of this State.

Mr. PURDUNN (Clark). Mr. Speaker and gentlemen. I sometimes think it is a great advantage, where you have a Normal school in your county, in order that you might send your children there, but in some parts of Illinois, in some of the poorer counties, it is impossible under the present law to raise enough taxes to run a common school and comply with the present provisions of the law. They can't pay the salaries and conduct the school in some of these districts and pay the tuition to a township high school.

Now, the gentleman's (Pace) bill may be much superior to this bill—I have not seen it—but I know this bill fits the poorer classes of counties. The conditions in the county from which the gentleman from Clay (Thomason) and myself come, and the conditions in McDonough County, where you are wealthy, are different; but in southern Illinois, Mr. Pace, I want to call your attention to the fact that this bill is not a bad bill; that this bill gives relief to millions.

Mr. PACE (McDonough). I can answer that. This bill does not affect us a particle over there any more than it does you, or those towns in your county today that are supporting high schools. Now Bill 831, on third reading now, provides that the balance of that territory that is not paying a high school tax, that it shall be organized into a high school district and assessed now simply to pay the tuition of any of the children that come out of the rural school. Why, Mr. Purdunn (Clark), should it be that you, who live in a city that has a high school, why is it right that you should pay part of the tax to support that school and then take part of the money away from your children to pay tuition of children down in the country, who are not taxed at all?

Mr. PURDUNN (Clark). Because most of the districts in the State are wealthy, but in these poorer districts Mr. Pace (McDonough), it is almost impossible; they can't do it.

Mr. PACE (McDonough). I am aware of that, and that is the reason I introduced House Bill 831.

Mr. GRAHAM (Mercer). I would like to support this bill, but it seems to me that I cannot. I want to state in a few words my objections to it.

This bill proposes to take this money before it is distributed to the various districts, and take all the tuition for these students out of it first, and then distribute the balance. Now gentlemen, the present law provides that graduates of the eighth grade, where there is not a high school maintained in the district, may go to any high school that their parents want to send them to and their bills for tuition must be paid for by their district. Now then, they propose to fix it that those bills be taken out of the distributable fund. Now, in our district, we maintain a high school and tax ourselves to the limit to keep it up, while in other districts they keep up on high school and maybe only levy fifty cents on the hundred, while we levy \$1.50 and at the same time that district can send its pupils to the high school in Galesburg, and my district will have to pay it; what ought to go to my district, goes to the country in other districts. They won't keep up a high school then why should we, when we pay all the burden, keep up a high school to educate other children where they won't keep up a high school themselves. In my county there are two districts, the city

of Boston and the city of Keithsburg where they only hold high school seven months in the year, and where they couldn't hold it that long only that they tax themselves to the limit. Now, do you gentlemen think it is fair for us to go out and help the other children where they can levy any amount of taxes they desire, and where they won't keep up a high school?

Mr. PURDUNN (Clark). In my county we have to pay \$3,000 for the salaries of teachers, and they have to pay \$120 for fees in the high school.

Mr. HOLADAY (Vermilion). Replying to the Gentleman from Mercer, (Graham), it may have been the intention of the drawers of this bill to pay for the bonds according to the method in which the gentlemen are paying, but whatever their intentions may have been, as I read the law it does not do that. The present law provides that after the county superintendent has received the county's share of this fund, he shall do two things. Reading now from Section 215, "The county superintendent of schools shall apportion and distribute,"—those are his duties. Now, this bill provides that the county superintendent shall pay out of this fund before distributing, but not before apportioning. In other words he takes the money that comes from the county and apportions it to the district according to the number of pupils in that district. Then after it is apportioned he distributes it. In other words, if a certain district is entitled to \$1,000 under the distribution made by the county superintendent and it has one pupil in the high school, at a cost of \$40, then the apportionment is made \$1,000 to that district, but before it is distributed the \$40, is taken out, and he pays for that, \$960.

Mr. PACE (McDonough). The gentleman from Vermilion (Holaday) is badly mistaken. The county superintendent does not distribute to the districts of Illinois. He distributes to the townships. There is no county superintendent in the State of Illinois that in twenty years, to my knowledge has ever distributed a dollar to the districts. It is distributed to the township, not to the district.

Mr. HOLADAY (Vermilion). It is paid to the township, but it is distributed in the district.

Mr. THOMASON (Clay). Now, gentlemen, you have a chance here to help this situation along. Now if you don't pass this bill there is absolutely no way of getting relief in this session. The bill proposed by the gentleman who has spoken (Mr. Pace), bill No. 831, which is on third reading, is absolutely unconstitutional and unfair, and has absolutely no show of passing, and if it did, it would not be of any effect. His bill provides—it is not a matter of getting my name in the record, because I was willing to take up the committee bill, but the bill he proposes is not valid and would not be valid if passed, for this reason: It provides that all that territory not in a high school district is a non-high school territory; it provides that the county superintendent of schools shall ascertain the amount of high school tuition due from that territory and report to the county board, and the county board shall levy a tax upon that non-high school territory to pay this high school tuition.

Under the decision of the Supreme Court a few days ago on the poll tax proposition, it specifically held that the taxing body did not have power to tax the territory over which they did not have jurisdiction.

The same law applies in this case, and his bill is absolutely unconstitutional, and is absolutely no show of giving us this relief that you are giving now. These high schools were not created for the purpose of making money, and for collecting tuition, but they will get more in tuition from pupils not residing in their districts than the amount that is deducted from their proportion of the distributable fund. Some of them may not, but a great many of them will, and if they don't get quite as much, it may be a sort of a hardship. But I say, it is a burden that is not a great burden but it is relieving a big burden that is now upon the poor districts.

(Roll called.)

Mr. BURRESS (Champaign). (On roll call.) Mr. Speaker and gentlemen, it is necessary in this case to explain my vote, because I expect my friends know more about schools than I do, and we possibly differ. I feel that this bill, if it passes, that the tuition will be placed with the high school board first, and that the remainder will be distributed. If it does

that, it primarily reaches the country districts and helps the boy entering the high school, helps to pay his way first, and distributes the remainder. I believe in the end it is doing the greater good to the boys out all over the county. Now, if I happen to differ with my good friend, I want it understood by the House that I believe it is doing the greatest good to the greatest number. I vote "aye".

(Roll call continued.)

Mr. FOSTER (Schuyler). (On roll call.) Mr. Speaker and gentlemen, there may be a question on the part of some of my constituency as to why I shall vote on this proposition as I shall, and I crave the indulgence of the House just a moment while I tell my reasons for voting as I shall vote. About fifteen years ago I taught my third term of school in a little place in Schuyler County, called Hilly Ridge. We had eighty pupils in one room, it was a district composed largely of hills and hollows, and I imagine there are many districts where perhaps, the wealth is not as great as it is around Peoria and Bloomington and elsewhere in this State, and I feel that those pupils, and there are many of them to my knowledge who have grown up and made their way in the world,—pupils in places like that should have an opportunity to have a high school education. I feel justified, Mr. Speaker, in voting "aye".

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House; it is necessary that there be some relief from some source for the situation which now prevails, and I believe some of the people who vote for this bill will agree with me that there is a cry for children going above the eighth grade to high school. There are not only one but dozens,—yes, hundreds of districts that cannot possibly run their schools even six months, as required by the law, and pay the tuition, as the law in its present form compels them to pay, they can't do it. Now there must be some relief somewhere or the whole law must be repealed. Now, if there is any better way than this, I don't know what it would be. It was before the educational committee and discussed by the State Superintendent and the County Superintendents over the State, and this bill came out of that committee of education without a dissenting voice, and I say there must be some relief.

Now, I am one of the parties, if anybody would be hurt, that would be hurt by this proposition. I come from a township that takes pride in its township high school; that has one of the best township high schools, if we are in Southern Illinois, that there is in the State of Illinois, and if you don't believe that, just remember where you sent your boys for the State meet where they got two firsts and two seconds, and I say if there is anybody that will be hurt, I would be one of the parties to be hurt, because we built that township school, and I pay considerable taxes to support that township school; but I do know that the cry comes from them most for relief, and in order to give them that relief, this bill will give them that relief, and I vote "aye".

(Roll call continued.)

Mr. PACE (McDonough). (On roll call.) Mr. Speaker, I desire to explain my vote. Bill No. 831 was written in the State's Attorney's office by the best constitutional lawyer on the school question in the State of Illinois, and his word is that it is constitutional, and it has the endorsement of the State department, and for that reason on this bill, I vote "no."

(Roll call continued.)

Mr. RENTCHLER (St. Clair). (On roll call.) Mr. Speaker and gentlemen, I want to say that I have taken special interest in these bills, to find out which was the better, and vote for what one, and I sent copies to our County Superintendent of Schools, Mr. W. A. Hugh, and I want to read the letter that he writes me in reply.

"I have given careful thought to House Bills Nos. 357 and 831. I have conferred with Superintendent Busiek, of Belleville, with the county superintendent, A. M. Wolleson, and others, and we are unanimous in asking that you support House Bill No. 831.

"House Bill No. 357 provides that tuition shall be paid out of the State fund before distribution is made. The object of the State fund is to compel

the centers of wealth and population to maintain the outside districts—to maintain their schools, and House Bill No. 357 would make a further drain upon that fund. In other words, in our opinion, it would be taxing the centers of wealth and population the second time for the same purpose, at least they are taxed for the support of their own high schools and also for the tuition of pupils in districts having no high schools.

“On the other hand, House Bill No. 831 provides that such territory in each county not located in high school districts or in a district containing a high school would be taxed for tuition of pupils living in said territory. This conforms very nearly to our present law which provides that the tuition shall be paid by the district in which the child resides.

“For the foregoing reasons I am authorized to say that Mr. Busiek and Mr. Wolleson urge and request that you support House Bill No. 831.”

This letter is signed by Mr. W. A. Hough, County Superintendent.

Therefore, I vote “no”.

(Roll call continued.)

Mr. SHURTLEFF (McHenry). (On roll call. Mr. Speaker and gentlemen. It seems to me that there is more merit in this bill than is given credit for. I appreciate the argument made by the gentleman from McDonough (Mr. Pace), and also the statement from the Superintendent of Schools of St. Clair County, but that argument is all toward equasion or equality in furnishing the money to educate the children. That is not the principle upon which the schools are run in this State at all. This distributable fund is not distributed according to the amount of taxes paid, but it is distributed in accordance with the number of children, in order that all of the children in the State of Illinois may have an education.

Now, the statement is made, and it has been presented time and time again, that the counties in Southern Illinois are not able by taxation to raise a sufficient fund to pay the expenses of their different departments, and the school tuition. I know it is absolutely a fact in Northern Illinois, and I think you will find it scattered all over the State, here and there, that one school district is rich and has a very few scholars, and can easily maintain its school and pay the tuitions. Immediately alongside of it is another district that is small, that is poor, and it has a large number of pupils, and we have that trouble in Northern Illinois under this present law in getting the tuition paid out of certain districts.

Now that this tax would be an equality is demonstrated absolutely in the case of the school in the gentleman's own town in McDonough. The State of Illinois is taken as a community, and we pour hundreds of thousands of dollars into the schools, for whose benefit? Well, to start with, McDonough I would say gets more benefit than my county, because it is closer and nearer to the school, and the benefit decreases as you get away in distance, and still for the benefit of the entire State of Illinois, we tax this State, and rightfully so to maintain, not only that school, but other schools of like kind scattered all over the State. You can't bring this down to a matter of equality unless you charge to children and tax them for the actual cost of educating them.

Now, the only difference between these two bills is that one makes the county the unit, but Bill No. 831 seeks to bring the unit down to the township, to the high school district, to make over the entire territory within the high school district. If the claim from Southern Illinois is right that they cannot raise the money for these taxes, and I know it is true in certain districts in Northern Illinois, then there is nothing any more fair and equal than that those children should have a high school education, and that the money would come from the distributable fund first, and see to it, as the Constitution says we should see to it, that all children should have a chance for education. Why isn't it fair? Why isn't it just as fair as Bill No. 831, that tries to bring the equation down and nearly making the child for its own education? You can't do it unless you will say by law that every parent shall be taxed for the actual costs of the education of his own child. That is not the law; that ought not to be the law, and the gentleman from McDonough (Pace) is only seeking to approach where that becomes near the law.

Now, I say either the equation from Southern Illinois is misrepresented and wrong, or else the gentleman's bill is fair, and ought to be passed. I will vote "aye." (Applause.)

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 77, and the "nays" are 13; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Whereupon the House proceeded on the order of second reading and the following House bills were taken up, read a second time and ordered engrossed and to a third reading: Nos. 925, 953, 954, 296, 126, 132 and 14.

Mr. ELLIS (Kane). Mr. Speaker, I desire to call up House Bill No. 695 on the order of second reading.

Mr. BROWNE (LaSalle). I object.

Mr. SHURTLEFF (McHenry). Now, this bill provides that any mortgage that has remained on the records for twenty years, becomes due and runs for a period of twenty years, that it shall be renewed or a new record made, showing that the mortgage is still alive, or else it falls. Now, this is not a bad bill. We strike in examining abstracts, mortgages that have been paid, numbers of them where the release has not been filed for record, and it costs the people a lot of money; it costs practically every man that gets an abstract today from \$100 to \$300 to correct title, in a great many cases, because these old mortgages are on record unreleased. Now, on a chattel mortgage, if it is not paid at the end of three years, you can only make a chattel mortgage for three years, it is void unless it is renewed. Now, in the case of a real estate mortgage you are given twenty years after the mortgage is due that it must be renewed or else the lien is void.

Mr. BROWNE (LaSalle). And it applies to those that exist at this time too?

Mr. SHURTLEFF (McHenry). There is a provision in the bill, I think, giving five years' notice. The people have five years in which to renew the lien in any old mortgage that has been running ten or twenty years.

Mr. BROWNE (LaSalle). Now, in order that there shall be no harm come to people, you have got to anticipate that everybody will know of this law, and that the parties that loan the money live in the vicinity or the neighborhood of the people that borrowed the money. You have got to anticipate that these old mortgages are not being kept up, and the interest paid on them from time, you have got a lot of things to anticipate.

Mr. SHURTLEFF (McHenry). Mr. Speaker, the law anticipates that everybody does know the law.

THE SPEAKER. Are there objections to this bill?

Mr. BROWNE (LaSalle). Yes, and on good grounds.

Mr. ELLIS (Kane). I move the suspension of the rules for the purpose of considering this bill.

Motion prevailed. Rules suspended to consider House Bill No. 695 on the order of second reading.

THE SPEAKER. The question now is on a motion to strike out the enacting clause of this bill.

Mr. BROWNE (LaSalle). Mr. Speaker, now I shall stand for this bill if the rest of you gentlemen think that you can in your community. This bill provides not for doing away with something that is necessarily dead, but it provides for killing things that may be alive. For instance, here is a man or woman that has made a loan upon real estate security due in one year. At the end of that year that loan has become due, as anybody knows. Now, then, the party that has made the loan, or rather the party that has borrowed the money, does not want to pay it for one reason or another, and the party that has loaned it is perfectly willing to let the loan remain where it is on that security. The interest is paid along year after year; twenty years go by; it is still kept up; the interest is still paid; the interest rate has been reduced, but it is still paid in that way. Now, at the end of twenty years—and there are a lot of these in existence, gentlemen, over this State today—at the end of this twenty years, unless it is renewed, it is dead, no matter if both of the parties are willing that it should remain alive; no matter if all the requirements of the law have been complied with and the interest has been paid; it is killed; it is dead; that mortgage is dead. And for what

reason? Simply because, we are told, that it will make the making of abstracts easier.

Now, there are other cases. One of these parties leaves the country, and his business has been transacted all these years by mail, or through some distant agent in some other state, who is not familiar with the law. Now, you are going to find that this is going to in many cases result in a hardship, and there is no necessity of the existence of any such thing as this except in the mind of somebody that wants to do away with the making of abstracts of title insofar as possible. That is what it means. As I say, I can stand it if you folks can. I made the motion to strike out the enacting clause not because it is that gentleman's or anybody else's bill, but I think it is a bad bill; it ought not to be passed, and there is no necessity for calling up its passage.

(Motion to strike out enacting clause lost.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading.

Mr. LYLE (Cook). Mr. Speaker, I desire to call up House Bill No. 399 on the order of second reading.

Mr. HILTON (Cook). I object.

Mr. LYLE (Cook). Representatives who have had their bills up have asked me not to oppose their bills and I would ask the gentleman to withdraw his objection.

THE SPEAKER. There are objections heard.

Mr. LYLE (Cook). Then, Mr. Speaker, I move to suspend the rules for the purpose of taking up House Bill No. 399.

Motion lost.

Whereupon the House proceeded on the order of first reading of the following bills: House Bills Nos. 185 and 344.

Mr. BUTLER (Sangamon). I arise to a question of personal privilege.

Mr. Speaker and Gentlemen of the House, I was ready this morning, but out of sympathy for the gentlemen who had patiently listened to me so many times, I did not have the heart to take up the time which would put somebody's bill back and I thought I would wait until the time that the House was ready to adjourn, and it won't hurt me—I would much prefer to make my remarks tomorrow if I won't step on anybody's feet. (Leave.) 'Nuff said. (Laughter.)

Mr. TURNBAUGH (Carroll). Mr. Speaker, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 98.

WHEREAS, The Hon. Thomas H. Hollister, a member of the Forty-eighth General Assembly, from the 12th Senatorial District, departed this life on the 8th day of June, A. D. 1915; and,

WHEREAS, The said Hon. Thomas H. Hollister was an honored citizen of this State, a man thoroughly representative of its business interests; one who always took a prominent part in all movements for the public good, doing all in his power to protect and advance the interests of this State: a man who as a member of this House, attained a prominent position, and one who was ever watchful of the welfare of the people of his district, and of the State at large; one who served the people of his community in different official capacities, with credit to himself, and a man whose every act, both as a public officer and as a private citizen was in behalf of the people: therefore, be it

Resolved, That in the death of the Hon. Thomas H. Hollister, the people of his community have lost one of its leading citizens and the State of Illinois one whose every act and vote as a member of this House was in the interest of and for the good of the people of his district, and the State at large; and, be it further

Resolved, That this preamble and resolution be spread upon the Journal of the House; that a suitably engrossed copy thereof be forwarded to the family of the deceased; and as a further mark of respect to his memory that the House do now adjourn until 9:00 o'clock a. m. tomorrow.

(Resolution adopted.)

Whereupon the House adjourned until 9:00 o'clock a. m. Friday, June 11, 1915.

FRIDAY, JUNE 11, 1915.

9:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Rothschild (Cook) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the order of presentation of petitions, reports from standing committees, reports from select committees and House Bills on the order of first reading, all without debate.

Mr. YOUNG (Cook). I move that Senate Bill No. 448, which the House reported out yesterday without recommendation, be placed on the calendar on the order of first reading.

Mr. BURNS (Cook). This provides for registration by affidavit for the office of election commissioners in the various cities. There is little or no attempt to throw the usual precautions and guards around a registration so far as the canvass by clerks is concerned. The registration is permitted under this bill up to and including the time of election. It would not give us any chance at all to send out the various clerks of election to see whether those names were names of the parties whom they represented to be, nor that they lived at the place, at which they represented themselves to live. There is also a clause in there which permits a canvass after the closing of the books, which would take them away past the closing of election before canvassed. I cannot see under the terms of this registration, how it would be possible to carry it on at all under the Registration Act.

Mr. YOUNG (Cook). The gentleman from Cook (Burns) seems to be talking on the merits of the bill rather than on the motion.

Mr. LYLE (Cook). As I understand, this bill has been passed by the Senate?

Mr. BURNS (Cook). Yes sir.

Mr. LYLE (Cook). And it has come over here?

Mr. BURNS (Cook). Yes.

Mr. LYLE (Cook). Mr. Speaker, this bill has been passed by the Senate, and I understand there wasn't any particular opposition to it at all there, and I think it ought to go on the calendar. It is advocated by the Chicago press, and I think it is a good bill. When it was in the Senate it was commented on by the Chicago press, and it was passed in the Senate and I think, Mr. Speaker, this bill should go on the calendar.

(Rising vote taken. Motion prevailed.)

Mr. FRANK RYAN (Cook). I desire to call up House Bill 786 on the order of second reading.

The Committee on Municipalities reported Amendments Nos. 1 and 2, and recommended their adoption.

AMENDMENT No. 1.

Amend House Bill No. 786, by striking out the words "so as to read as follows," from lines 5 and 6 of section 1 of the printed bill and by substituting in lieu thereof the following: "by amending the title of said Act so that it shall read as follows:"

AMENDMENT No. 2.

Amend House Bill No. 786, by inserting in line 1 of section 2 of the printed bill, after the word and figure "Sec. 2." the following: "That the

said Act be and the same is hereby further amended by amending section 1 of said Act so that it shall read as follows: Section 1."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. SCHOLLES (Peoria). I desire to call up House Bill 620 on the order of second reading.

This bill provides that anyone who hires a horse, ox, or other draught animal, or any vehicle or boat, the property of another, and fails to return the same for the purpose or with the intent of defrauding such owner, he shall be fined not exceeding \$300 or be imprisoned in the county jail not exceeding one year.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, I move to strike out the enacting clause of this bill. The laws on the statute books of the State of Illinois today provide ample and sufficient penalty for the larceny or taking of any horse, boat or other property with the intent to steal the same and that is amply evidenced by the last words of this bill: "but the provisions of this section shall not apply to any of taking the property of another with intent to steal the same." So that element is eliminated.

Now, what is the purpose of this bill? The purpose of this bill is to make it criminal on the part of anybody that takes a horse, a boat, or a number of other enumerated articles of person property and uses it without paying compensation therefor; hiring it and not paying for it, making that a criminal offense. In other words it is another one, only worse, of those bulk sales bills. It is another assistant to the collection agency, making the failure to pay something a criminal offense. But you will say to me that this is only in case the person takes it with the intent to defraud. Well, where a person takes it and does not pay it will be urged and contended with good reason that there was an intention not to pay for it, and that is the best evidence of an intention not to pay for it, and it and it makes it a criminal offense, gentlemen of this House, to do that, and punishable by a fine not exceeding \$300, or confinement in the county jail not exceeding one year. Just think of it, a man hires a horse, or a boat, and goes away and uses it and comes back and does not pay for it, for any cause, and he is a criminal subject to a fine of \$300 and to confinement in the county jail. It may be that this country has gotten to that stage of the game. It may be that we can afford to pass laws of that kind. If so, well and good, but I don't think you can, even in the closing hours of the session.

Mr. SCHOLLES (Peoria). Mr. Speaker and gentlemen of the House, I am surprised at the position my friend from LaSalle takes upon this bill. If you will read the bill you will find that the taking must be with an intent to steal the same.

Mr. BROWNE (LaSalle). What does that amount to?

Mr. SCHOLLES (Peoria). There will never be a charge made against a man who runs a legitimate credit with a firm that he intended to defraud, but this bill is made to apply to those men that will go to a livery stable, that will hire a rig and will take it out riding and will not come back and pay for it. The same with the boat. Men who go and rent a boat and take it all day and leave it in the woods a mile away in order to defraud the keeper of this boat, it is made to apply to that particular kind of a case. I say it is a good bill and it is not a part or parcel of the bulk sales bill.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, I merely cited the bulk sales law, and those bills that have passed in connection with it merely in passing as an illustration. The gentleman says that no man will be harmed except the man that does this with an intent to defraud. Well, don't you know that in prosecuting a man you would put in evidence the fact that he had not paid, that he took the animal and went away, or the boat and went away, and came back and would not pay for it, and that would be prima facie evidence of his intent to defraud; under every act of this kind it is prima facie evidence.

Mr. SCHOLES (Peoria). Any man that would take a horse, and who failed to return it, or who returned it and failed to pay for it, for the purpose of defrauding the keeper, would be guilty of fraud.

Mr. BROWNE (LaSalle). So that any man that hires a horse or boat and goes away with it and comes back and does not pay for it, is guilty under this Act, and there is not a chance on earth for that man, because a court and jury will say the best evidence of his intent is the fact that he did not pay for it. Now then, if you will go to work and put in connection with it in here, any man who goes to a grocery store and buys sugar and buys flour and does not pay for it, any man who goes to a lawyer and gets services and does not pay for it, if you will include all of those things, and you want to permit legislation of that kind, I will say, "Thy will be done"; if we have come to that stage of the game. But it is wrong to open the door in this kind of a way. It is something that is a step away backward.

Mr. SCHOLES (Peoria). How would you prove the intent?

Mr. BROWNE (LaSalle). It is prima facie in every act of this kind, the fact that he had not paid for it is prima facie evidence.

Mr. SCHOLES (Peoria). No, it is not.

Mr. BROWNE (LaSalle). In your hotel Act, where a party goes away and does not pay his hotel bill the nonpayment shall be prima facie evidence of his guilt.

Mr. SCHOLES (Peoria). That is a good law, isn't it?

Mr. BROWNE (LaSalle). I am telling you that in every act of this kind it is prima facie evidence, the fact of his non-payment, that is what it would be here.

(Rising vote taken on the motion to strike out the enacting clause.)
(Motion lost.)

THE SPEAKER. If there are no further amendments the bill is ordered engrossed and to a third reading. Whereupon the House proceeded upon the order of bills on second reading, and the following House Bills were read a second time and ordered engrossed and to a third reading: House Bill 901, House Bill 940 and House Bill 961.

Mr. BUXTON (Macon). I desire to call up House Bill 645 on the order of second reading.

I offer the following amendment, and move its adoption:

AMENDMENT No. 1.

Amend section 2 of printed House Bill No. 645, by inserting in line 2 of said section on page 2, after the word "misdemeanor" the following: "may, in misdemeanor cases."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments this bill is ordered engrossed and to a third reading.

Mr. GORMAN (Peoria). I desire to call up House Bill 333 on the order of second reading.

Mr. LYLE (Cook). I would like to ask the gentleman from Peoria (Gorman) if the gentleman don't think it would be a good thing to feed some of the grain over there in Peoria to the chickens?

Mr. GORMAN (Peoria). We have no chickens in Peoria.

Mr. BROWNE (LaSalle). I move to strike out the enacting clause.

Mr. Speaker and gentlemen of the House, this is our old friend that provides a penalty for the sweeping out of the little leavings of grain in cars, and it ought to also provide in connection therewith the picking up of little pieces of coal along the railroad tracks by poor old women and little children,—on a par with it. And it specifies what shall be sweepings. "The word 'sweepings' as herein used shall mean any grain or flax seed that may remain or be left in any railroad car after such railroad car has been unloaded in the usual manner." After they have got through with it, after they have got all they want, then if there is any left and anybody sweeps it out for the chickens, or if they haven't any chickens in Peoria, for the old hens, then they are criminals. Now if you will put in picking up coal, and those things, and let it apply to Peoria alone, I will vote for it.

Mr. GORMAN (Peoria). My friend (Brown) is usually right, but this morning he has started off on the wrong track. That was illustrated a few moments ago, and is followed by his explanation of this bill at this time.

The purpose of this bill is to reach the fellow who buys grain, stolen grain, from little boys, and when he is apprehended by the police authorities he sets up the defense that the boy represented to him that it was car sweepings. It is to reach the fellow that buys this stolen grain and makes criminals out of those little boys. If they had no place to dispose of this grain there would be no incentive to steal it, and as a further proof of the necessity for reaching that element of people, our ex-State's Attorney can better explain that than I—Mr. Scholes, of Peoria.

Mr. CURRAN (Cook). Isn't it a fact that the railroad companies sell the sweepings from the cars?

Mr. GORMAN (Peoria). No sir.

Mr. CURRAN (Cook). They do in Chicago.

Mr. GORMAN (Peoria). They do many things in Chicago, I am sorry to say, that they do not do in Peoria.

Mr. CURRAN (Cook). We had the same bill passed two years ago and the Governor vetoed it.

Mr. GORMAN (Peoria). Yes, he did, and he said, I am sorry, Mr. Gorman, that I did. He did not understand the matter. Mr. Browne don't understand it, and I think his opinion of it will be very much changed after my explanation.

Mr. BROWNE (LaSalle). I doubt it. I don't wonder, Mr. Speaker, that they want houses of shelter in Peoria. They ought to have them, and with keepers, too.

Mr. MADSEN (Cook). The trouble with this bill is that it is aimed at the fellow that has not got any property, at the people who walk the streets, and who have got nothing to keep body and soul together. If you can catch some of these fellows picking up a little grain in the railroad car you can put them in jail under this bill. That is not all. There is another purpose of this bill. You can get those people, and you can not only put them in jail, but you can put them to work at a dollar a day, and instead of hiring a man and giving him a chance to make a living for himself and his family at a living wage, you can put this man in peonage and force them to work at the rate of a dollar a day; you get the poor man that cannot make a living and put him in jail and force him to work as a peon for the community at the rate of a dollar a day. I think this is one good bill and ought to pass.

Mr. GORMAN (Peoria). Mr. Madsen (Cook), we don't pay a dollar a day in Peoria, we pay two dollars.

Mr. COOPER (Wayne). It seems to me that this is an effort to make it a crime to steal something that has no value, or to have in possession something that has no value. The third section of the Act provides and defines what the sweepings, what the property involved, is. "The word 'sweepings' as herein used shall mean any grain or flax seed that may remain or be left in any railroad car after such railroad car has been unloaded in the usual manner." After the owner of the grain has taken from the car every bit of the property that he desires, left nothing there of value in his estimation, then any person who shall buy, sell, receive or have in possession this property, that is not considered by the owner as having any value, shall be guilty of a crime. I think the enacting clause should be stricken out.

(Rising vote taken on the motion to strike out the enacting clause. Motion prevailed.)

Mr. McGLOON (Cook). I desire to call up House Bill 180 on the order of second reading.

Mr. MADSEN (Cook). Mr. Speaker and gentlemen of the House. I want to call attention of the gentleman who handles this bill to the fact that it is not properly drawn. The title is wrong. I drew an amendment in committee to remedy this. It ought to be done now; otherwise, if the bill goes through, it is not worth anything. Let it go through without being worth anything, all right, if you are satisfied.

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. WATSON (Hardin). I desire to call up House Bill 971 on the order of second rading.

Mr. WATSON (Hardin). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 971, by inserting in line 3, section 1a, after the word "assessor" the following: "or county assessor in counties not under township organization."

(Amendment adopted.)

Mr. WATSON (Hardin). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 971, section 2a, by adding in line 1 of said section, after the word "assessor" the following: "or county assessor in counties not under township organization."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments the bill is ordered engrosed and to a third reading.

Mr. BROWNE (LaSalle). I desire to call up House Bill 563 on the order of third reading.

This is the Engineers' Bill, gentlemen, as amended the other day here in the House, and as you know, the pressure has been changed from ten gauge to twenty. The amendments that were sought to be incorporated in the bill, have been incorporated, and every objection that I know of has been made up to the present time. I do not think there ought to be any objection to the bill. The radiation has been elminated entirely.

Mr. PACE (McDonough). May I ask the gentleman a question? I want to ask if the radiation has been eliminated?

Mr. BROWNE (LaSalle). It has been eliminated entirely.

Mr. BOYD (Henry). I would like to ask the gentleman from LaSalle (Browne) provided this bill is enacted into a law, what benefit it would be to the people of the State of Illinois?

Mr. BROWNE (LaSalle). Now I conceive it will be a benefit in many instances in the procuring in those cases where the pressure is over that in having men that are competent to run the boilers in charge. But in all low pressure boilers,—and I have talked since I was here the other day with one of the most competent engineering experts in the State of Illinois, and he says: "I can convince Mr. Boyd, or any other man living, that I can take any low pressure boiler and arrange it with the drafts, and so forth, so that he can't use ten pounds if he tried."

Mr. BOYD (Henry). That may be, but suppose I was running a boiler and the gauge showed I had twenty-five pounds pressure on it and the inspector would come around at that time and find that my gauge on my boiler there registered twenty-five pounds, what would he do to me?

Mr. BROWNE (LaSalle). He wouldn't do anything, provided that you are simply getting the low pressure, for the reason that you don't know how to run your own boiler. He will show you how to run it. Any engineer can.

Mr. BOYD (Henry). Now wait till I get through. Suppose a man had a steam boiler, or steam heating plant,—he may be working for a salary of \$800 a year,—in a case of that kind he would have to employ a licensed engineer to take charge of his steam plant in his own residence four to five months in a year at three or four dollars a day, and the expense of running his boiler would consume more than one-half of his salary that he is drawing from working in a dry good store, in a hotel, or something of that kind. This is one of the worst bills that was ever put on the floor of this House during this session, and I am surprised at the gentleman from LaSalle (Browne) in introducing a bill of this kind, and I say it ought to be killed and every man here should vote against the bill.

Mr. BRINKMAN (Cook). Any man that has a steam pressure boiler who would set the gauge at more than fifteen pounds ought to be sent to jail.

Mr. BROWNE (LaSalle). This does not apply to any farm or agricultural apparatus, or in any city or village that has regulations along this line.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 81 and the "nays" 3. The bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. BUTLER (Sangamon). Mr. Speaker.

THE SPEAKER. For what purpose does the gentleman rise?

Mr. BUTLER (Sangamon). I arise to a question of personal privilege.

THE SPEAKER. The gentleman from Sangamon (Butler) rises to a point of personal privilege. State the question of personal privilege.

Mr. BUTLER (Sangamon). I would like to have the clerk read this. (Handing clipping to clerk.)

THE CLERK. (Reading). "Remedial Insurance Legislation Killed. The lower House yesterday refused to stand by the people as against the insurance monopoly. Sixty-eight members came out on the side of the people, among which number was Representative E. L. Merritt, of this city. Representative W. J. Butler took his position in the ranks of the insurance monopoly. Representative Thomas E. Lyon failed to raise his voice for or against the remedial insurance bill."

Mr. BUTLER (Sangamon). This is an extract from the State Register of Thursday, June 10.

Now, Mr. Speaker and gentlemen of the House, you have borne with me, so often and so patiently, that recognizing your liberality, I sat patiently all day yesterday and contained myself rather than rise and put my remarks in the way of the advancement of anyone's bill, and I waited until half-past eleven last night, and then rose to a question of personal privilege, thinking I could get my remarks made to those who cared to listen, and those who cared to leave would not hurt my feelings at all. But at that time the gentlemen present, of whom there was quite a large number, asked me to refrain until this morning. In obedience to that, I am now addressing you.

I want to show you gentlemen where the insurance monopoly is, who honestly represents the people, and on which side are the grafters. I want to show you the organ of democracy in its true light, as it speaks for the people of the State of Illinois, and Sangamon County and Springfield. And to become acquainted with that, it is necessary to go into the life, the detail and the character of this paramount paragon of purity, the State Register. When it comes to looking into the character of the depraved, you may find three classes, and three degrees. In the first degree is that character who has no virtue, and who has no character; who has no virtues of any kind, honesty, integrity, virtue or courage, but that character may respect it in others. For that character there is hope. There is the second degree of depravity, in which you find absence of all virtue, and they are callous and unmindful and careless of the virtue in others. For that there is no hope. But there is a third degree of depravity; it is that degree of depravity that, having neither morals, courage, virtue, consistency, honesty or integrity, is filled with venom against those who do possess some little amount or degree, and that delight in maligning those who do possess, perhaps only a little. For them it is damnation and vengeance and war to extermination. Such is the Register of Springfield, State of Illinois. Let us get a little of their history on monopoly. They have been the mouthpiece talking against the railroads about rates and discriminatory rates; they have posed as the virtuous mouthpiece of the people against insurance rates. But what about advertisement rates, and discriminatory rates? To the merchant who will pass out his advertisement they charge 26 cents an inch, but the papers of Springfield, Illinois, the Register being one, entered into a combine; an illegal combine, if you please, and when a candidate in Springfield, Illinois, or Sangamon County, wishes to run for office under this present magnificent primary law, he must

lay down to the Register, that mouthpiece of monopoly, fifty cents an inch, or he cannot get his advertisement in. Tell me that there is no combine; tell me that they are speaking for the people; tell me that they want all rates uniform, regular and even.

Now, let us pass to their courage. They have passed out over the State of Illinois their demand that everybody stand for civic courage, stand for peace in the State, stand for law and order, stand for better elections, stand for purer politics, help support the courts, bring about justice.

Gentlemen, a few years ago, in the city of Springfield, for a day or two there ran a riot such as has not faced the United States since the Civil War. In those riots there were five killed, of which there is a public record, and eighty-seven wounded, of which there is a public record; but that does not tell the tale of that night of riot, bloodshed and murder. I have talked to living witnesses who took part in that riot, and who have stood with tears in their eyes and said that they can see those fearful faces staring through the windows of flame and fire while men stood at the door with an axe and knocked them back into the hallway whenever they attempted to come forth from those burning houses. Dead bodies were loaded on freight cars and sent out of Springfield—of which there is no record. There were many wounded who nursed their wounds and are not known. And when that riot had gone a few days, Judge Creighton, of the Sangamon County Court, called in a jury to take cognizance of this riot, and amongst them was the son of the editor of the State Register. The State Register's editor went to the court and said, "I want my son off. I can't afford to have him sit on a jury and do justice. They will sack the State Register. These men are out for blood and vengeance. I must cower in my office and not alarm the mob or they will destroy my property."

Judge Creighton said, "Now, is the time for citizens to stand up and show their manhood. Your son is the same as the other citizens of Sangamon County, and he must serve and do his duty on the jury."

And the editor of the Illinois State Register arose in the court room and, presuming on that sanctity that he supposes surrounds the press, demanded that his son be discharged, and continued his disturbance until Judge Creighton said, "If you don't take your seat I will put you in jail for contempt of court. Your son must do his duty as every man of Sangamon County must." Such is the character of the man who dictates the editorial policy of the Register of the State of Illinois.

We now come to their ethics. Honesty is the keynote of the State Register. Purity is its chimes it rings every morning and on Sunday morning you will find a squib amongst the editorials—"Go to church, this is Sunday." Listen to them, and their ethics and their honesty is not only par-excellence, but like Caesar's wife, is above suspicion. But let us go down into the dark and the depths and dig up the facts. Some years ago one of the owners of the State Register was a candidate for Senator in the Illinois House of Representatives, and he stood for a primary election, and in that election, along about midnight when the votes were cast, it was found that State Senator Thomas Rees had received but 68 votes in his own ward, while Congressman Caldwell and the rest of the Democratic ticket, some of them had received as high as 327, and on down to 78, and so on. Some of them less and some of them more. Some of them didn't receive but 27 votes, but Tom Rees in that primary election received 68 votes. And what did he do? There is a character in Springfield, known perhaps all over the United States; it is the character known as Colonel Thomas Brewer, a professional, pronounced and unashamed gambler. It is his proud boast that he has never earned an honest dollar in his whole life. Now, this Tom Rees goes to Colonel Thomas Brewer. He says, "I can't afford to have this; can't you do something?" "Do you know the election judges?" Colonel Brewer says, "Yes, I know them." "Can you do anything with them?" "I don't know. I will go and see, but what can you do for me? I am a candidate for office too. I am going to run for alderman in the Seventh Ward in a few days; what can you do for me as a candidate for alderman, and I will see what I can do for you, you of the Register, that paragon of wisdom and virtue?" Well, he said, "If you will fix up that precinct for me, I will support you—gambler, thief and robber, though you be—I will support you for alderman of the Seventh Ward."

And Tom says, "it is a go." And he went out and he saw the judges. In the meantime the returns had been carried over to the State Journal, and if you will turn to the files you will find that the State Journal has the records that Thomas Rees received 68 votes in the Seventh Ward. But they fixed the returns. Thomas came back and the next morning the Illinois State Register reports that Tom Rees received the same number of votes as Caldwell, 327. The Journal says 68, but they were not in on the change. They had overlooked that little point, a mere nothing,—a bagatelle, you know, an unimportant matter like that—but the Register has 327. Now, I will say this for them, that they carried out their agreement. So we find, first I read you what is said in the Journal—they had not that closed combine that they have nowadays, when they charge all political candidates fifty cents an inch, in those days they did not have it quite so close—so the Springfield Journal on March 16th, 1902, said, "Thomas Rees knifed. A noticeable feat of the primary was the vote cast for Thomas Rees, candidate for State Senator in the Seventh Ward. This is Mr. Rees' own ward, but he received only 68 votes, where a total of 327 were cast for Congressman Caldwell and some others on the ticket." The Register gave him 327. He had seen Colonel Thomas, and so on March 25th, we find the Illinois State Register in an editorial performing the dark and diresome and diabolical contract made at midnight. The State Register says, "Thomas Brewer was in the city council under Mayor Lawrence's administration and made a very creditable representative of his ward." Also another editorial. Tom Brewer has been a gambler; now this is the Register: "Tom Brewer has been a gambler and he may always be a gambler, but he does not favor official corruption, that most poisonous reptile that ever entered the confines of Springfield." He did not favor official corruption, but he favors stuffing the ballot box for the State Register when the Register is willing to sell its editorial columns to defraud the dear people for its own advantage.

Mr. LYLE (Cook). Would the gentleman from Sangamon (Butler) permit an interruption just a moment to ask a question?

Mr. BUTLER (Sangamon). Yes.

Mr. LYLE (Cook). All that you say is undoubtedly very interesting to yourself and to the people who are concerned.

Mr. BUTLER (Sangamon). That is a speech. Now, if you want to ask me a question, ask it.

Mr. LYLE (Cook). We all are interested very much in the details which you recite, but do you realize—

Mr. BUTLER (Sangamon). I do, and I am going right on. And for that I will speak ten minutes longer. When did you get to be the protector of the State Register?

Mr. LYLE (Cook). I would like to say that there is legislation here that vitally effects the State of Illinois, and your fights with the Springfield State Register do not concern the State of Illinois. There are hundreds of bills on the calendar now that ought to be passed.

Mr. BUTLER (Sangamon). I will give you five minutes more, if you want.

I have merely touched on the general character of the State Register. We will now come down to the pith of this matter and find out where the insurance graft, greed and monopoly is. Now, gentlemen, I stated some time ago that the editorial columns of the press of Springfield are absolutely controlled by the insurance patronage of the State of Illinois. Does that touch on your subject? When the Governor—and this does not apply to the democrats any more than to the republicans, and it applies to both alike—in 1912 the Register had a little over 300 columns of State insurance, the Journal had a little over 300 columns of State insurance—advertisement advertising insurance—statements, and I have here a statement from the insurance superintendent of insurance department. They get \$30 for the fire and \$38 for each life statement, and further, it is stated that the longest statements are about 13 inches long, and the longest life is about 13 inches long, and longest fire is about 10 inches long, and they get, as I said, from \$30 to \$38 apiece for them, thus the statements at longest average, from 10 to 13 inches, and that the Illinois State Register had over 300 columns, about 21 to 22 inches to a column, and the Journal had a little over 300 columns.

Now, what is the effect of this upon the press of the State of Illinois, the democratic press, the Register? You would think, and they have told you time and again, that they are the only pure, simon rock-ribbed, dyed-in-the-wool democratic sheet in the State of Illinois. What do we find? We find that during the campaign of 1912, Mr. Dunne, who was the democratic candidate, did not have one whole column on the front page of the Register during the whole campaign. He was not in the front page, not once during the whole campaign. What about Deneen? He had eight columns on the front page during the campaign of 1912. It is true they front-paged Mr. Dunne on the front page of the Register when he spoke out here at the State Fair on democrat day, but in their meager parsimoniousness they did not give him a full column. Is that any evidence that their insurance patronage is a monopoly and takes care of its own in the State of Illinois? Mr. Dunne had a special mention on the front page of the Register twice during the whole campaign of 1912, but Mr. Deneen had special mention on the front page of the paragon of purity six times during the same campaign. And you say the press of Springfield, and the Register in particular, is not owned and controlled by the insurance patronage of the State of Illinois, Mr. Lyle? Does that reach your point in question? Mr. Dunne was mentioned, just his name appeared on the front page of the Register about twelve times, and Deneen about the same number, and when you get over to the editorials in the State Register, they did squeeze out about 21 or 22 editorials for Dunne during the campaign, and they squeezed out 19 for Deneen; and you say that the Register is unbiased, and is picturing the people and the good of the people? I want to give my opinion on the public press and the State Register in particular.

Within the spacious precincts and the wide bounds of honest criticism there is no nobler institution than the public press. In a republic—now, gentlemen, I am getting down to the basic principles of republicanism and democracy, and I want to comment on it a little further—in a republican government by public opinion, the press should be the beacon light of truth. Public opinion (now listen to this, gentleman) public opinion to be true must be based on facts; public opinion to be true in a republican and democratic government, public opinion to be true must be based on facts. If the press portrays facts, public opinion will express the truth. To a large extent the press is the mother of public opinion. Grave indeed is the responsibility of a parent to its child. No relation is more sacred or more pure than a good mother to a good daughter, but to what depths of infamy must we consign that mother who would prostitute her own daughter for her own gain? To such a mother must we liken part of the public press, and to such a mother we must liken the Register in all its parts and particulars. The pandering press that would lead public opinion to shame for gain, the perfidious press that knowingly lies and makes wrong its aim, the putrecent press that seeks to besmirch what it cannot corrupt, the putrid press, the foul abettor, the notorious band, the licentious mongrel of falsehood and fraud. Not as truth and courage, battle for the right in broad day and open light, but with cowardly lying in the treacherous night, with a shriveled soul burnt to a cinder in the white heat of its hatred and a venomous pen dipped in the poison of his own corruption, it seeks the destruction of all it cannot control—such is the Illinois State Register of Springfield. (Applause.)

Mr. LYLE (Cook). Mr. Speaker, I rise to a point of order.

Mr. BUTLER (Sangamon). I am speaking to a question of personal privilege. Now you go ahead.

Mr. LYLE (Cook). In rule 48 we find this: "No member shall speak longer than thirty minutes at one time." The gentleman has been speaking about thirty-three minutes.

Mr. BUTLER (Sangamon). The gentleman has put his watch ahead twice.

Mr. LYLE (Cook). I arise to a point of order, Mr. Speaker.

THE SPEAKER. Gentlemen, we have got down now to a place where the rules must be enforced. The Committee on Rules yesterday reported out a rule that I have not presented to the House, limiting the debate and the

present rules provide that no member shall talk over thirty minutes. The speaker has hesitated all along from enforcing this rule, but it is coming to the closing days of the session and the members are pressing the speaker every moment to have their bills called, and I hope that each member will be considerate of the others and not occupy too much time. I don't want to enforce any rules. It is unfair at this time for any member to take up more than that time. The gentleman informed me last night that he would want about twenty minutes.

Mr. BUTLER (Sangamon). I think, Mr. Speaker, when you deduct my interruptions, I will have spoken about twenty or twenty-five minutes, and when I finish the thirty I will be glad to sit down.

Mr. LYLE (Cook). Mr. Speaker, I am very sorry, in view of the friendly relations I have had with the gentleman from Sangamon (Butler) all during this session, to interrupt him, but there are several members here who have bills of vital importance that they would like to get passed on to third reading, and get them across to the Senate.

THE SPEAKER. I would like to ask the gentleman how much longer he is going to require?

Mr. BUTLER (Sangamon). Not over five minutes longer.

THE SPEAKER. Proceed.

Mr. BUTLER (Sangamon). Now then, gentlemen, I want to call your attention to this fact. Isn't this a nice sheet? Isn't this a fine place for anyone to get an expression on the character or acts of some one else? Think of it, this scorpion sheet slick and stinking with the slime and slush of the sink and the sewer assuming to pass in judgment on those who favor, and those who don't favor insurance monopolies; think of it. Owned body and soul, by the insurance department from whence came the Potts Bill; why they had to put that editorial in their paper. That is in return for the mess of pottage for which they sold their soul. Now here is the gist of the whole thing, gentlemen: You have a primary law that does not give the people the power; it gives the power to the press. You have got newspaper government today. If you are going to have safe, sound and honest government by newspapers, they must speak the truth. If they poison the public mind, if the public press does not give the public the truth, how can the public give honest opinion an expression at the polls, and that is what we have got to do. The primary law does not turn the power over to the people, it turns it over to the press, and the press don't give you the facts; it poisons and changes the subjects on which you are to pass judgment before it ever reaches you. Now, I want to say to the Illinois State Register: no matter how long you make the road, no matter how high you run the waves, no matter how deadly you make the warfare, I am going to the end; not so long and wide the world, not so rude or rough the way is, but my wrath it shall attain them and my vengeance it shall reach them, and if they want to go on, I have only given them one barrel this morning, and I have got the choke bore, and the buckshot left, and if they come back I am going to give them the other barrel, and I will guarantee it will penetrate their hide when I do. (Applause.)

Mr. PERKINS (Logan). I desire to call up House Bill No. 663 on the order of third reading.

Mr. Speaker and gentlemen of the House: This bill was discussed pretty thoroughly on second reading and I think that everybody knows what it is for. It is to strengthen the food laws of this State and put upon the statute books a law that will help everybody that is interested in good government and the preparation of good food. I hope you will all vote for this bill.

THE SPEAKER. Inquiry has been made regarding what time the House will adjourn. The House will continue in session all day. This is practically the last Friday and it is particularly essential that the House work all day today and all day Monday in order to accommodate the gentlemen who want to have bills passed and sent over to the Senate.

(Roll called.)

THE SPEAKER. On this question the "ayes" and 96 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. BURRES (Champaign.) I desire to call up House Bill 215 on the order of third reading.

Mr. HUBBARD (Greene). I object to the consideration of this bill at this time.

Mr. BURRES (Champaign). I move that the rules be suspended for the purpose of considering this bill.

(Motion prevailed.)

Mr. BURRES (Champaign). Mr. Speaker, this is not an "old friend," this is the first time you have had this bill before the House. The amendments as added to this bill modify it so that my friend from Greene (Hubbard) will probably be satisfied. In the first place the amendment strikes out the word "shall", and inserts the word "may", for the action of the Board of Health and makes it optional. There was a provision in the original bill for a drastic inspection, but that has all been eliminated and this has been substituted: "Such mosoleums crypts are hereby declared to be in the nature of public or quasi public buildings and subject to supervision and inspection by the State Board of Health, either exclusively, or in conjunction with local building and health authorities in the localities where such mosoleums or crypts are or may hereafter be erected. The fees for such supervision and inspection shall be in accordance with the regulations now existing in such localities."

All of the matter in regard to inspection has been stricken out of the bill.

Now, I want to say, in the first place, that there will be an accusation that this is a bill for the monument men, and you all know that I have no friendship for the monument men, but I want to say to you that there are 5,000 of them in the State of Illinois who expend something like \$50,000,000 in the State. I want to say that the states of Maine, New Hampshire, New Jersey and of Indiana, have much more drastic laws than this bill purports to be. The only object of this bill is to provide that when the crypts or vaults are built for the receptacles of the people who have to be placed in them, that they shall be built in such manner as to be permanent or practically permanent.

The gentleman from Greene (Hubbard) has one objection, and that is that it is provided that the material shall be the best possible material. I want to say on that, that I am perfectly willing to go to the Senate if this bill passes, and amend the bill to use the word "practical" material, instead of "best." This bill is not in the interest of any kind of material. I think this bill merits your favorable consideration.

Mr. BURNS (Cook). Mr. Speaker and gentlemen of the House, this bill as it originally came before the committee and was explained by the gentleman from Champaign (Burres), I believe then that it had considerable merit, and I believed then that the intention was to give us a bill with considerable merit, but when that amendment was put in that bill making it a public building, I believe the purpose and the intent of the original bill was destroyed. We all know and are conversant with the fact that the place of the dead is held sacred with all of us, and it is a place in which we intend shall be placed the bodies of our departed, and to most of us it is one of the most sacred institutions in which we believe. I will read, now, gentlemen, from the 358 Illinois, page 36, in which it says that corporations formed to serve the public generally must serve all who apply on equal terms. This, gentlemen, makes this thing a public corporation, in which each and every one, no matter who they are or where they come from, are entitled to equal rights and can go there if they see fit. In the various decisions of the Supreme Court, the cemeteries have been held as private corporations, and in that way those who believe in them are entitled to say who shall and who shall not be buried there.

If this bill is passed, it is a public institution and anyone at all who applies must be served on equal terms with those who hold the cemetery as a sacred institution. Until that amendment was placed in there, I believed that the bill was a meritorious bill, but as it is now, gentlemen, I don't believe in attacking any of the sacred institutions, and I don't believe that under the circumstances this bill should pass this House.

Mr. HUBBARD (Green). I regret that I cannot support this bill, I believe that a bill of this kind, a bill that carries out what I believe the gentleman from Champaign (Burres) had in mind would be all right, and I would be only too glad to support that kind of a bill, but I fear it is so drastic that it is not the proper thing to pass this bill at this time. I will say that personally I don't think too much of mausoleums of any kind; I think the body should be buried underground or cemented. To place them above ground, I think, is not sanitary. I want to say to you gentlemen that if this bill passes there will be no mausoleums built in the State of Illinois under this bill. Now the reason,—so far as I am concerned, I don't care—

Mr. BURRET (Champaign). I move that this bill be recalled to second reading for the purpose of amendment.

(Motion prevailed, and further consideration of House Bill 215 was temporarily postponed.)

Mr. DONAHUE (McLean). Mr. Speaker, I desire to call up House Bill 876 on the order of third reading.

Mr. Speaker, this bill simply adds the last proviso to section 6 of the Local Improvement Act, and it affects only cities now under the Commission Government. It provides that the Mayor and two or more commissioners may act as a Board of Local Improvement if they pass an ordinance to that effect. That is the only effect it has on the present law. There is a question who has a right to act. Some of the bonds have been questioned by these bonding companies, and this is simply to straighten out that defect in the law.

(Roll called.)

Mr. PERKINS (Logan). (On roll call.) This is a meritorious bill, gentlemen, and enables the cities that have adopted the commission form of government to say who shall represent the city on the Board of Local Improvements, and it is all right and a good bill.

Mr. BROWNE (LaSalle). What is the logic in making the membership of the Board of Local Improvements, irrespective of whether they are engineers or not?

Mr. DONAHUE (McLean). Some of the cities do not have an engineer, and they don't want to go to the expense of having one.

(Roll call continued.)

Mr. ROTHSCHILD (Cook). (On roll call.) In explanation of my vote, I have just compared this bill with the statute, and there is no change in the present statute except the addition of this last proviso. It does not affect Chicago at all. I vote "aye."

THE SPEAKER. On this question the "yeas" are 79 and the "nays" are 4. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. ROE (Fayette). The Committee on Fish and Game has taken up but very little of the time of this House, and there was a bill prepared by this committee, and there was an agreement made that if this bill was passed by the Senate that it should be considered by the House, and I think it is time that we are doing something with it.

THE SPEAKER. For the information of the House, I would state that it is our intention to take every bill that is on first reading up today, and either send it to second reading, or to a committee, as the House may direct.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 438 on third reading. This is an appropriation paying the committee expenses of the General Assembly and appropriates \$50,000. It is composed of expenses that have been incurred up to this time and leaves only about \$6,000 over. It requires a two-thirds vote to make it available at this time.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 103 and the "nays" none. The bill having received the necessary two-thirds majority, it is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. ROE (Fayette). I desire to call up Senate Bill 439 on the order of first reading, and will ask, Mr. Speaker, that that be advanced without reference, for this reason; This is the same bill, or practically the same

bill as House Bill No. 915. This bill has been through the committees of both the House and Senate; also both sub-committees of the House and Senate, and it has gone through both these, as I say, and to advance it without reference is what should be done, because it has already gone through the committees, and it would absolutely a waste of time to put this matter into a committee. Therefore, I move you this bill be advanced to second reading without reference.

Mr. FOSTER (Schuyler). I move that that motion lie upon the table, and I would like to be heard upon my motion. Now, Mr. Speaker, I have been told that there were some twenty amendments incorporated into this bill No. 439 in the Senate. What those amendments are, I have not yet had an opportunity to learn. That bill has not been in the House committee, and I ask the gentlemen of the House in fairness to the great fishing industry of the State of Illinois especially, and to the sportsmen and hunters of Illinois, that this bill be referred to the Fish and Game Committee.

Mr. ROE (Fayette). As to that, I will say this: That there are no material changes in House Bill 905, other than the correction of typographical errors. As far as that is concerned, there have been repeated requests from all over the State that this bill be progressed, and I think that this should be advanced to second reading without reference in all due fairness to everybody.

(Motion to suspend the rules prevailed.)

Mr. FOSTER (Schuyler). I raise the question of no quorum.

THE SPEAKER. The last roll call showed 103 votes, and a quorum has voted on this question and the rules are suspended and the bill is ordered to a second reading.

Mr. SMEJKAL (Cook). Mr. Speaker. I desire to call up House Bill 993 on the order of second reading.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 720 on the order of third reading. This bill appropriates to the Trustees of the University of Illinois, the moneys which have accrued to the State of Illinois under the provision of certain Acts of Congress, and provides that whenever any portion of the said money shall be received by the State Treasurer it shall be immediately due and payable into the treasury of said Board of Trustees, which sum for the years 1915 and 1916 is \$65,000.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 82 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. DE YOUNG (Cook). I desire to call up House Bill No. 557 on the order of second reading. It is a bill creating a uniform sales Act.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I move that the House do now take a recess until 2 o'clock p. m.

Motion prevailed, and the House recessed until two o'clock p. m.

Two o'clock p. m., re-convened.

The Speaker in the chair.

Mr. SMEJKAL (Cook). I desire to call up Senate Joint Resolution No. 12 and move its adoption. A similar resolution was passed by the 48th general Assembly but did not provide for any appropriation. It provides for the appointment of a commission to look into the reasons and causes for unemployment and report to the next General Assembly.

(Motion prevailed and the House concurred in Senate Joint Resolution No. 12.)

Whereupon the House proceeded upon the order of reports from standing committees, and House Bills upon first reading, all without debate.

Mr. HOLADAY (Vermilion). I offer the following resolution and move its adoption.

SENATE JOINT RESOLUTION No. 31.

WHEREAS, The following resolution, adopted by the House and concurred in by the Senate February 24, 1909, passed at the Forty-sixth General Assembly;

WHEREAS, There is reasonable grounds to believe that the State of Illinois, at the time of its organization as a State and since said time, became invested with valuable rights in lands along the lake shore of Lake Michigan, and along and upon other navigable bodies of water, rivers and lakes of the State of Illinois, which said rights it is claimed the State of Illinois holds in trust for the use of the people of this State; and,

WHEREAS, There is reason to believe that such rights, in a large number of cases have been usurped by private individuals, corporations and companies, who now occupy part or parts of said lands and who assert titles in or claim thereto; and,

WHEREAS, Said rights in and concerning said lands are of great value to the State of Illinois, and by reason of its increasing population or constantly becoming of more value to the people of this State; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring herein, That a joint committee of ten be appointed, six to be named by the Speaker of the House of Representatives and four to be named by the President of the Senate, to make careful and complete investigation of the rights of the State of Illinois in land lying along, in and upon Lake Michigan, the rivers and lakes and other navigable bodies of water of this State and report its conclusion to the next General Assembly of this State and to the Governor of Illinois, as to the rights of the State and its people of Illinois in and to the same.

And for such purpose, the said committee is authorized to employ such assistance (other than legal services) as may be necessary to carry out the provisions hereof.

The said committee and the members thereof shall be entitled to their actual expenses incurred in carrying out the provisions hereof. The Attorney General of Illinois is respectfully requested to furnish said committee with such legal assistance as may be required; and, be it further

Resolved, That the General Assembly proceed to make an appropriation of ten thousand dollars (\$10,000.00) for the purpose of carrying on such investigation. And,

WHEREAS, There was adopted by the House, February 10, 1911, and concurred in by the Senate, March 23, 1911, at the Forty-seventh General Assembly of the State of Illinois a joint resolution as follows:

“WHEREAS, The Submerged and Shore Lands Legislative Investigation Committee on February 9, 1911, made its report and stated its conclusions to both Houses of the General Assembly, and in connection with said report transmitted to the General Assembly all the records, maps, data, evidence, proceedings, briefs, arguments, surveys and every other means and sources of information by it obtained; and,

WHEREAS, It appears by the report of said committee that the interests of the State of Illinois in various bodies of land in connection with the public waters of Illinois are such as to require the most vigorous action by the State of Illinois for the purpose of protecting the game; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That the report of said committee and all of the accompanying documents and data above referred to, be transmitted to the Department of Justice of the State of Illinois and there filed for the use of the Attorney General of this State, and that the Attorney General be requested to examine said report and to investigate the same and that wherever in his judgment and the judgment of his department the interests of the State of Illinois require protection or action either to regain lands wrongfully occupied or to compel restitution of the same or to inquire into or call in question the charter powers and rights of companies occupying such lands and assuming to exercise exclusive privileges and franchises in connection therewith, that the

same shall be instituted by him in any court or courts of competent jurisdiction upon behalf of the State of Illinois.

And the Legislature of the State of Illinois pledges itself to support such official action of the Attorney General of this State in prosecution of all claims and actions which in his judgment should be advanced, and for that purpose we commit ourselves to making sufficient appropriation for his use to enable the Attorney General of this State to institute a department of his office for the purpose of protecting and asserting all the rights of the State of Illinois with reference to this subject matter;" now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Attorney General of this State make report what legal action, if any, has been taken by the department of Justice of the State of Illinois towards carrying out the recommendations of the committee appointed as aforesaid, and of the subsequent resolution; the result of such action, and, if no action has been taken to carry out such recommendations of the committee and of the aforesaid resolution, having especial reference to submerged and shore lands of Lake Michigan.

(Resolution adopted.)

Whereupon, the House proceeded upon the order of House bills on second reading and the following bills were taken up, read a second time and ordered engrossed and to a third reading; all without debate: Nos. 648, 185, 344, 958, 957, 967, 894, 404, 801, 568, 708, 151, 442, 950, 666.

Whereupon the House proceeded upon the order of Senate Bills on second reading and the following bills were taken up, read a second time, and ordered to a third reading, all without debate: Nos. 72, 326, 274, 179, 314, 300, 309, 261, 137, 107, 106, 463, 465, 25, 394, 182, 139.

Mr. LYLE (Cook). I desire to call up House Bill 399 on the order of second reading.

Mr. CURRAN (Cook). I object.

Mr. LYLE (Cook). I would like for a suspension of the rules to call up House Bill 399 on the order of second reading.

THE SPEAKER. We are working under unanimous consent now.

Mr. PIERSON (Cook). I desire to call up Senate Bill No. 203 on the order of second reading. This bill has been amended in the Senate.

Mr. MITCHELL (Cook). I object to this bill and I insist upon my objection.

THE SPEAKER. The gentleman from Cook (Mitchell) objects to consideration of the bill; proceed.

Mr. DEVINE (Lee). I desire to call up Senate Bill No. 272 on the order of second reading. It is the farm drainage amendment.

Mr. BROWNE (LaSalle). I object to this Mr. Speaker.

THE SPEAKER. Objections are heard, proceed.

Mr. BURRET (Champaign). I desire to call up House Bill No. 215, which has been recalled to the order of second reading for the purpose of amendment.

Mr. MITCHELL (Cook). I rise to a point of order. There is no quorum in this House.

THE SPEAKER. The gentleman has amended it.

Mr. MITCHELL (Cook). I am opposed to it. I am representing the wishes of the people of my district and I am opposed to advancing that bill.

Mr. BURRET (Champaign). Mr. Speaker, I move to reconsider the vote by which House Bill No. 215 was amended.

(Motion carried.)

Mr. BURRET (Champaign). Now, Mr. Speaker, I move to lay amendments Nos. 2, 3 and 4 on the table.

(Motion prevailed.)

Mr. BURRET (Champaign). I wish now, Mr. Speaker, to offer amendments Nos. 5, 6 and 7, and I move their adoption.

AMENDMENT No. 5.

Amend section 2 of printed House Bill No. 215, by striking out of lines 12 and 13 of said section, the following: "the very best quality obtainable," and inserting in lieu thereof the following: "such quality as shall be approved by the Inspector of Mausoleums."

AMENDMENT No. 6.

Amend printed House Bill No. 215, by striking out section 3, as printed, and inserting in lieu thereof the following:

SEC. 3. The process of erection of such structure, mausoleum or crypt shall be at all times under the personal supervision of the sanitary engineer of the State Board of Health who shall be inspector of mausoleums and crypts. It shall be the duty of such inspector to see that the approved plans are followed in every detail and that the approved specifications are complied with in every particular as to the kind, quality and character and quantity of each and every material respectively, and otherwise. No departure or deviation from the original plans and specifications shall be permitted except upon approval of the State Board of Health, evidenced and filed in like manner and form as the approval of the original plans and specifications.

AMENDMENT No. 7.

Amend House Bill No. 215, by striking out the word "best" line 13, section 2.

(Amendment adopted.)

THE SPEAKER. Are there any further amendments; if not, the bill is ordered engrossed and to a third reading.

Mr. LYLE (Cook). I object to the further consideration of that bill. It did not take fifteen minutes in the Committee; no one spoke in favor of that bill except Dr. Burres. It was introduced, printed and had a hearing and I object to the consideration of that bill.

THE SPEAKER. You can make your objection on third reading.

Mr. THON (Cook). Mr. Speaker and gentlemen: I have just received word that my wife is dangerously ill, and it is necessary that I absent myself from this Assembly, and at this time I wish to ask the House to be excused from attending any of the further sessions of the House..

I wish to say that I have met all the gentlemen here and appreciate the courteous and cordial treatment that I have received at your hands, and I beg to assure you that I hope to meet you all again. (Applause.)

Whereupon, the House proceeded upon the order of Senate Bills on first reading.

Mr. MITCHELL (Cook). Mr. Speaker, I rise to a point of order. Because of the confusion here we are unable to keep track of the proceedings.

Mr. LYLE (Cook). I objected to the consideration of the bill that was introduced at the expense of the grave yard people.

THE SPEAKER. The gentleman (Mitchell) has been long enough in the Legislature to know that they always have one buffoon in every Assembly. (Laughter.)

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 10:00 a. m., Monday, June 14, 1915.

Motion prevailed, and the House adjourned until 10:00 a. m., Monday, June 14, 1915.

MONDAY, JUNE 14, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment,
The Speaker in the chair.

The Journal of the previous day being read. Upon motion of Mr. Curren (Pulaski), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded upon the presentation of petitions, reports from standing committees, messages on the speaker's table, all without debate.

Whereupon the House proceeded upon the order of House bills upon second reading, and House bills 989 and 541 were taken up, read a second time and ordered engrossed and to a third reading.

Mr. SMEJKAL (Cook). I ask unanimous consent to recall House Bill No. 989 from third to second reading, as I am informed that the House sub-committee on elections desires to offer certain amendments thereto.

THE SPEAKER. If there are no objections, House Bill No. 989 is recalled from the order of third reading to second reading for the purpose of amendment.

Mr. GRAHAM (Mercer). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend House Bill No. 989, by changing the figures \$47.80 in line 24 of page 3 of the printed bill, to the figures \$38.15.

(Amendment adopted.)

Mr. ROE (Fayette). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend House Bill No. 989, by striking out the figures \$550.00 in line one of page one of printed bill, and insert in lieu thereof the figures \$179.60.

Mr. GREEN (Douglas). Mr. Speaker, I desire to be heard upon this amendment, as it concerns my expense account that I had on a contest. Now, I don't want the House to understand that I am going to demand something that I am not entitled to, but I am entitled to the amount of money that I paid out. If the House thinks I am not entitled to it, why I am willing to donate it at all, but that is the amount of money that I paid out.

Mr. ROE (Fayette). Mr. Speaker and gentlemen of the House—

Mr. GREEN (Douglas). Mr. Speaker, cannot we pass that amendment for a time, until we can have a conference on it?

THE SPEAKER. The House will be at ease until the members of the committee can confer upon this amendment.

Whereupon the House was at ease for a few minutes.

Mr. ROE (Fayette). The sub-committee has decided that the amendment was a proper amendment at this time.

(Amendment adopted.)

Mr. KASSERMAN (Jasper). I offer the following amendment and move its adoption:

AMENDMENT No. 3.

Amend House Bill No. 989, as printed, by striking out all of first line 7 on page 3.

Mr. KASSERMAN (Jasper). This amendment seeks to strike out an allowance made in behalf of George Austin, a contestant for a seat in the House. On March 18th this House passed a resolution to the effect that in any election contest against a sitting member of this House, no attorney's fees or expenses shall be paid in behalf of the contestant unless he shall be successful in such contest. The payment of this amount would be directly contrary to this resolution, therefore the amendment should be adopted.

Mr. SMEJKAL (Cook). I move that the amendment lie upon the table. The figures as given are those furnished by the Committee on Contingent Expenses, and it has always been the custom here to accept the figures of that committee.

(Rising vote taken, amendment tabled.)

Mr. SMEJKAL (Cook). I offer the following amendments, and move their adoption:

AMENDMENT No. 4.

Amend House Bill No. 989, as printed in the House, section 1, page 3, line 26, by striking out the figures, \$2,166.79" and insert in lieu thereof the following: "\$1,786.74.

AMENDMENT No. 5.

Amend House Bill No. 989, as printed in the House, section 1, lines 3 and 4, by striking out the following words and figures, "twenty-one thousand, eight hundred and seventy-two dollars and 60 cents, (\$21,872.60) and insert in lieu thereof the following: Twenty-one thousand, four hundred ninety-two dollars and fifty-five cents (\$21,492.55)."

(Amendment adopted.)

Mr. SMEJKAL (Cook). I move that the House do now take a recess until 5:00 o'clock this afternoon.

Motion prevailed, and the House recessed until 5:00 o'clock p. m.

Five o'clock p. m., reconvened.

The Speaker in the chair.

Prayer by the Reverend W. H. Nicholas.

Mr. SMEJKAL (Cook). I desire to call up Senat Bill No. 247 on the order of third reading, the Printer Expert's Bill.

This bill practically abolishes the State Board of Contracts, and it is agreeable to that board that it should be abolished. It creates the office of Printer Expert and gives him a department, through which office will go all the supplies, public printing, and so forth, the salary for the position being fixed at \$5,000 a year.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 108, and the "nays" nothing; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 979 on the order of third reading.

This is the third of the foot and mouth bills. It is itemized by counties giving the name of the owner of the herd whose property was destroyed, the town and county and the amounts. It is certified to by the State Veterinarian and by the Live Stock Board under date of June 2d. These figures are also checked by the Federal Department of Agriculture.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" nothing; the bill having received the necessary two-thirds majority, is declared passed with the emergency clause, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 132 on the order of third reading.

This provides for an additional appropriation of \$25,000 conditional on the provision that the Exposition, or the promoters thereof raise an equal amount, dollar for dollar. They were given \$25,000 two years ago, but they now claim to need an additional amount, and this appropriation is condi-

tional on their raising an equal amount. This Exposition is to be held in the Coliseum, Chicago, in August or September.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 95 and the "nays" none; the bill having received a constitutional majority is declared passed and the Clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 85 on the order of third reading.

This young man, Walter O. Jones, of Urbana was a student at the University of Illinois, in the engineering department, was working his way through school, and was injured by having his hand caught in a set of cog wheels in the electrical building. The bill as originally introduced provided for an appropriation of \$2,500, and this amount was reduced by the Appropriations Committee to the present amount \$1,000.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 98 and the "nays" nothing; the bill having received a constitutional majority is declared passed and the Clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House do now take a recess until 8:00 o'clock tonight.

Motion prevailed, and the House recessed until 8:00 o'clock p. m.

Eight o'clock p. m., reconvened.

The Speaker in the Chair.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 855 on the order of third reading.

This bill provides for the further continuing of the Miners' Commission and appropriates to that Commission the sum of \$7,000, ten thousand dollars having been appropriated two years ago. This Commission is made up of practical miners, and in conference with them they have agreed that this appropriation will be sufficient to carry them through, and they will report to the 50th General Assembly.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 99 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 554 on the order of third reading.

This was an appropriation bill for \$5,000 for the relief of Theresa Gupy, who was an employee of the State Hospital at Peoria and the Committee on Appropriations cut it down to \$2,000.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 92 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 398 on the order of third reading.

Nathan E. Gray was a guard at the Southern Illinois penitentiary. The prisoners there turned a cart loose on him breaking his limbs. The bill provided for an appropriation of \$5,000 and it was cut down to \$2,000 by the appropriation committee.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 96 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Whereupon, the House proceeded upon the order of messages from the Senate and Senate Bills Nos. 506, 551, and 154 were taken up on the order of first reading and referred to the Committee on Appropriations.

Mr. RACE (McDonough). I desire to call up House Bill No. 240 on the order of third reading.

Mr. Speaker and gentlemen of the House: This bill amends the township road law so that in case twenty-five per cent of the land owners living

in the district petition the township clerk they may vote at the next election on the question of levying a tax for the improvement of the hard road, as the old law read. This simply amends it so that that tax can be used in the improvement of the dirt roads as well as in the oil treatment of the dirt roads. They have found that the sprinkling of oil on the roads is quite an advantage, and this gives them the right to use this fund for that specific purpose.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 95 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I desire to call up House Bill No. 296 on the order of third reading.

This bill defines the terms "dependent and neglected child," and provides a penalty of fine not more than \$200, and imprisonment not to exceed one year, or both, for any person contributing to the delinquency and neglect of any child, but providing release of defendant on probation for one year, instead of fine as provided, and provides the conditions on which release shall be made.

Mr. ROTHSCCHILD (Cook). I do not think that the House understands this bill.

Mr. GARDNER (Cook). A good bill does not need any explanation.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 102 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BROWN (Cook). I desire to call up House Bill No. 776 on the order of third reading.

Mr. Speaker and gentlemen of the House. I should have gone to the gallery over a week ago had I known that this bill could have come up. House Bill No. 776 is a bill which the city of Chicago and the city of Evanston were working under until the board of supervisors changed the boundaries. To make the law unquestionable for Evanston to work under, this bill tends to give them the right separately. This changes nothing in the law and would not be necessary and would not be necessary had not Evanston been added to the park district of Ridgeville. The bill merits your favorable consideration, and I hope that it will pass.

Mr. BROWNE (LaSalle). What does this bill do?

Mr. BROWN (Cook). It gives to the city of Evanston the same privilege that it had while a part of the city of Chicago.

Mr. BROWNE (LaSalle). I know, but what does it do?

Mr. BROWN (Cook). It is a park bill.

Mr. BROWNE (LaSalle). But just what does it do specifically?

Mr. BROWN (Cook). Gives to Evanston the opportunity of using submerged lands and such privileges, the same as they had while a part of the city of Chicago.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 91 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SONNEMANN (Macoupin). I desire to call up House Bill No. 903 on the order of third reading.

This bill merely changes the date of the county court from the second Tuesday in December and April to the second Tuesday in November and March.

Mr. HUBBARD (Greene). In Macoupin County?

Mr. SONNEMANN (Macoupin). In Macoupin County.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 92 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BURNS (Cook). I desire to call up House Bill No. 925 on the order of third reading.

This bill provides that the commissioners of Lincoln Park may sell and convey to the State of Illinois, for an armory site, the piece or parcel of land described in the bill, and declares an emergency.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 102 and the "nays" 3; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 957 on the order of third reading.

This bill provides for an additional compensation to the Circuit Judges of Cook County, also to the Superior judges, to be paid out of the county treasury.

Mr. KANE (Saline). Is that the bill that was killed in the Judiciary Committee?

Mr. PURDUNN (Clark). Of this \$12,000 does Cook County pay the extra \$2,000?

Mr. SMEJKAL (Cook). The county pays the difference between \$5,000 and \$12,000.

Mr. PURDUNN (Clark). Cook County pays the difference?

Mr. SMEJKAL (Cook). It does.

(Roll called.)

Mr. DEVINE (Lee). (On roll call.) During the time that the four-judge bill was before this House, I made an investigation to ascertain, if possible, how many days the judges in the representative districts held court. I found that, despite the fact that the legislature in 1909 had passed a resolution requiring the judges of the State to report the number of days they held court, and despite the fact that the Legislative Reference Bureau requires the judges to do likewise during the session, that so far as the circuit and superior judges of Cook County were concerned, very few of them paid any attention to that request, and those judges who did report, their reports showed that in 1913 they held court 187 days, and in 1914 they held court 189 days, so that I don't think that it can be urged that these men are overworked or underpaid. This is simply an opening wedge to raise the judges' salary in Cook County, and then in a few years there will be another march made to raise the salary of the down-state judges. I note that this bill was introduced by request—

Mr. SMEJKAL (Cook). I would like to answer that. I don't know how that happened to be "by request," but I am sincere in all that this bill asks for.

Mr. Devine (Lee). I also note that this bill laid on the Speakers' table. This bill was urged before this House while the judicial election was pending, and it is only since those same judges have become secure that they have urged it. They are asking for \$2,000 more than the circuit judges of this State are getting and they do not earn it. If these men thought they could get more money than they are requesting here they would not aspire to the judgeship. Now there is a growing sentiment in this State that judges who make good should be returned and retained in office. In many districts throughout the State in the recent election there has been no contest. This will continue to grow if the judges don't spoil it themselves by asking and grasping for a bigger salary. I believe that it is the consensus of opinion of the entire State that \$10,000 is a good salary and if those men were not satisfied they should not have been candidates for election. The tendency is upward all the time, and the reports so far as I have been able to ascertain is that the judges holding court and the work that they have done don't show that they are earning any more money. What is more, this House has dealt very leniently and beneficently with the people of Cook County by giving them six additional judges. Now what is the reason that their salaries should be increased at this time after they have been elected? It is not fair, this bill should have been pressed, those men should have said, we are candidates for judges if we are going to have an increased salary, and we won't be candidates if we don't get it. It is not fair and I don't think the increase should be granted.

Mr. GARDNER (Cook). The statistics that you have referred to, do they refer to the circuit and superior judges of Cook County?

Mr. DEVINE (Lee). The Constitution of this State requires the circuit and superior judges to report to this legislature the number of days they hold court, and your circuit judges have not done so.

Mr. GARDNER (Cook). But do these statistics that you mention refer to the circuit and superior judges of Cook County?

Mr. DEVINE (Cook). Your men do not obey the Constitution. I don't know whether they are familiar with it or not, but they don't live up to it.

Mr. GARDNER (Cook). Then your statistics do not refer to Cook County?

Mr. DEVINE (Lee). I say that the statistics that are on file in the Legislative Reference Bureau show that the judges do not hold court more than about 200 days, those that reported, and it is their own fault if they don't report it.

(Roll call continued.)

Mr. KANE (Saline). Mr. Speaker and gentlemen of the House, there are some things about this bill that I am unable to understand. It came up before the Judiciary Committee and it was voted that it should be recommended out with the recommendation that it do not pass, and the next thing I knew of it it is here on third reading.

Mr. SMEJKAL (Cook). I would like to be heard on that. I will say that I introduced the bill, and the hearing was set for 2:00 o'clock, and as it was impossible for me to be present another hearing was called for the evening. I made my statement with reference to the bill and it was reported out, and that is a courtesy that is always granted to every introducer of a bill, that he is given an opportunity to be heard.

Mr. HOLADAY (Vermilion). I say to the gentleman from Saline (Kane) that the meeting was called for two o'clock and the introducer of the bill was unable to be present at that meeting. Later on in the afternoon I ascertained that he wanted to be heard on the bill and another meeting was called rather hurriedly, all the members of the committee that were present and there was a larger attendance than there was at the meeting in the afternoon and it was the fault of the chairman that the introducer of the bill was not given an opportunity to be heard at the afternoon meeting.

Mr. KANE (Saline). I cannot further understand how circuit judges of Cook County should receive \$12,000 when the judges of the Supreme Court of this State only receive \$10,000 and when the judges of the Supreme Court of the United States only receive \$12,500. It is evidently—

Mr. GARDNER (Cook). Don't you know Mr. Kane that the Supreme judges have a private secretary?

Mr. KANE (Saline). Yes, I understand that they have a private secretary.

Mr. GARDNER (Cook). Well, do you know also Mr. Kane that the judges of Cook County work about four times as hard as the supreme judges?

Mr. KANE (Saline). No, I don't know that, and they don't work half as hard, and don't sit anything like the time that our supreme judges do.

I desire to close by saying that I am not simply objecting to this bill for down the State it will not directly affect us, but I am objecting on this proposition of some few fellows from down the State saying to you, if you want this we will help you Chicago fellows out and then the next thing we know there is another bill down the State and they claim a vote because we helped you raise your salary, now you help us raise ours. This is not business. There is no crying need for increasing the salaries of these circuit and superior judges and I vote "no."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) I opposed the six additional judges, and I am not surprised that some of those men should be first in advocating a raise in salary from ten thousand to twelve thousand. Now, it may be that the members of the Legislature who are paid one thousand dollars a year do their work so poorly that we must increase the judges who interpret the law to the extent of two thousand dollars. I live in Chicago, and practice law in Chicago. I was not in the committee when this matter came up, and I do not know how I should vote on this proposition. I will

say that it is strange, indeed it is, that in certain quarters criticism should be heaped upon the members of the Legislature when they voted to increase the salary a reasonably small amount in addition to the one thousand dollars they received and at the same time they criticise the members of the Legislature for raising the members' salary, then ask this \$12,000 a year for the judges; however, inasmuch as the public press in the editorials, and as some of my best friends in Chicago advocate seriously and strenuously the passage of this measure, I guess I will vote "aye," Mr. Speaker.

(Roll call continued.)

Mr. MCGLOON (Cook). (On roll call.) This is a meritorious bill, and it ought to pass. The judges at the present time in Cook County are receiving a salary of \$10,000 a year. Many of them gave up an extensive private practice of law to seek that honor on the bench, and I believe that some of them are losing money by filling that public office.

Mr. DEVINE (Lee). Will you yield to a question?

Mr. MCGLOON (Cook). Certainly.

Mr. DEVINE (Lee). You say they are losing money? They are doing that for the good of the cause. Then why should they be paid for it?

Mr. MCGLOON (Cook). They should be paid more money than they are now. Now, in New York they are paid \$17,500 per year for the same kind of work, and why should we in Cook County not pay the same to our judges? It is true we democrats didn't elect many of the judges up there last Monday, but we did elect a half a dozen, and we are going to elect more in the next election. I believe that these men are worth \$12,000 a year, and inasmuch as it only involves Cook County, I don't believe a few men from down the State ought to object to us paying our very able judges an additional \$2,000 a year. If a judge is worth \$10,000, he is certainly worth \$12,000. I believe that good judges are hard to get, and when you get them, a group of men like that we have up there in Chicago, I believe that we ought to pay them \$12,000 a year, and I vote "aye" on this, Mr. Clerk.

(Roll call continued.)

Mr. MURPHY (Perry). (On roll call.) I believe in helping out those poor fellows from Chicago, therefore I cast my vote as a down-state representative in favor of this measure. I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) I think there ought to be some explanation of this bill other than what there has been. Now, the present law on the statute books gives to all circuit and superior court judges in the State of Illinois a salary of \$5,000. That is paid by the State, and that is all that the judges outside of Cook County get. An Act was passed some years ago which permits Cook County to give to these judges an extra \$5,000 in addition, that is, an amount in addition to the State payment, which shall together with it not make it exceed \$10,000. Now, then, this bill seeks to raise the salary of the Cook County judges \$2,000 by making Cook County pay \$7,000 instead of \$5,000. There is another bill to be introduced here this evening, and I want to say now that I voted for this bill on the first roll call only upon the theory that it was to be hooked up with a State bill. There is to be another bill introduced here this evening which provides for the raising of the salary of the circuit and superior court judges of the State of Illinois \$2,000, or making it \$7,000. Now that will include not only the State, but Cook County, so that if that bill passes, and this bill passes, Cook County will not be paying this additional \$2,000, but Cook County will only be paying \$5,000 just as she is paying now, and the State will be paying all the circuit and superior judges of the State of Illinois the \$7,000 which they ought to pay. The judges down the State are only getting \$5,000, and I say to you, they are earning a good deal more than that, and if the average judge in Cook County who is a politician as a rule, and not a lawyer, that is sitting there on the bench, is entitled to \$10,000, the average country judge that I know of is entitled to \$25,000. Now, that explanation is offered along the line of these bills. I think we ought to know something about this country bill first because while I voted for this bill that is up here now, I only voted for it because of the fact that the other bill is to be introduced.

Mr. MAUCKER (Rock Island). If this bill passes and the other bill passes, will not the judges in Cook County receive \$14,000?

Mr. BROWNE (LaSalle). This bill provides that Cook County may appropriate not \$5,000 or \$7,000, but enough more than the amount paid by the State to make their salary not to exceed \$12,000, so that if we pass a bill giving to the circuit and superior judges \$7,000, Cook County cannot pay more than \$5,000 in addition if she wants to.

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker, since they have raised this question as to the veracity and integrity of the Legislature as to whether they deliver, it has always been my policy that when they have once failed to always wait for the delivery first. I vote "no."

(Roll call continued.)

Mr. SMEJKAL (Cook). I move that further consideration of this bill be postponed pending roll call.

Mr. LYLE (Cook). I desire to call up House Bill No. 317 on the order of third reading.

Mr. BROWNE (LaSalle). I object—

Mr. LYLE (Cook). I move that the rules be suspended for the consideration of this bill at this time.

I would like to say that this is practically the same bill that was passed a few moments ago by Mr. Gardner.

Mr. BROWNE (LaSalle). Then we don't need two of them; my God, one is enough, one is enough.

Mr. LYLE (Cook). One of them is a delinquency bill and the other is the dependency bill.

Rising vote taken, and the House refused to suspend the rules.

Mr. JACOBSON (Cook). I desire to call up House Bill No. 968 on the order of third reading.

Mr. Speaker, this bill provides that the bond shall be a real estate bond, that is, the bond given by any freeholder as surety for any public officer or employee of this State, and there shall be filed with such bond a schedule of real estate and legal description thereof and encumbrances, if any thereon. It is not a criminal bond at all. It is a good bill and ought to pass.

Mr. DAVIS (Knox). I would like to ask a question about this bill. Does it mean that if a man signs a bond that all of the property that he schedules is tied up, a lien on it from the time that he signs that bond until he is discharged?

Mr. JACOBSON (Cook). Only to the extent of twice enough to cover the bond, that is all.

Mr. KANE (Saline). This bill would simply force everybody to secure bond in a surety company.

Mr. DAVIS (Knox). I would like to say a word on this bill.

If you pass this bill it will compel the man who signs that bond to place every bit of his property, all the property that he schedules, under a lien. In other words he can't sell or dispose of any of that real estate during the period that this bond runs, and it simply does this, it forces every man to go to a surety company and pay their exorbitant price for the purpose of furnishing a bond, and it will work to the detriment of the men who are unable to pay out that money, and it is a bad bill in my opinion, and it ought not to pass.

Mr. BROWNE (LaSalle). I would like to hear from some of the eminent legal lights on the other side. Some of them are always giving legal information on constitutional law and so forth, they are always guarding against legislation and are constitutional lawyers, but I have not heard them saying anything on this bill. I am waiting to hear from them. If this was a bill, Mr. Speaker, that had to do with giving some poor laboring man four days work a week you would hear them on the floor yelling to the satisfaction of the Civil Service Commission. In my opinion it is the their heads off.

Mr. BUTLER (Sangamon). I know there will be many a poor man lay in jail that cannot get bond if this bill passes and he will lay there because he can't get it.

Mr. HUBBARD (Greene). I consider this one of the worst bills that has come before this House. (Laughter.) I say one of the worst, Mr. Speaker, I will except the Waterway Bill, and the Teachers' Pension Bill, but this bill does this, if you go on a persons bond and schedule your real estate it binds up that real estate, it makes it a lien upon that real estate, and you cannot dispose of it in any way except subject to that lien. It will practically all who want to give bond into surety companies and it should be defeated.

Mr. GRAHAM (Mercer). I don't know that I can claim to be one of the eminent legal lights—

Mr. BROWNE (LaSalle). No, far be it from such.

Mr. GRAHAM (Mercer). But I know that in all kinds of personal bonds it will make it necessary in all cases to give a surety company for bond. There is not anybody going to sign a bond under the conditions.

Mr. BROWNE (LaSalle). Isn't that a good thing?

Mr. GRAHAM (Mercer). Well, I believe if I want to sign the bond of one of my friends as administrator, I think I ought to have the right to do it without putting up a piece of property as security.

Mr. HOLADAY (Vermilion). I will say to the gentlemen, first the gentleman from Sangamon (Butler) that the bill, as amended in the Judiciary Committee, took out criminal bond cases so that this present bill does not apply to criminal bonds.

Now then with reference to the other proposition. This bill would require a man to file a schedule of his property equal to twice the amount of the bond, whatever that might be, and as long as that bond is in existence there will be a lien on that real estate. The purpose of the bond is to give security to the people for which the funds are held in trust. There are certain instances down the State, two that I have in mind, where certain public officials at the close of their term had been short approximately \$75,000 each. When it came time to collect on those bonds it was found that some of the bondsmen and men that were considered the best of surety on those bonds, foreseeing the trouble that was coming had disposed of their property.

Mr. BROWNE (LaSalle). What kind of bonds were they?

Mr. HOLADAY (Vermilion). Public official bonds.

Mr. BROWNE (LaSalle). Administrator bonds?

Mr. HOLADAY (Vermilion). No, county official, and I believe that it is a good measure because it will give security to the public and to the heirs in the case of administrator, and to the public in the case of county and other public officials.

Mr. COOPER (Wayne). Mr. Speaker and gentlemen of the House: The purpose of the bill as stated by the chairman of the Judiciary Committee, by the Judiciary Committee in reporting out this bill might have been to require the party signing the person's bond to file a schedule of property in double the value of the bond, but if such was their purpose the bill failed to state it. This bill does not require that he shall file a schedule stating that he owns any amount of property, but requires that he shall file a schedule of real estate owned by the freeholder, all the real estate owned by him, together with a legal description thereof, and encumbrances, if any thereon, and he shall make a written statement that he is the owner of the real estate listed, and which schedule shall be, together with the bond, in the custody of the proper official and it is then the duty of the custodian of the bond to file a certificate showing the lien of that bond upon the property of the person who signed the bond with the record of the county in which the land is situated, thereby making it a lien upon all of the real estate. There is not anything in this which says the person signing the bond shall file a schedule of sufficient real estate to make the bond good.

This bill provides that the person who is signing as security shall file with such bond a schedule of the real estate owned by such freeholder, all of the real estate under the bill. There is not anything saying that he shall file a schedule of sufficient real estate to make the bond good, but shall file a schedule of real estate owned by the freeholder.

Mr. HOLADAY (Vermilion). Yes, but all the general law requires in bondsmen today is to file in twice the amount of a bond.

Mr. COOPER (Wayne). The purpose of this bill is to change the present law that we now have. It applies to all public officers, public employees of the State, county, city, town, sanitary district, or other political subdivision of the State, and can have no other effect than compel people of the State who desire to give bond either as public officials or as an administrator or as a guardian to go to a surety company, because no property owner will tie his property up so that he cannot dispose of it. It forces them into the surety companies and nothing else.

Mr. BROWNE (LaSalle). Mr. Speaker, and gentlemen of the House: The chairman of the Judiciary Committee has informed us that the committee has so amended this bill that it does not apply to criminal cases. That relieves a large element of objection, because if there is a class of cases where the retention of personal bond is necessary, that is the one class. Now, I understand that under this bill as I read it, that it is necessary for a man to obligate or rather to bind all of the property that he has, any more than it becomes absolutely necessary for him to schedule in order to give the bond. Now where a man gives a bond either in open court as in criminal cases or where he gives a bond otherwise he is binding his real estate. If it is in a court of record he is binding his real estate. That bond is a matter of record, if it is a written bond it is a matter in that way, so that it is a lien upon that real estate that will deter anybody from buying the property until that cloud is cleared away. The moment that he signs the bond it creates a lien on the property, and that lien remains until the bond is discharged, and if a man wants to buy it he can do it the same as he can in other property. Under those circumstances, while I am not sure that it is a good bill, at the same time I have seen as the gentleman, the chairman of the Judiciary Committee has suggested, I have seen in my county, and in the adjoining district the very same trouble rise from personal bond for public officials that he has stated, and I notice that wherever you have to give a bond to the Federal Government they don't look with favor upon a personal bond, and when they can they turn you down. So that is the objection to it, but where the criminal cases are involved, but in the present bill that element is eliminated, and I don't know as there is enough objection to this bill to overcome some of the good features connected with it, and I am prepared to vote "aye" on it. I may be wrong, I may change my vote before this roll call is finished.

(Roll called.)

Mr. JACOBSON (Cook). I move that further consideration of the bill be postponed pending roll call.

Mr. WATSON (Hardin). I desire to call up House Bill No. 739 on the order of third reading.

This does nothing but change the term of court in Crawford County, and is made necessary by the passage of House Bill No. 777 in changing the terms of the Circuit Court in that circuit. It prevents a conflict of the terms of court in that county.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 93 and the "nays" nothing; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SHURTLEFF (McHenry). I ask unanimous consent to introduce a bill, and ask to have it read the first time and have it referred to committee.

Mr. SMEJKAL (Cook). I have some appropriation bills that I want considered and I want to state that I am not going to take the responsibility of their failing of passing.

THE SPEAKER. Call the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 116 on the order of third reading.

This man Henry Henke was employed in Lincoln Park and a scaffold fell with him, and his limbs were broken. The bill provided for \$5,000, and the Appropriation Committee cut it to \$1,500.

Mr. KANE (Saline). Does this have any connection with a State institution?

Mr. SMEJKAL (Cook). Yes; Lincoln Park. The commission is appointed by the Governor.

THE SPEAKER. On this question the "yeas" are 78 and the "nays" nothing; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 359 on the order of third reading.

This bill makes an appropriation of \$2,000 to Lewis E. Taylor for injuries suffered by him at the Illinois State Penitentiary in November, 1910. The bill as originally introduced called for \$5,000 and it has been reduced by the Appropriation Committee to \$2,000.

THE SPEAKER. On this question the "yeas" are 80 and the "nays" nothing; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. DAHLBERG (Cook). I desire to call up House Bill No. 992 on the order of second reading.

Mr. IGOE (Cook). I object to the consideration of this bill at this time. I do not think that this bill should have the consideration of less than the full membership of the House. I don't believe that it is fair to call such a bill up just before mid-night.

THE SPEAKER. Objections are heard to the consideration of this bill.

Mr. DUDGEON (Grundy). I desire to call up House Bill No. 24 on the order of second reading. This is one of the best bills that has been introduced this session, and it has been carried longest on the calendar. It provides for free school text books in the school districts and for binding twine at cost to the consumer. It is a good bill and ought to pass.

Mr. DAVIS (Knox). This is a bill that gives the penitentiary a right to go into the printing business, and the manufacturing business, the manufacture of binding twine and school text books.

Mr. IGOE (Cook). I would like to ask the gentleman a question. Who is going to get up the text of these books? Do you understand that the schools of this State are using text books that are used practically all over the country. Now how are they going to print those books in the penitentiary.

THE SPEAKER. Are there any objections to the consideration of this bill.

Mr. DAVIS (Knox). I object.

Mr. DUDGEON (Grundy). I move that the rules be suspended for the purpose of considering this bill.

(Rising vote taken, motion lost.)

Mr. FAHY (Marshall). I desire to call up House Bill No. 600 on the order of second reading. This bill authorizes the recording of the ownership of municipal bonds by providing that whenever the owner of such bonds shall present to the State Auditor a written request to have the same recorded in the form herein prescribed it shall be the duty of the State Auditor to record the ownership of such bonds in his office.

THE SPEAKER. Are there any amendments? If not the bill is ordered engrossed and to a third reading.

Mr. CURREN (Pulaski). I move that the House do now adjourn until 9:00 o'clock, Tuesday, June 15th.

Motion prevailed and the House adjourned.

TUESDAY, JUNE 15, 1915.

9:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Reverend W. H. Nichalos.

The Journal of the previous day being read. Upon motion of Mr. Franz (Stephenson) the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon the House proceeded on the order of presentation of petitions, reports from standing committees, reports from select committees, and messages on the speaker's table; all without debate.

Mr. TURNBAUGH (Carroll). Mr. Speaker, I desire to call up House Bill 858 on the order of third reading.

This bill provides that the applicants for the position of State Inspector of Mines shall hold certificates of competency, and provides further that if any county board fails to appoint a county mine inspector on the written request of the State Inspector of Mines, a petition may be filed in the county court praying the judge of said county court to appoint a county mine inspector.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 88 and the "nays" are none. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. HICKS (Winnebago). Mr. Speaker, I wish to call up House Bill 45 on the order of third reading.

This bill, Mr. Speaker and gentlemen, is a bill which gives the city under special charter, the right to issue bonds on a referendum vote, for the purpose of building schools. It places cities under special charter in the same position as school districts under the general law.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 87 and the "nays" are none. The bill having received the constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. PIERSON (Cook). Mr. Speaker, I desire to call up House Bill 188 on the order of third reading.

Mr. Speaker and gentlemen, this bill is of general application, but it is made necessary by an error which was made in the Wilmette Park District. You were kind enough to vote for House Bill 189 the other day, and this is one of the bills that completes the curing of the error, and it is a bill of general application. It enables the village of Wilmette to withdraw from the city of Evanston, which is included in the Wilmette Park District, and the result is that under the Juul law, this little error costs the city of Evanston about \$10,000 a year in park taxes.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 114 and the "nays" are none. The bill having received the constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. FRANK J. RYAN (Cook). Mr. Speaker, I desire to call up House Bill 952 on the order of third reading.

The purpose of House Bill 952 is to increase the pay of the judges and clerks in the city of Chicago on election day and primary day from \$5.00 to \$7.00 a day; but in revision day and registration day the pay remains the same as it is now,—\$5.00 a day, and this Act applies to the city of Chicago only.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 78 and the "nays" are 6. The bill having received the constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. FRANZ (Stephenson). I desire to call up House Bill 900 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is a bill that applies to the commission form of government. As the law now stands, the cities cannot get out from under the commission form of government under eight years. This bill provides that if at the end of the third year, the people so wish, they can file a petition for a referendum vote and get rid of this form of government. It is a very simple bill and a good bill and I hope it will pass.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I regard this as one of the important bills and one of the most valuable bills introduced at this session. It gives an opportunity which the law does not contain now, to the people who are dissatisfied with the commission form of government, to eliminate that form of government and revert to the old form of mayor and council. Certainly the people of a municipality ought to have the right to have a change if they are not satisfied with the new form of government.

As stated by the gentleman from Stephenson (Franz), under the present law it is impossible for a city which has adopted the commission form of government to get away from it for eight years from the time they start. It is not fair; it is not just, and this bill simply gives the people an opportunity to rid themselves of it if they want to, and I know there are a number of cities that want to get rid of it. They only want the opportunity to get rid of it and they ought not to be denied. This bill doesn't do anything that is wrong; it doesn't thrust anything wrong upon them. It is simply giving them the right to get rid of it if they want to. I vote "aye."

(Roll call continued.)

Mr. ELLIS (Kane). Gentlemen, this is a thoroughly bad bill. The way the law is now, it simply gives an opportunity to try out the commission form of government. This law cuts off that opportunity. We know that the people who are against this commission form of government are against this bill, and we further know that where the commission form of government has been tried that it is a success.

I speak from a city that has adopted the commission form of government; that has had it for four years, and they wouldn't think of going back to the old aldermanic form. I vote "no."

Mr. PURDUNN (Clark). You wouldn't deny that right to go back if they wanted to, would you?

Mr. ELLIS (Kane). They have a right to go back now if they want to.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 88 and the "nays" are 14; this bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. LYLE (Cook). Mr. Speaker, I desire to call up House Bill No. 317 on the order of third reading.

Mr. Speaker, yesterday afternoon there was a bill passed, No. 69, which is almost identical with this bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" are 1; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. DONAHUE (McLean). Mr. Speaker, I desire to call up House Bill No. 22 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill simply provides that all country elevators and all elevators in cities of below 10,000 inhabitants shall not be under the control of the Public Utilities Commission, and it also includes strictly rural telephones, known as farmers' telephones. These two items are the only changes made in the bill. Now, I will say to you that practically all the farmers are in favor of this bill, and mostly all the elevators that I have been informed of are in favor of it. It meets with little

opposition among the elevator men except those who do not care about the storage of grain, but it is approved generally by all of the farmers of this State. I think it is a pretty good measure, and it ought to pass.

Mr. KASSERMAN (Jasper). May I ask the gentleman a question? What telephone companies are exempt from the Utilities Commission under this bill?

Mr. DONAHUE (McLean). This bill provides only for rural telephones that belong to the farmers. Everything else in the bill has been stricken out.

Mr. KASSERMAN (Jasper). I would like to have the first section of the bill read, down to line 20.

(Roll called.)

Mr. IGOE (Cook). (On roll call.) Does this bill at all interfere with the grain elevators located outside of Chicago?

Mr. DONAHUE (McLean). Why, I would say yes. They claim now that they have the power.

Mr. IGOE (Cook). Don't you know that the big grain elevators up around Chicago to which most of the farmers send their grain, are located in communities of less than 10,000 people?

Mr. DONAHUE (McLean). Those elevators are all in class A.

Mr. IGOE (Cook). Undoubtedly.

Mr. DONAHUE (McLean). Then they are under the old Railroad and Warehouse Commission.

Mr. IGOE (Cook). What does it do with the telephone lines?

Mr. DONAHUE (McLean). It doesn't do anything with the telephone lines, generally speaking, but only affects strictly the farmers' telephone lines. There are a lot of telephones out in the country that accommodate a community of farmers and this bill takes them out of the rule of the Public Utilities Commission.

Mr. FIELDSTACK (Cook). This bill, as I understand it, is simply a home rule bill for down-State, is it not?

Mr. DONAHUE (McLean). To a certain extent, yes.

Mr. FIELDSTACK (Cook). How far does it go?

Mr. DONAHUE (McLean). Why, it just applies only to farmers' telephone and farmers' elevators where they store a load of grain now and then.

Mr. GORMAN (Peoria). In McLean County.

Mr. DONAHUE (McLean). Mr. Speaker, I don't believe it is worth while taking up any further time with this bill. I move the further consideration of this bill be postponed.

(Motion prevailed.)

Mr. DE YOUNG (Cook). I desire to call up House Bill 557 on the order of third reading.

Mr. Speaker, this bill seeks to make uniform the law in relation to the sale of goods. It has the endorsement of the National Conference of Associations to reform state laws, the endorsement of the American Bar Association, as well as the Illinois Bar Association. It was drafted by one who is perhaps the greatest living authority on the law of sales, Professor Williston, of Harvard, who is the author of the leading text book on the subject. It has already been enacted in eleven states of this Union and it is one of those acts of which we have already enacted three in this State, the Negotiable Instrument Act, the Warehouse Receipts Act and the Bill of Lading Act.

This is a bill which, it seems to me, is desirable for several reasons. It codifies and makes uniform the law on a subject that has often been the subject of interpretation and of ambiguity, and because it has had the care, the study, the time and attention put upon it, it is said to be one of the very finest pieces of legislation ever prepared. I had nothing more to do with it than to introduce it. I have not the pride of authorship; I would not presume to that; but it has had the work of the greatest legal authority of the country, and I believe for that reason, as well as the fact that it would settle and remove ambiguities, it is a good bill and ought to pass.

Mr. PURDUNN (Clark). What does your bill do; what does it correct?

Mr. DE YOUNG (Cook). It seeks to accomplish the purpose of these other acts in their respective fields,—to codify and make uniform the law

on a subject as important as this is. This is a law in reference to the sale of personal property.

Mr. PURDUNN (Clark). I understand that some of those acts that have been taken to the Supreme Court have been set aside. Is that true?

Mr. DEYOUNG (Cook). None of these three that we already have, nor this one wherever I have heard of it. It is a law bill, purely and simply.

Mr. PURDUNN (Clark). Does it include personal property of any kind?

Mr. DE YOUNG (Cook). Personal property, yes.

Mr. PURDUNN (Clark). Every kind of property?

Mr. DE YOUNG (Cook). Yes, the sale of goods. It states the law substantially as it is; simply codifies it and makes it clear.

(Roll called.)

Mr. WILSON (Adams). (On roll call.) Mr. Speaker and gentlemen of the House, I do not know that I can add anything to what has been said by Mr. DeYoung in regard to this bill, but I happen to be somewhat familiar with it, though not so intimately as he is. This is one of a series of bills that have been carefully prepared, as he has said, by the best lawyers in the country. It is really a codification of the present law. There is nothing revolutionary about it at all, no great change in the substance of the law, or the law on the subject, but it will codify the law in the State of Illinois, such as we have not had before, and from a lawyer's standpoint, and from the standpoint of the people, it is very desirable that this be incorporated into the Illinois law. I hope many of you will vote for it on the call of the absentees. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 95 and the "nays" 3. The bill having received the constitutional majority is declared passed and the clerk will report the title of the bill.

Whereupon, Conference Committee report on House Bill 935 was taken up for consideration.

Mr. SMEJKAL (Cook). I move the adoption of the report.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" are none. The House adopts the Conference Committee report.

Mr. TURNER (Cook). I desire to call up House Bill 492 on the order of third reading.

Mr. Speaker and gentlemen, this is a bill to prevent persons who are charged with disorderly conduct or a misdemeanor or a felony from being forced to have their pictures taken, or drawn and placed in the rogue's gallery before a conviction. The rule in the city of Chicago today is that where, for instance, a stranger may be walking from a theatre or become overheated and the policeman will take him to the police station and if he has not the money to give bonds—ten or fifteen dollars, or a hundred dollars—in escrow until his appearance the next morning, he is rushed upstairs and a Bertillion taken of him and his picture placed among those of thieves and pickpockets who have been convicted heretofore in other states, and this man may have a responsible position in the postoffice or in some mercantile house, and a person is liable to be in the court room at the time this arrest is made and for a consideration, or for the annoyance of the party thus imprisoned wrongfully, they will say that his picture is in the rogue's gallery; he loses his position—hundreds of men have lost their positions—and they have not the money to bring a suit against the police officer who will violate this law, and the result is that if he gets a judgment he cannot recover because the officer making the arrest has no property to be found. It is a good bill.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I believe from a humanitarian standpoint, and from the standpoint of fairness and common decency and fair dealing as between man and man, that this is the best bill that has been introduced in this House during this session. Now to illustrate the abuses that are existent today: There is a gentleman here upon the floor of the House,—not on this side, but Representative Gardner from Cook of the other side,—who has told

me that during a certain period of time extending over less than two years in one of the police courts where he was clerk at the time, and where there were over two thousand persons,—I think nearer three thousand,—that were bound over to the grand jury and where not to exceed ten per cent of them were indicted, afterward that practically one of them were taken in and what is known as “mugged,”—taken in and their pictures taken, and those pictures placed in the Rogue’s Gallery, and having once been put in there there is no known method of getting them out, unless it be through some political pull or matter of personal friendship; and the man, whether he be guilty or innocent, whether he have anything on earth against him except the desire of some man to brand him, has his picture in that Rogue’s Gallery forever and a day. It is not fair. It is wrong, and it is the worst thing that is today in the criminal practice, unless it be the third degree. They go hand in hand. They are a species of barbarism and they are wrong, and this bill is aimed at one of the rottenest practices in the State of Illinois. I don’t know much about it out in the country. It is not done there. It is done in Chicago and in some of the smaller cities, and it ought to be abolished, and this bill ought to be voted unanimously. I vote “aye.”

(Roll call concluded.)

THE SPEAKER. On this question the “yeas” are 119 and the “nays” are 2. The bill having received the constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. BURNS (Cook). I desire to call up House Bill 126 on the order of third reading.

Mr. Speaker and gentlemen of the House, House Bill 126 changes the manner of obtaining the consent in the extension of street railways from the street railway company to the city council. Under the law today, if an extension is ordered by the city council the consent must afterwards come from the railway company. This bill provides that the extension may be ordered upon a ten day’s advertisement at the request of the city council. There are today in the city of Chicago various stub-ends, and it was explained on the floor of the House during the home rule debate that these had been ordered extended by the city council and the street car companies have put it off at various times until late in the season, and then said that it was too late to commence it and put it off until the next season. This is to compel them upon order of the city council, to make those extensions, the rest of the law being complied with so far as frontage consent is concerned. This does not do away at all with the frontage consent; it is only the extension and means of gaining the consent, that consent coming from the council instead of the street railways.

Mr. BROWNE (LaSalle). I would like to ask the gentleman a question. It looks to me as if this bill infringes upon the present laws that require the securing of consent of the abutting property owners.

Mr. BURNS (Cook). The consent of the abutting property owners, that is in a different section, and this does not affect that section. That is in a different section of the law and that section is not amended.

Mr. SCHUBERTH (Cook). Hasn’t the council jurisdiction of the proposition now?

Mr. BURNS (Cook). No, sir; the council may order an extension and the street railways company does not have to comply with it. They take their own time and this is to compel them to do that upon a ten days’ advertisement in the daily papers without the consent of the street railways companies.

Mr. SCHUBERTH (Cook). How about the frontage consent?

Mr. BURNS (Cook). The frontage consent is amply secured in another section that this does not amend at all.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I don’t think that anyone here ought to vote for this bill until after they have carefully read all of this Act that is amended. Now I may be wrong, but it looks to me as if they have infringed on the present conditions relative to the construction of railways in incorporated cities and anyway it does away with the requirements that now exist and the obtaining of consent from the abutting property owners and it gives a right to the

use of streets and alleys that does not exist at this time. I vote "no." It applies everywhere, not alone to Chicago.

(Roll call continued.)

Mr. BURNS (Cook). (On roll call.) Just a moment. This bill was drawn at the request of the city council of the city of Chicago and the section that is amended by this bill has no reference whatever to the frontage consent. That is in a different section of the law and this bill does not amend it and the only item that it does change is to change the manner of consent from the street railway company and put that power in the city council, with this provision, that the advertising must come from the city council upon a ten days' notice, instead of the consent coming from the street car companies. The city council of Chicago has at various times ordered extensions of the street railway company's lines and they have kept putting it off from time to time; if the order was put through the council in the spring they have put it off through the summer and then they say it is too late for them to start it that year.

Mr. BROWNE (LaSalle). Do you mean that this Act enables them to compel the railway companies to build, whether they want to or not?

Mr. BURNS (Cook). Where they already have their franchise.

Mr. BROWNE (LaSalle). It don't do that, or even look like it; simply makes it easier for somebody to do something, that's all.

Mr. BURNS (Cook). I vote "aye."

Mr. McCORMICK (Cook). (On roll call.) Before the clerk calls the absentees, I want to ask these gentlemen who are troubled about the meaning of this bill if the whole amendment, lines 24 to 42, do not mean in effect that the city may advertise, not the railway company?

Mr. BROWNE (LaSalle). Does it take nearly twenty lines to say that?

Mr. McCORMICK (Cook). Let's read the bill.

Mr. BROWNE (LaSalle). And the more you read it the less you will know about it. It is one of those blind things that is written for something that is not intended to stick right out when you are voting for it. I have read it a dozen times and it don't sound right to me.

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) I don't see that this amendment does away with frontage consent, and I vote "aye."

(Roll call continued.)

Mr. McGLOON (Cook). I demand that the rules of this House be enforced and that the members be in their seats.

Mr. BROWNE (LaSalle). It might be a fair thing to suggest, Mr. Speaker, to the press members that their place is in their seats.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 81 and the "nays" 16; the bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). I desire to call up House Bill 301 on the order of third reading.

Mr. Speaker, I will take up but little of the time of the House and I have not taken much of it here this session. This bill amends two sections of the civil service law, sections 3 and 11. Section 3 pertains to the operations of the law and section 11 makes the exceptions. It is a bill that is in the interest of the people at large. It is a bill, as I have said already on this floor, that has created more distrust and more dissatisfaction and more hardship among the people who have to work for a living, than any other law that we have on the statute books. I think, gentlemen, if you understand the provisions of this bill fully, it occurs to me that if civil service is good for the office holders, why isn't it good for the voters. Why should not the voter be put under civil service? You would likely then light on the right man. It is useless for me to discuss this bill, either its merits or demerits. It is certainly a bill in the interests of the people at large. It is a bill that takes the place of something that we have never had before, it is unnecessary in our government. As I said before, it is unamerican; it belongs to an office holder's union, and nothing else. I think that the people fully understand it, and I believe as I have said before, if this measure was submitted to a referendum vote of the people of Illinois they would wipe it off the statute

as being unnecessary and embarrassing to the people of the State. It is a good bill and I think that you should support it. I believe, as I have said before, there are enough votes in this House to pass this bill if every man would express his sentiments.

(Roll called.)

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, this is a golden opportunity for you gentlemen to get rid of what you don't want. Nobody wants civil service, at least nobody that I know of wants it on the square. They may say so, but they have got their fingers crossed when they say it. This bill seeks to do away with it. Civil service does not do all it purports to do. It does not promote efficiency, it never has done it. It is contrary to all principles of organization of party and it does away with party and it does away with efficiency. It does exactly the opposite of what it is supposed or intended to do, and every man that wants efficiency and wants the best officers in office, that wants to promote public welfare and public organization will vote for this bill. I vote "aye."

(Roll call continued.)

Mr. BRUCE (Cook). (On roll call.) I desire to explain my vote. The Illinois Democratic party platform, in convention held in Springfield, September 18, 1914, adopted a platform in which platform it pledged the people of the State of Illinois that the Democratic party stood for several principles, and among them was this principle that favored the immediate revision by the General Assembly of all civil service laws now on the statute books, to the end that the deficiencies, ambiguities and absurdities of such laws may be cured, and favored the extension of the revised civil service laws so as to make them applicable to the employees of the Sanitary District of Chicago and the clerks and bailiffs of the municipal courts of Chicago Election Commissioners of the City of Chicago, and favored the extension of the civil service system and authority to all of the offices connected with the municipal courts and county government of Cook County.

That is the platform of the Democratic party. It is also the platform of the Republican party. I believe if party platforms mean anything, that their pledges to the people who are supporting our respective tickets, that candidates on those tickets will stand by these principles, and I believe in the principle of civil service. My fingers are not crossed on this proposition. I am for civil service and against the idea of the spoils system. When I was a candidate for the office that I hold, one of my best friends, a neighbor of more than twenty years, holding a miserable position in the city service, who was not protected by civil service, was called in and informed that if he supported me he would lose that two-dollar-a-day position, and he came to me and said I cannot support you because I am not protected in my position; if I support you I must lose my position. I said to him, "Go back and tell them, every one, that I don't need their support; that I am able to get along without it." I want to say to my Democratic friends, who seem to think that this matter is a little matter, that the people of this State will see to it that our party pays for any disregard that we show of the principles of our party in our party platform. If you are honestly against the principles of civil service, your place to vote that out is in the Democratic convention, and not here. As Democrats, we ought to be united in opposition to this bill, and as one Democrat I vote "no."

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker and gentlemen of the Forty-ninth General Assembly, someone has placed this warning on my desk. I think it is a grave offense. But I wish to say, gentlemen, that I value the dignity of this Assembly too much to pay any attention to a warning of this kind.

The gentleman from Cook (Bruce) has unfolded a tale that is illustrated with an example that was not under civil service. I want to illustrate my vote as voting for this bill by picturing an awful example that was under civil service.

Mr. Speaker, civil service is the breeder of ingratitude; it is the breeder of degeneracy in civilization, it brings about the very opposite of that which it was written to do. I remember, gentlemen, some years ago when I found a friend of mine in the gutter, I raised him up and gave him food and

raiment, and clothed him and made him fairly respectable, and he was a good average citizen.

Mr. GREEN (Douglas). It is with a feeling of deep sadness that I rise at this time. I received a message a short time ago notifying me of the death of a brother in Cleveland, Ohio, and as it is the first time that death has entered our little family of ten I feel deeply the loss that we have suffered. I regret to leave this session at this time, but I feel that I should go and mingle my sorrows with my loved ones.

I wish to express to the Speaker of the House and to this General Assembly my appreciation of the able manner in which he has conducted the business of this session, and for the many courtesies he has extended to me during this session, and also to the members. I will take this opportunity of bidding you good-bye, for this session will be over before I can possibly get back.

Mr. BUTLER (Sangamon). A few years later this man came under the civil service and now holds a position under civil service. He is absolutely remiss in his duties as a citizen. You can't even get him to the polls to vote; he won't even come forth and vote against you, let alone vote for you. He stays within his soul like secret sin, shrivled up and pausing in fear to draw the breath of life as an American citizen. I am sorry for him, and I would be unwilling to help place any man in such a despicable place that robs them of courage, manhood and citizenship.

Mr. Speaker, it seems to me that democracy should be united behind this bill absolutely and unequivocally. If you turn to precedent in the democratic party, we have already seen that one of the first acts, one of the earlier acts of the leader of the democratic party was to go back on the national platform. Why should you feel any hesitancy in going back on a State platform? Certainly not, and I suggest whenever you see your duty, do it. You know that you ought to vote this bill, and I say you ought to rise up like men and assert your manhood and be against it. I have got much more to say, but under the circumstances I don't feel like we should prolong these matters.

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) The purpose of this bill is to wipe the civil service law off the statute books and I vote "no."

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) In reply to the gentleman from Cook (McCormick), I desire to say one word, and that is that this bill leaves all of the trained help in the various State institutions under civil service. It does not wipe out the civil service law. It would be a good thing if it did, but I didn't think that there would be enough votes in this House to pass it.

Now as the gentleman from Cook (Bruce), speaking of the democratic party platform, I would like to know if he can show a clean bill that he stood by all the planks in the platform, and I would like to know if he isn't somewhat personally interested in this civil service proposition by having a relative as an employee?

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 47 and the "nays" 36; the bill having failed to receive a constitutional majority is declared lost.

Mr. SMEJKAL (Cook). I move that the House take a recess until 2:30 this afternoon.

Whereupon the House recessed until 2:30 o'clock p. m.

Two-thirty p. m., reconvened.

Mr. SMEJKAL (Cook). I desire to call up House Bill 648 on the order of third reading.

This John Jasper was employed as a laborer in the State Hospital for Insane at Anna, Illinois, and he through some slip fell into a vat of dough and was killed. The bill provided for \$7,000 and it has been cut down from that amount to \$3,500.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 85 and the "nays" 0; the bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 989 on the order of third reading.

Mr. Speaker, this is the bill providing for the payment of the Election Committee expenses of this General Assembly, both the Senate and the House, on the election contest. It carries about \$2,000.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 90 and the "nays" 6; the bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 185 on the order of third reading.

This bill provides for the creation of the office of State Inspector of Masonry, Public Buildings and Works, to be appointed by the Governor, the compensation to be \$2,000 a year and expenses. The bill provides that the State Inspector and assistants appointed by him shall be skilled masons of at least ten years practical experience.

(Roll called.)

Mr. SMEJKAL (Cook). I move that further consideration of this bill be postponed.

(Motion prevailed.)

Mr. MULCAHY (Cook). I desire to call up House Bill 239 on the order of third reading.

THE SPEAKER. Objections are heard.

Mr. MULCAHY (Cook). I move that we proceed under Rule 12 for the purpose of considering House Bill 239.

I wish to say that this is the seventy-five car limit bill.

(Roll called on suspension of the rules.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of this House, I don't want to seem inconsistent in advocating the calling up of this bill, because, as you know, I have insisted all the time that bills should be called up in their regular order. This bill, however, has been called up repeatedly, together with so many other bills that meet objections along this line.

Now organized labor, gentlemen, has not received very much consideration at the hands of this House. From first to last organized labor has been denied very much of relief; perhaps not intentionally, that that has been the result, and those are the things that count, results.

Now this bill, as amended, ought to be unobjectional to everybody. It ought to have a fair chance; it ought to have a chance of passing. If it don't get out now it never will get out and it is being asked for by the toilers of this State, it is being asked for by the people that want safety when they ride, and it is only objected to by the railroads, on the ground of additional expense, nobody else, and I don't think it looks very good to beat it at this time or to beat it in this House, which is known, not as the body of corporations, but as the body of the people. I think, gentlemen, this ought to receive serious consideration at your hands now. I vote "aye."

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker and gentlemen of the House: As I have before stated to this House, I believe the time has come when a limit should be fixed for the length of trains, and I think properly by the Interstate Commerce Commission. I can't vote for this bill. I vote "no."

Mr. McGLOON (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I don't think that this bill should have been called up at this time, this afternoon, for the simple reason that good many of the members that would vote for this bill are absent. This is the most meritorious bill that there is before this Assembly, although some of the men on the other side may not think so, and as Mr. McCormick (Cook) said, he thinks that the Interstate Commerce Commission ought to regulate the length of trains. I differ with him. I think that the Legislature ought to have a voice in this

matter, the same as they have on matters of other importance. I believe that this is a good bill, gentlemen. It is for your own safety, as well as for the safety of the men employed on the railroad freight trains, and it is not for them alone, but for the wear and tear in the operation of the trains—in behalf of the railroads themselves—and should this bill become a law I feel satisfied that the railroads will approve of it later on, although they may not do so today or tomorrow or next year; but in the course of a period of time they will feel as though the Legislature has done them an act of kindness in limiting the length of trains. If you continue to permit them to pull the length of cars that they would like to you won't be able to see hind ends of them, and I heard a little joke in one of the vaudeville houses the other night relative to the length of freight trains. Evidently the comedians must have gone through this town and one of them said to the other that he saw an exceedingly long freight train the other day, and went on to tell the length of it, and then the other fellow said that it was not as long as the one he saw the other day. He said, "When I was leaving Springfield the other night the hind end of the freight train was in Springfield and the engine was pretty close to Chicago." So that will be about the length of the freight trains, unless you gentlemen put some damper on them. This is no fun measure, and most of you gentlemen realize that from the experience that you had in the Alton wreck the other night. Now had that been a long freight train that piled up, instead of a passenger train, why you would not have been down here yet, because it would have taken that length of time to clear up the wreck.

I think that you men ought to feel serious about this matter and give this bill your support and do something towards the safety of the traveling public on the American steam lines today.

I vote "aye" on this measure, Mr. Speaker.

(Roll call continued.)

Mr. MORRASY (Bureau). (On roll call.) Mr. Speaker and gentlemen of the House, I heartily agree with the gentleman from LaSalle (Browne) and the gentleman from Cook (McGlooin), that we ought to give this bill a fair consideration. There has been an attempt made a great many times to stop a fair consideration of this bill, and I think that you should be willing to bring it out on the floor of the House and vote it either up or down.

Two days ago I was going out to the farm and at Sheffield there was a train of ninety cars across the track. They had stopped to take water. Then they started to back up; they started ahead and finally pulled out, after considerable switching around to get a car onto a sidetrack. I stood on that crossing an hour and five minutes. That is an example of what the long trains are doing. If that train had been across the track in a town where there was a fire on one side and fire apparatus on the other side, the buildings would burn down before they could get to it.

There are a great many reasons why this bill should pass. At least it should be given consideration, and I hope you will be fair and bring it out on the floor where it can be voted upon.

Mr. GORMAN (Peoria). Is there anything else that a train could take in Sheffield except water?

Mr. MORRASY (Bureau). They used to take coal there, but they don't now. They go to Peoria.

I want to say that I am surprised to see so many good, congenial souls in favor of the railroads for the first time this year. I vote "aye."

(Roll call continued.)

Mr. MULCAHY (Cook). (On roll call.) You may have noticed in the newspapers within the last few days that the railroads have said that the proponents of this measure have agreed that a seventy-five car train could be handled with safety. I wish to say that that was not the purpose of amending this bill to seventy-five cars. I say that seventy-five cars cannot be handled with safety. I say that there were a good many members of this House who said they would not vote for a fifty-car limit bill, but who said they would vote for a seventy-five car limit bill. I say to you now, gentlemen, that the air, the condition of some of the air hose on some of these trains, and with the equipment they have they cannot safely handle seventy-

five cars, but I do say that voting for a seventy-five car limit is a step toward giving safety to these trains. Mr. Speaker, I vote "aye."

(Roll call continued.)

Mr. SMITH (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, just a word. In Chicago today a condition exists that is creating a hardship on the entire people there. That condition, gentlemen of the House, was brought on by just such actions as we are doing today. Some years ago when the method of labor organizations was to go on a strike in case they wanted anything in regard to bettering the working conditions, they were told by the newspapers and by the bosses—the people whom they worked for—that they should get their demands, or what they wanted, by legislation and through legislation. They took that method, gentlemen, and came before us trying to accomplish something by legislation. They had a bill before the Public Utilities Committee, of which I was a member. That bill was referred to a sub-committee and was smothered and has never been heard of since then. The consequence of smothering that bill in committee is, gentlemen, that today there is a street car strike in Chicago. Those men, when they got back to Chicago and got to talking among themselves over the matter and found out the treatment they had received at the hands of this Legislature, were rife for almost any movement, and the consequences were a strike. So I venture to state, gentlemen, if you keep on in the same manner and method of legislation as you are doing today, that you are going to bring on some great big railroad strike in this country. You ought to give this matter some consideration at least. Let the members have a vote on it. I vote "aye."

(Roll call continued.)

Mr. THOMASON (Clay). (On roll call.) Mr. Speaker and gentlemen of the House, I think we ought to give this bill a fair hearing. Here several days ago enough of the members thought that it was of sufficient important to vote to non-concur in the report of the committee in order to get it upon the floor of this House and to give them a fair opportunity to be heard. Now this bill, regardless of whether or not you believe that it should be passed, regardless of whether you believe that it is a good bill, the great body of railroad men, railroad boys all over the State, think it is one of the most important measures to come before this House at this entire session. Now it seems only fair, regardless of whether you believe that it should pass or not, that you give to those men a hearing, that you let them have an opportunity that the thing be threshed out upon the floor of this House, and that every member may have an opportunity to be recorded for or against the measure.

Now as to the merits, I will not endeavor to go into that at this time, but it does seem that a train of 100 to 125 cars operating upon a single track is unwieldy and unsafe and is a menace, and regardless of what the railroad boys feel about it, it is a question that the farmers and the shippers also are interested in. It is said that a long train is safer than two short trains, and that it won't cost as much. In my opinion there will be very little difference in the cost of operating if there is any more cost in operating a small train than a train of 120 to 125 cars, and the small amount of difference is offset by the great advantage given to the shippers and to the farmers. I know in my own community, and in every community where the shippers are shipping live stock what a scramble there is to get their stock upon the train that will get to the market the quickest, and just within the last few minutes I have received from the post-office the Traffic News that probably most of you have received if you have been to the post-office since noon. Now this Traffic News has been against the car limit bill, and is yet, but I notice here today on the question of the request for the advancement of freight rates west of the Mississippi River in commenting upon the evidence heard before the Public Utilities Commission, they quote with approval the evidence offered there and here are some things that were brought out in that evidence. Speaking of the farmers who were resisting that application for an increase, it says: "These farmers also gave an impressive picture of some of the inadequacies of present service and its deterioration as compared with that accorded the live stock movement two years ago. One by one they related incidents in their own shipping experiences that had a telling cumulative effect."

"'In the old days,' said H. M. Stonebreaker, a member of the executive committee of the Cattle Raisers Association of Texas, 'solid trains of live stock were run through from loading point to the markets at as high a speed as was consistent with economical operation. Today, a train may start out with nothing but live stock behind the tender, but before it passes the second division point, it is loaded up with dead freight. I have known of stock trains that were so overloaded with dead freight that the train broke in two.'

"'When I was in the railroad service,' testified Mr. Rowson, 'the M., K. & T. handled live stock shipments from the Texas range country to St. Louis by special wire. The average time in transit was from 40 to 44 hours. Today the average time runs from 70 to 80 hours. The train tonnage has been doubled with the addition of cars of dead freight, the long trains become a menace to the live stock as the jerking and jamming in transit when an engine is hauling sixty cars shakes and bruises the stock and lessens its value.'"

Now, outside of what the other people believe, I think for the benefit of the shippers, and more especially for the benefit of the public, and for the safety of the public and the employees you should give this at least a fair hearing. I vote "aye."

(Roll call continued.)

Mr. PURCELL (Marion). (On roll call.) There is no reason why we should have another fight to suspend the rules on this important piece of legislation. In the Public Utilities Committee, as I have said before on the floor of the House they said, if we should have let them know before they made the extensive preparations for the heavy machinery and long trains, virtually admitting at some time there will be a limiting of freight trains. The Pere Marquette boasts the following, which is claimed as the world's record: "New locomotive hauls record load. What is claimed as the world's record for the length and weight of train haul has just been made by the 'Matt H. Shay,' the gigantic locomotive recently placed in service on the Erie Railroad. This locomotive made a run of twenty-three miles at an average speed of fourteen miles an hour, hauling 250 loaded 50-ton gondola cars, and dynamometer car. The average draw bar pull for the run was about 100,000 pounds, and, in order to avoid pulling the train in two, it was necessary to use pusher engines in starting. Telephones were used for communicating between the front and rear ends of the train."

It seems to me that this is further evidence that some time we must have a limit on the length of trains. Public sentiment will crystalize around this situation in time until we will have a limit on freight trains, and why not serve notice on the railroad companies now; why not do them the favor now of limiting these trains? That may be a little too short a train for some roads. I don't think it is. I have had experience as a locomotive fireman myself, and I undertake to say that every man on the floor of this House knows that if a railroad company cannot make suitable returns on their investments in hauling 75-car trains that they never will on trains a mile and a half long. There is no question in my mind but what if, when the men here in the interests of the railroad company have finished submitting their case to the Utilities Committee had gone home that this bill would have passed. The other day we had 78 votes to suspend the rules, but for some reason or other it looks as though we might not 78 votes at this time. Why have the gentlemen changed their minds? If this bill should have been heard let us suspend the rules if we have to and vote this bill up or down. I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I want to make a final appeal to the members of this House in a very few words to get them to give their consideration to this bill at this time. Heretofore there have been enough votes when this bill was up; heretofore there have been enough votes to advance this bill. There has been no change of heart; there has been no change of sentiment here, because there has been nothing to change it unless it were to intensify the sentiment in favor of this bill. Now then gentlemen, it looks to me that the present condition is largely brought about by the fact that there has been a railroad lobby of eminent gentlemen down here for two or three months. They have

been camping on the ground; they have been holding night sessions at the hotel; they have been taking members of this House out and dining them and wining them; they have been seeing them one at a time and two at a time; they have used a cajolery; they have used feed; they have used drink; they have used everything that they could to get to any member of this House; they have made a practice, a study, a business of it for several months and it puts this House in an almighty bad light to take this position at this time. Gentlemen, it ought not to be. You ought not to permit this. I am not against railroads; I am not against corporations. I have got as many friends, if not more on that side of the fence as I have on the other, but you are taking the wrong course and on this call of the absentees I implore you gentlemen to give enough votes for its consideration. It is better for you to do it, than it is to have this thing go out over this State in this way, and just as the gentleman from Cook (Mr. Smith) has said, you are breeding trouble when you do this thing; you are creating a feeling of disrespect all over the State of Illinois for the Illinois Legislature; you are giving to these people throughout the length and breadth of the State that are wont to attack public officials, to attack members of the Legislature, you are giving them some grounds for attack; you are giving them some right to feel that it is in a measure a place of brag and steal. It is not right, and gentlemen, I beseech you not to do this. Let this bill come up at this time; give it a hearing.

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker.

THE SPEAKER. For what purpose does the gentleman rise?

Mr. LYLE (Cook). Mr. Speaker, I rise to explain my vote. I am opposed to stifling legislation on the floor of the House or of burrying it in committee. I think at this time the Legislature should meet this issue and vote against this bill, if they are opposed to it. I am opposed to the bill and expect to vote against it on second reading and third reading, but I am not in favor of having representatives of the labor unions and other people who are advocating this bill go out over the State and say that the members of the Legislature refused to give their consideration to our measure in reference to a fifty car limit. I am going to vote in favor of bringing the bill up as I am voting in favor of bringing every bill up on the floor of this House. I vote "aye."

(Roll call continued.)

Mr. MAUCKER (Rock Island). (On roll call.) I want to explain my vote. I want to say gentlemen of the House on the question of roll call on this proposition that I voted against the consideration of the bill because I thought it was a bad bill. Then after the arguments which were advanced here that we should give all bills a hearing I voted twice that this bill might have a hearing. During the time that I was here taking that position the tri-State Federation of Labor at home voted a public censure upon my colleague and myself for not being more active in the pushing of their bill. That was published broadcast in the district I represent, and I do not propose to let any body of men or any man brow-beat me in that kind of manner into submission. I don't care whether I come back here again or not. I am able to earn a livelihood in other ways. Henceforth when I do not propose to vote for a bill upon its passage, I propose to vote against this consideration, and for that reason I vote "no."

(Roll call concluded.)

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 61, the "nays" are 7, and the motion is lost.

Mr. FRANK RYAN (Cook). Mr. Speaker, I desire to call up House Bill No. 786 on the order of third reading.

This is a bill making it lawful for municipal authorities of any city within this State to purchase, own and control land within the limits of such city or outside and within the same county as such city may require for the purpose of establishing a House of Correction, and Farm Colony and House of Shelter.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I want to call your attention to the last paragraph of this bill. I am not going to discuss any of the features of this bill in view of the fact that you have passed a bill in this House that this is supposed to be an adjunct of, but I want to call your attention to the last clause of the bill, and especially the lawyers of this House, and especially the gentlemen from down the State. This provides, gentlemen, that the State or any incorporated town or village may purchase land beyond the limits of the incorporation for the purpose of establishing a shelter house, or house of refuge, house of correction, and so forth. All right; so far, so good. Now, then, the last clause provides what? And when such land is purchased a house of correction, farm colony, or house of shelter established by any such city outside of the corporate limits thereof. Now, mind you, the land is purchased outside of the corporate limits. Such city and the municipal authorities thereof shall have full and complete police powers over such land. That is all right. And the territory surrounding the same as is now conferred by law upon incorporated cities, towns and villages within this State, or the territory lying within the corporate limits. In other words, by the terms of that clause the city of Springfield purchases a piece of land five miles out from the city of Springfield for a house of shelter, a house of correction, or what you may call it, a piece, we will say, five acres in extent. That is five miles from Springfield. This Act provides that the city of Springfield and the authorities of the city of Springfield shall have the same authority, jurisdiction and police power over that five acres as they would have in the land in the corporate limits, and not only over that five acres, but in the territory surrounding it. That is what I am objecting to. In other words—and it is probably unintentional—in other words, by the terms of this section the city of Springfield is given corporate dominion and jurisdiction over an unknown quantity of land surrounding that five-acre tract, and not only dominion, but police powers, and the same control that she has over the territory within the city. Now, gentlemen, that is not strange, that is not stretching it at all. But when such land is purchased such city, and the municipal authorities thereof, shall have full and complete police powers over such land and the territory surrounding the same; Now, how much territory surrounding the same? A rod each way, a mile, each way, or clear to the city of Springfield. Which? It says it shall have the same authority over that land and the territory surrounding it that incorporated cities have over the land within the corporation. That is the language of it. You read it. It shall have the same authority, the same police powers over that five acres and the territory surrounding it that incorporated cities and villages now have over the territory inside the corporation. That is the language of it and you cannot interpret it in any other way. Now, if you want to extend the jurisdiction, the corporate jurisdiction of cities and villages into the country in that way without incorporation and give them police powers without taxation, and all of the privileges of the city without taxation, you are going about it in the right way in that Act. That is what it means. And the burdens as well, and I vote “no” for that reason.

Mr. ROTHCHILD (Cook). In reading the bill you read so it has police power over such land and the territory. Is that the way it is in your printed bill?

Mr. BROWNE (LaSalle). I read it this way. When such land is purchased, such city and the municipal authorities thereof shall have full and complete police powers over such land and territory surrounding the same.

Mr. ROTHCHILD (Cook). It may have been an inadvertent, but you put the word “the” in.

Mr. BROWNE (LaSalle). It don't make any difference. I might have let my voice fall. “Over such land and territory surrounding the same,” and the same refers to the word land.

Mr. ROTHCHILD (Cook). With the word “such” you say “such land and territory,” that of necessity refers to what you have already described.

Mr. BROWNE (LaSalle). I am not looking for any fly specks. I am reading it as any ordinary citizen would. I vote “no.”

(Roll call continued.)

Mr. G. H. WILSON (Adams). Mr. Browne, what is the objection to having the city have police power?

Mr. BROWNE (LaSalle). What is the objection to having the city have police powers over what territory?

Mr. WILSON (Adams). This territory you are talking about.

Mr. BROWNE (LaSalle). What do you mean, the five acres?

Mr. WILSON (Adams). Yes.

Mr. BROWNE (LaSalle). Or the indeterminate section around it?

Mr. WILSON (Adams). What is the objection?

Mr. BROWNE (LaSalle). There isn't any objection on my part to abolishing corporations entirely and letting it be one big open space, but the law says "no," and fixes different limitations, different laws within corporate limits.

(Roll call continued.)

Mr. PIERSON (Cook). (On roll call.) As suggested by the gentleman from LaSalle (Browne), there is nothing new in this bill. That is an established principle of the statute which has stood here for many years. Chapter 24, section 62, item 79, reads: "To establish and regulate cemeteries within or without the corporation, and acquire lands therefore by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within one mile of the corporation." Under item 81 of the same section in regard to the construction and management of packing houses and so forth, it gives the city a similar jurisdiction of one mile.

Mr. BROWNE (LaSalle). Do you think that answers this objection of mine?

Mr. PIERSON (Cook). I am not thinking about for you, it is for myself. There are other sections in the statutes. It is just a basis of criticism. I vote "aye."

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker and gentlemen of the House, I have no object in speaking on this bill unless it is to try and get enough attention to pass it. If it has got enough votes I don't care to say another word, but it seems to me that after passing the bill the other day for which this bill is a companion you certainly ought to pass this bill. As I understand it, this is the bill that makes possible the houses of correction and shelter houses to take care of those girls who we didn't want to put in the jails. I voted against the other bill for the reason—and to me a very potent one—you were going to punish the object and the result of the infamy of man and not get at the real cause.

Mr. BROWNE (LaSalle). I am not raising any question, gentleman from Sangamon (Butler), as to the righteousness of this bill or as to the propriety of its passing except that the latter clause, aside from doing what we concede it is going to do, is going to throw a lot of cities and territory in the State of Illinois into a tangle that they will have trouble in getting out of.

Mr. BUTLER (Sangamon). I see the point raised by the gentleman from LaSalle (Browne). But I think we ought to do something for those unfortunate girls. I admit that the bill is faulty, but it can be corrected in a future Legislature, but now we should pass this bill. I hope there will be enough to pass it. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 110 and the "nays" 1; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GORMAN (Peoria). I desire to call up House Bill No. 559 on the order of third reading.

This bill gives to school trustees the right of eminent domain where they are operating their schools under a special charter that applies to some four or five cities in the State outside of Chicago. This bill does not apply to Chicago at all because they have that right under the general school law.

In order that the House may understand the purpose of the introduction of this bill; it has been introduced at the request of the school trustees of Peoria. I was asked a question in my soliciting of votes for this bill if this

had any application to private schools. This is a public school matter, pure and simple, gentlemen.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 103 and the "nays" nothing; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. ELLIS (Kane). I desire to call up House Bill No. 695 on the order of third reading.

This is the bill that is aimed at clearing of titles. It provides in substance that any mortgage or trust deed that has expired of record for a period of twenty years or more, unless it be recorded within five years from the time this Act takes effect, shall cease to be a lien upon the real estate described therein. All of the practicing lawyers of this State, and particularly outside of Chicago know that at every term of court there are many cases filed for the purpose of clearing up titles, to wipe out old mortgages that have long been paid and that simply remain as a cloud upon the title. A man is given a mortgage due in the forties, fifties or sixties, and the note has been paid, the debt done away with, but the mortgage was not relieved. Today these mortgages are being brought into our offices and the only thing we can do is to charge our clients \$150 to \$200 to wipe out this cloud. It is not fair. This bill I appreciate will hurt lawyers; I appreciate it will hurt my practice; it will hurt the practice of practically every other lawyer in this House; but it is a good bill, a bill that is demanded in the interest of justice and the laity.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I have already urged upon the attentions of this House my objections to this bill. For fear that they may have escaped your attention I want to call your attention to the fact that this is the same bill that we have heretofore discussed, and that you are putting an end to a mortgage lien that has existed for twenty years. Thereafter it ceases to be a lien and is dead, has no force or effect as a mortgage or lien, unless what? Unless it is extended by an extension agreement. No specifications as to how this extension agreement is to be prepared, what form it is to take, or anything of that kind, as to how long it will extend to. Now, I want to call your attention to this, and some of you lawyers may have had the same experience; under the Chattel Mortgage Act in this State there is a provision giving the right of extension of a chattle mortgage after it has run its course, thereby extending its life for not to exceed two years, as I now recall it. I have known a number of those extensions so prepared, and prepared in a number of instances by lawyers, to be attacked on the grounds of setting aside the lien in favor of a lien that would be attached at the expiration of the old mortgage if the extension had not been filed, and I have never yet known one of those extensions to withstand the attack in the court, and I have known three of them, yes four of them, and I have never known one to hold water and withstand the attack but it simply fell down before the lien that attached or would have attached if it had not existed.

Now gentlemen, this bill will put an end, if passed as a law, to the mortgage which has existed for that length of time as a lien. It will put an end to every mortgage that shall have existed for that length of time. It will cease to be a lien. It is not necessary to do this to clear up titles. There isn't any need for this throughout the State of Illinois. There isn't any general need for it. The gentleman from Kane (Ellis) and some other gentlemen here may have found isolated cases where it would have been a happy thing to have an easy way like this to do it, but when you come to sum up the disadvantages and the possible wrong that will accrue from doing this thing you will find the balance all in favor of not doing it. Now let us be consistent. There is a bill here—and I talk to you gentlemen from Cook County—there is a bill here introduced at the instance of the city of Chicago that provides this, and they are very insistent upon its passage—it has passed Senate, and it is over here now, and I was importuned today by a gentleman from the city of Chicago to be for the bill because it was so just, it was so fair, that it ought to be written upon the statute books, and it is this: the

special assessment, the judgments for special assessments shall live to all eternity. A judgment upon a special assessment for special improvement when once had, a judgment when once had and made a matter of record shall never die, but shall live forever until extinguished by payment. It never outlaws. And they are asking that that be done, and I assume there will be a lot of these gentlemen from Cook County that want that bill passed and that will vote for it that will now vote to kill a mortgage lien at the end of twenty years. Now where is the consistency of a thing of that kind? If you want to perpetuate the lien of a special assessment judgment, why kill this now in this kind of a way? The trouble is with the legislation down here, gentlemen, that 99 cases out of a hundred some man introduces a bill to cure some little local ill that he has somewhere, and it is all right for him and it is all wrong for everybody else, and the statute books are cumbered with all kinds of such inconsistent and incongruous legislation and I say it is not legislation. I vote "no."

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) Mr. Speaker and gentlemen of the House, the gentleman from LaSalle (Browne) objects because there is no form specified for the extension agreement. If you will turn to line 16 of the bill you will find it says, an extension agreement showing in said extension agreement the time for which the payment of said indebtedness is extended, the time when the said indebtedness will become due by the terms of said extension agreement and the amount remaining unpaid on said indebtedness, then said mortgage or trust deed in the nature of a mortgage shall continue a lien upon the real estate described therein for a period of ten years from and after time said indebtedness will be due as shown by said extension agreement and no longer, unless some further extension agreement shall be filed of record. Such extension agreement shall be acknowledged and extended in the same manner as mortgages and trust deeds in the nature of a mortgage are required by law to be acknowledged and recorded.

What more can you ask in the nature of a description of the form that it should contain?

Further he says that a chattel mortgage is never known to stand. I have known a great many to stand. I have known them to stand in the court of bankruptcy, where they are attacked very severely.

He says it will wipe out the lien. Why, gentlemen, under this bill they have got five years in which to get in under the line. The old mortgages that have run for twenty years have five years more to get in under the line, under this bill. How much more time do you want?

Further, this House has passed this bill in substance on at least two different sessions, possibly three, I am not sure. Mr. Donahue, the gentleman from Bloomington, introduced this bill in substance last year and it passed this House.

He says it will simply remedy local conditions. I understand, gentlemen, that this law is all over the State of Illinois, outside of the county of Cook. In McHenry County, in Boone County and others there is one suit after another to clear a title, for this very reason, and we ought to save that expense. I vote "aye."

(Roll call concluded.)

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 88 and the "nays" 8; bill having received the constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. DESMOND (St. Clair). I desire to call up House Bill No. 946 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill is simply to consolidate the time of holding the elections for the judges of the city court in East St. Louis. They are now elected every two years for a term of four years, and this provides that at the election two years hence the judge then elected shall be elected for a short term, and two years after that both judges will be elected for the full four year term. It will mean a saving in the expense of election of about \$4,000. The bill also carries a provision

increasing the salaries of judges in towns of a population of from 8,000 to 25,000 from \$1,500 to \$2,000, and in cities of 50,000 and more of from \$3,000 to \$4,000.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 108 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 541 on the order of third reading, an emergency bill. Mr. Speaker and gentlemen, this provides for a deficiency in the office of the chief inspector of private employment agencies. This officer hired some legal talent and the amount of his appropriation was not sufficient to pay them. The bill originally called for \$5,000 and the committee cut it to \$2,000.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 116 and the "nays" 1; the bill having received the required two-thirds majority, is declared passed with the emergency clause and the clerk will report the title of the bill.

Mr. TURNBAUGH (Carroll). I desire to call up House Bill No. 859 on the order of third reading.

This is an agreed bill, Gentlemen, growing out of the investigation of the Mining Board, and introduced at the request of some of the members of that board.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 110 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. TURNBAUGH (Carroll). I desire to call up House Bill No. 860 on the order of third reading.

This bill creates a Mining Investigation Commission which shall consist of three coal mine owners, three coal miners and three qualified men, no one of whom shall be identified with the interests involved, who shall be appointed by the Governor.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 99 and the "nays" 1; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 344 on the order of third reading.

This bill makes an appropriation of \$5,000 to Dorothea Schaefer for losses sustained on account of injuries while in the employ of the State of Illinois at the State Asylum at Elgin.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 93 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 14 on the order of third reading.

This Van Roy Barnes was employed as a carpenter at the University of Illinois. He was a carpenter and repair man in the steam department and while working on a scaffolding fell and was injured. The bill as introduced called for an appropriation of \$3,500 and it was reduced by the committee to \$1,500.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 101 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). I desire to call up House Bill No. 801 on the order of third reading.

Mr. Speaker, this bill refers to these home insurance companies, requiring them in this State to issue standard policies as they do in sixteen other states. These companies are very useful for the poorer classes of people and they are now issuing all kinds of policies in this State, and the purpose of this bill is to require them all to issue what is called a standard policy, the same as is required in Pennsylvania, New Hampshire, North Dakota, North

Carolina, Connecticut, Wisconsin, Nebraska, Idaho, Michigan, Minnesota, Missouri, South Carolina, Texas, Vermont, Washington, and Massachusetts. It is a very good bill and in the interest of the insurers and I am sure the House will pass it, because it is in the interest of the people.

Mr. SCANLAN (LaSalle). This bill refers only to the policies of health and accident companies and requires the policy to be uniform and a standard, and that all of the provisions of the contract shall appear on the face of the policy. I believe it is a good bill and ought to be adopted.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 81 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 894 on the order of third reading, and will ask Mr. Gregory to explain the bill.

Mr. GREGORY (Moultrie). This bill, Mr. Speaker, merely adds one section to the present statutes, which will permit the Biological Laboratory to charge one-half a cent per cubic centimeter as against a cost of about two cents per c.c. as charged by the commercial plants for hog cholera serum. The bill carries no appropriation and is intended merely to, if possible, make the State plant self supporting.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 88 and the "nays" 2; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I move that the House do now take a recess until 8:00 o'clock this evening.

Motion prevailed and the House recessed until 8:00 o'clock p. m.

Eight o'clock p. m., reconvened.

The Speaker in the chair.

Mr. TURNBAUGH (Carroll). I desire to call up House Bill No. 857 on the order of third reading.

This bill amends section two and six of the present Act requiring fire fighting equipments and other means for the prevention and controlling fires and the prevention of loss of lives from fires in coal mines by requiring that chemical fire extinguishers used in coal mines shall be of not less than two and one-half gallons capacity.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 94 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. DE YOUNG (Cook). I desire to call up House Bill No. 537 on the order of third reading.

Mr. Speaker and Gentlemen of the House, this is a bill which extends the term of office of the supervisor in Cook County to two years. In Cook County we elect a supervisor every year. We have no assistant supervisor and it requires annual elections. Our clerk and our assessor are elected for two years and the present method of electing the supervisor every year requires an election each year. This is done in the interest of economy, Gentlemen, and I believe the bill ought to pass for that reason.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 110 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. WILSON (Adams). I desire to call up House Bill No. 148 on the order of third reading.

Mr. Speaker, a word or two in explanation of this bill. This is a bill which was introduced by Mr. Scanlan of LaSalle County. Under the common law and for many years if any person had an interest in a fund he can not be convicted of embezzlement because his contention on the indictment was that it was the money of another. Now, in the 202d Illinois and the 247th Illinois that proposition is well established, and it is well recognized in common law.

Now, this Act merely amends the law so that if there be an agent who has funds of the principal that he converts to his own use that he can be convicted.

Mr. BROWNE (LaSalle). Mr. Speaker and Gentlemen of the House, this bill means a good deal more than that as I read it. That is, the meaning unless there has been some amendment to it which I know not of. This bill means that if a lawyer has a claim for collection and he collects the claim and his commission in it, by the agreement or otherwise, the ten per cent, twenty-five per cent, fifty per cent, or whatever it is, and he keeps that ten per cent, or twenty-five per cent or fifty per cent and turns the rest over to his client, and the client says, "No, you will give it all to me or none," and he don't do it but retains his commission, that man is guilty of embezzlement and punishable under this Act. That is one instance. Has there been an amendment to that?

Mr. WILSON (Adams). There has been an amendment to the bill.

Mr. BROWNE (LaSalle). Well, what is it?

Mr. WILSON (Adams). I do not think that it applies to the objection that you raise.

Mr. BROWNE (LaSalle). No; I don't think it does either. Now, that is only one instance and that compels him also to turn it over to the client: Maybe if he turns it over he knows that he will never get his commission, but he has got to turn it over irrespective of that fact or he will be guilty of embezzlement. A traveling man who is selling on commission makes a sale and collects as he has a right to do, collects a few hundred dollars and has got his commission coming out of that; he can't keep it, however much he may need it, but he must turn it all over to the company, his commission and all, and take his chances on getting his commission back. "If any officer, clerk, agent, servant, solicitor, or broker of any incorporated company, or if any clerk, agent, servant, solicitor, broker, apprentice or officer of any person, co-partnership, society or association, receiving any money, substitute for money or thing of value whatsoever in his fiduciary capacity, shall embezzle or fraudulently convert or appropriate to his own use, or with intent to embezzle, take, secrete or otherwise dispose of, or fraudulently withhold, appropriate, lend, invest or otherwise use or apply any money, substitute for money or thing of value received by him in such fiduciary, or the portion thereof belonging to his principal, employer or fiduciary, contrary to the instructions or without the consent of the company, person, co-partnership, society or association for or account of which the same was received by him, shall be deemed guilty of larceny and shall be punished as provided by the criminal statutes of this State for the punishment of larceny, irrespective of whether any such officer, agent, clerk, servant, solicitor, broker or apprentice has or claims to have any commission or interest in such money, substitute for money or thing of value so received by him."

Now, that is plain. He is guilty of embezzlement if he collects it and does not turn it over, or, rather, fails to turn it over pursuant to the instructions. In other words he can't keep his commission, the lawyer can't keep his commission, the traveling man can't keep his commission, the agent can't keep his commission, unless he has instructions to that effect and the consent of the company precede that keeping, and if he does he is guilty of embezzlement. I have forgotten an editorial that I have been saving for this and kindred subjects. It is a clipping, an editorial from the Chicago Tribune of—oh, several months ago—in which it goes on to state that there is no country in the world that has so many ways on its statute books of getting men into prison as this country and that the constant endeavor seems to be to find more ways and not ways of getting them out. That seems to be the tendency.

Now, this bill is a thing that will be used wrongfully. It is a thing that will absolutely retard business, and it should not pass.

Mr. WILSON (Adams). I will say a word in reply. Most men differ in their constructions of the statute. But I have not the slightest doubt that it is not the fact that one can not retain his commission under this Act. That is not a proper construction of this Act. But if you retain the fund it must be done fraudulently, and as far as the attorney is concerned, I am an attorney myself, practicing lawyer, and I certainly would not want to

have a statute that would be to the disadvantage of my profession along proper lines, but I have no doubt and no fear and no honest lawyer need have any fear that if he collects money that he would not be protected under this statute. As a matter of fact, it remedies a long felt want in the law, for in cases that it is designed to correct, as in the case of agents of insurance societies that have collected premiums, they have gone scot free. It is not my bill, but this matter has come under my observation and this is a law that should pass.

Mr. BROWNE (LaSalle). Now, there isn't any use of a few lawyers antagonizing each other over a thing as simple as this. Now, I know that I am right in this. I know that the lawyers on the floor of this House, such as Mr. Graham and Mr. DeYoung and those gentlemen will bear me out in it. There is not any construction of it possible except that.

Mr. WILSON (Adams). And I tell you there is not any construction possible except mine.

(Roll called.)

Mr. DAVIS (Knox). (On roll call.) I have read this bill over pretty carefully. Under any strict construction of the statute, and that is the only way a statute can be construed, there is in my opinion, no way that this statute can be construed except in the manner that Mr. Browne has outlined it here. It is true that there is a decision of the Supreme Court that makes a slightly different proposition, but a strict construction of this statute would hold that a man could not use the funds unless he had the consent of the party for whom he was acting, and consequently I vote "no."

(Roll call continued.)

Mr. DEVINE (Lee). (On roll call.) I am inclined to accept the construction placed upon this bill by the gentleman from LaSalle (Browne). All that is necessary to make a man guilty under this bill is to change the construction by which he gained his consent and if that is not a written matter then he has got to prove his innocence in this matter. I vote "no."

(Roll call continued.)

Mr. HOLADAY (Vermilion). (On roll call.) There should be no dispute about the meaning of this measure. Under the present law when a man has an interest in funds he cannot be convicted of embezzlement of those funds even though that interest may be only two or five per cent. Now this measure changes that rule and the fact that he has an interest in them is no defense and that is all there is to the bill. It changes that rule so that the interest in that fund, however small, will not be a defense on a criminal charge. I vote "no."

(Roll call continued.)

Mr. MOORE (Henry). (On roll call.) This bill from its inception, as I noticed on the calendar, I considered one of the most vicious bills in the House. I therefore vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 13 and the "nays" 57; the bill having failed to receive a constitutional majority, is declared lost.

Mr. SCHOLLES (Peoria). I desire to call up House Bill No. 620 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is a bill, that has some discussion on second reading and I am calling your attention to the part of the bill which is amending the present law: "Whoever hires any horses, ox or other draught animal or any vehicle or boat, the property of another from the owner or person having legal custody, care, or control of the property and fails to return the same, for the purpose of with the intent of defrauding said owner or person having legal custody, care or control of the property so hired or rented out of a fee or compensation for such hiring or rent." Now, that is the amendment to the present law, gentlemen, and there is nothing that any one can take any exception to in that proposition.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, this provides that where Jones borrows a boat or a horse, or an ox from Smith for use and takes it and uses it and fails to return it to the place from whence he got it, not for the purpose of stealing it, but fails to return it, with the intent not to pay for the hire, that is to beat the owner

out of his compensation, he shall be deemed a criminal and fined not exceeding \$300 or confined in the county jail for a year. Now, under the present statute I think that that can be construed as malicious mischief and there is a fine provided for it. But the idea of branding a man as a criminal and fining him \$300 and confining him in the county jail because he has hired a horse and has not paid for it, I think it is too strenuous, I think it is a little bit beyond the limit, I can't quite see it that way. I would be in favor of punishing him for disorderly conduct or punishing him for malicious mischief, but I would not be in favor of handing it to a poor devil for \$300, nor sticking him in the county jail for a year, and I vote "no."

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) I believe that this bill ought to pass. There are two conditions in this bill, first, a failure to return, and second, an intent to defraud for the purpose of defeating the owner in the collection of his fee for hiring and it seems to me there are sufficiently sane grounds in this bill to make it entirely safe. One who violates this Act should be punished, and there is ample discretion in the court. I vote "aye."

(Roll call continued.)

Mr. W. J. GRAHAM (Mercer). (On roll call.) It seems to me that this bill is not getting the consideration that it merits from this House. Suppose one of you gentleman own a livery stable, and a man came to you and hired some horses from you with the intention of defrauding you of your pay; does he not steal from you? What is necessary to convict him of this crime is that he took the animal first and second you must prove beyond a reasonable doubt that he at the time he took them intended to defraud you. Now isn't that a crime?

Mr. PURDUNN (Clark). Suppose a man buys goods from a dry goods store or a grocery store, and fails to pay for them?

Mr. W. J. GRAHAM (Mercer). That is not a parallel case. If he obtained them by false pretenses he can be punished under the present law, but this bill provides that if he gets them from you intending to defraud you that he ought to be punished for it, and it seems to me that this is a good bill. I vote "aye."

(Roll call continued.)

Mr. O'ROURKE (Cook). (On roll call.) Under this bill if a man went to a livery stable and hired a ten dollar cheap horse, or a goat, and didn't return it, and the goat or the horse fell dead he would be subject to a fine of \$300 and a term in jail for one year. A lot of these cheap livery stables would like to sell their stock under this bill, and I vote "no."

(Roll call continued.)

Mr. SCHOLLES (Peoria). (On roll call.) I am surprised at the intelligence of the representatives of the great State of Illinois. If the gentleman from Cook can read the English language he will understand at least that this bill does not apply to a man that would take a horse out of the livery stable and the horse should fall dead. It is the man who takes the horse out of the livery stable with the intent of defrauding the livery stable keeper out of his hire. I want to show to you an example. There are men in our town doing business as boat men, and are making their living in that way. It is an humble living perhaps, but it is their living, and they rent a boat and fishing tackle to these men. They go out all day with this tackle and in the evening fail to return it for the purpose of defrauding that poor man out of his hire. Not only that but that man has got to put in another day, sometimes two or three days going up and down the river looking for that boat. I want to say to you that this is a bill gentlemen, that stops that sort of thing and any man that has a spark of honesty in his conscience will vote "aye" for this bill. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 84 and the "nays" 25; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 993 on the order of third reading.

Mr. IGOE (Cook). Is this an appropriation bill? Or is the gentleman calling it up as an appropriation bill?

Mr. SMEJKAL (Cook). It is a bill prepared by the Appropriation Committee and is an appropriation bill.

Mr. IGOE (Cook). In what way is it an appropriation bill?

Mr. SMEJKAL (Cook). It is an appropriation bill and voted out by the Committee on Appropriations on June 10th.

Mr. IGOE (Cook). Just a moment; suppose it did.

THE SPEAKER. Every bill that came out of the Appropriation Committee is considered an appropriation bill and has right of way.

Mr. SMEJKAL (Cook). Let the bill be read.

Mr. IGOE (Cook). Just a moment.

THE SPEAKER. The chair rules that it is an appropriation bill, considered as such. It came from the Appropriation Committee and has been carried the same as the mining bills.

Mr. BROWNE (LaSalle). It has not got anything to do with an appropriation bill in any way, shape or manner.

Mr. SMEJKAL (Cook). If the gentlemen will go along slowly the bill will be explained.

THE SPEAKER. Proceed with a statement of what the bill is.

Mr. SMEJKAL (Cook). Mr. Speaker and Gentlemen of the House, in 1865, during war times, there was an Act passed which reads as follows: "An Act providing for the appointment of watchmen for the public buildings in the city of Springfield, and for the payment of the same. Approved and in force February 9, 1865." Section 3. "Be it enacted by the People of the State of Illinois, represented in the General Assembly, that the Secretary of State and State Treasurer are hereby authorized and required to employ watchmen, whose duty it shall be to guard and carefully preserve from fire the public buildings in the city of Springfield."

Section 4. "That such watchmen shall be subject to such rules and regulations as may be prescribed by the Secretary and Treasurer and may be discharged at their pleasure."

Section 5. "That such watchmen shall receive such compensation as shall be agreed upon by the Secretary and Treasurer, who shall certify the time of service and rate of compensation, and upon presentation of such certificates to the Auditor of Public Accounts, he is directed to issue his warrants upon the treasury for the amounts so certified, and the Treasurer is directed to pay such warrants out of any money in the treasury not otherwise appropriated."

And the sixth section is an emergency section. You will readily see gentlemen that that was an emergency measure of war times, and heretofore what we called the State Officers Appropriation Bill was made in a lump sum carrying some \$3,000,000. This time as you know the bill has been itemized, and it shows to whom the different items of money are payable and in that bill I discovered an item of \$30,000 for fifty watchmen. I took it up with the officers and with the Speaker, and found that there are 39 watchmen on this pay roll. There is also a superintendent of the State House and assistant superintendent of the State House, the custodian of the Supreme Court Building, a man at the Executive Mansion, there is another at the Old Arsenal, one at the New Arsenal, one at Camp Lincoln, there is a watchman in the Insurance Department, the Treasurer has nine guards. The Secretary of State has six policemen, and altogether, as far as I can find at this time there are 62 policemen guards and watchmen around the State House.

Mr. Speaker, I have no feeling in this matter; I simply tell you what has been found in the matter. Now then, Mr. Speaker, I took up the matter with the Secretary of State and the Treasurer, and I have told them that so far as the committee was concerned that we are willing to make appropriations to their offices for as many employees as they may require. They told me that several of these watchmen, and one of them is a woman by the way, are used as clerks in the different departments, and the item of \$30,000 per annum is for the salary of these watchmen who are so used. That is the way it has been done, and therefore I didn't like to offer a bill to repeal this statute, but I had an amendment adopted to House Bill No. 931 cutting the appropriation down from \$30,000 to \$10,000. The Senate has seen fit to insert the \$30,000 back in the bill. The Secretary of State and the Treasurer have been told that they will be given all the necessary help that is required to

run their offices, and I think that the time has come gentlemen, when this Act, or this appropriation should be cut down.

I will read you the figures by years. In 1905 the appropriation for this service under the fire prevention statute and before I come to that I desire to say to that the Omnibus Bill has given to the Secretary of State the two items appropriated in the committee bill for fire prevention apparatus, there is a special pipe line to be installed in the building and all the other fire prevention apparatus that is necessary in a city the size of Springfield. I don't know what the correct amount is now in addition to that Mr. Speaker, but this one statement and I will have done. In 1905 the expenditure on account of watchmen was \$5,609; in 1906, \$1,080; 1907, \$2,843.92; 1908, \$5,268.23; 1909, \$10,092.54; 1910, \$13,648.80; 1911, \$15,506.39; 1912, \$21,626.02; 1913, \$21,241.39; 1914, \$26,191.35; and for the first five months of 1915, \$13,430.88. And the request comes in this bill for the next two years of \$30,000 per annum.

Mr. DEVINE (Lee). Suppose this bill is enacted, where will this help be expected from then?

Mr. SMEJKAL (Cook). It will be furnished at the request of the department for help.

Mr. DEVINE (Lee). From whom?

Mr. SMEJKAL (Cook). From the Legislature.

Mr. BROWNE (LaSalle). But if you do away with these watchmen, won't you have to apply to the Civil Service Commission for people to take their places?

Mr. SMEJKAL (Cook). I don't know that, I am not making a civil service fight.

Mr. GRAHAM (Mercer). Is there any appropriation in the Omnibus Bill for these watchmen?

Mr. SMEJKAL (Cook). Well, as I said when this bill came in, we ran across this item, and I asked about it, and we ran across this old statute, and then we got a copy of that pay roll.

Mr. GRAHAM (Mercer). Is there any appropriations in the Omnibus Bill at his time?

Mr. SMEJKAL (Cook). Not in the Omnibus Bill, it is in the State Officers, \$10,000, and the Senate has put back the \$30,000 item.

Mr. GRAHAM (Mercer). Is that in the appropriation for the State Treasurer's office?

Mr. SMEJKAL (Cook). No, that is in the Omnibus Bill.

Mr. GRAHAM (Mercer). For whom?

Mr. SMEJKAL (Cook). For the various employees, these 62 watchmen, policemen and guards, all together, and forty of them on the State Officer's roll.

Mr. GRAHAM (Mercer). It occurs to me that it is straining at a gnat and swallowing a camel. We spent about \$15,000,000 here one day, and the bill did not receive as much real consideration by this House as another bill just before it on prostitution. Now then for some reason for the first time in the history of this State since 1865, the Appropriations Committee lead by the gentleman from Cook (Smejkal) comes in here and attempts to repeal this Act, and under which they are acting today. Two years ago, I believe the gentleman from Cook was on the Appropriation Committee when \$30,000 was allowed for the same thing.

Mr. SMEJKAL (Cook). I didn't yield the floor to you only for a question.

THE SPEAKER. I will answer why the change is made at this time and what is back of this bill and why the Chair has ruled that it comes within the ruling of an appropriation bill. It is the first time that the members of the General Assembly have been able to find out how watchmen in the State House have been paid. Before the budget was made by the Legislative Reference Bureau, the appropriation of two or three million dollars was made for State officers and under this Act of 1865 the Secretary of State and the Treasurer could certify either one or a hundred watchmen as fire watchmen and no one knew how much was paid without going down

into the Auditor's office and making an investigation. This time it was found out that \$26,000 was divided up between the Secretary of State and the Treasurer for the pay of so-called watchmen, male and female, most of whom were working as clerks in the various departments, when they worked. This years when it was decided to itemize all the appropriations, and the State officers' roll was itemized, an item had to be put in as the amount to be paid for watchmen. The House Committee decided on \$10,000. The Senate Committee amended the bill to make it thirty thousand and an agreement was reached as to twenty thousand when that was interfered with by the men who had these men on the rolls wanting it put back to thirty thousand in order that these forty men might be kept on the rolls. It was decided that the committee hereafter might appropriate either for ten, twenty, thirty, forty or fifty watchmen, but that it ought to be appropriated for a particular purpose, and that it should not be in the hands of any one or two State officers under an old Act after the Legislature adjourned to spend \$100,000 if they desired on so-called fire watchmen. The gentleman read to you how this has jumped in ten years from \$5,000 to \$20,000.

Mr. SANTRY (Cook). That has just been discovered under this administration?

THE SPEAKER. Well, my dear sir, it just happens that it has been found out how they shifted the cards.

Mr. IGOE (Cook). I have been attending some of the meetings of the Appropriation Committee, and I never knew this bill was up. I never heard it discussed, and the matter was never before the committee while I was in there. Now, I would like to ask, you say that in the past it was not possible to find out how much was paid for watchmen?

THE SPEAKER. Not without making an investigation of the Auditor's office.

Mr. IGOE (Cook). Well, why wasn't that done before?

THE SPEAKER. I don't know, the committee appropriated a lump sum for the State officers.

Mr. GRAHAM (Mercer). I have been entirely respectful in my conduct toward the speaker of this House, and I want to be entirely respectful. I am somewhat sorry that the speaker of this House has taken upon himself to reply on this subject. I think the chairman of the Appropriation committee had better have made than the speaker of this House, but I want to say to the speaker, and to the members of this House that it occurs to me that this spasm of economy might have been better placed had it been made at bigger items. We have gone on in this House like a lot of drunken sailors, spending our money recklessly until the appropriations of this House amount to 45,000,000 dollars that the tax payers and the people of this State will have to pay. We have allowed deficiency appropriations; we have allowed items of hundreds of thousands for this and that, and we never have had a spasm of economy until we came to this place, where these few watchmen are concerned and by some method, and by some crook at this late day in this legislative session there comes a desire for economy, and the only thing in my mind is that it is mighty poor economy to cut these men off.

THE SPEAKER. I think the gentleman is mistaken in saying they are cut off. There is no desire to cut off these men, but there is a desire to have the appropriation made in a proper manner.

Mr. WILSON (Cook). I would like to have you read the names of the members who reported this bill out.

Mr. SMEJKAL (Cook). Well, I can't tell you that now.

Mr. WILSON (Cook). Well, you have the records.

Mr. SMEJKAL (Cook). This was done by the committee.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) I am not particularly an economist, neither do I believe in extravagance of the State any more than I would individual extravagance, but it seems to me that the remarks of the gentleman from Mercer are very apropos at this time in connection with this situation. Now, there is not a single watchman or a guard on here at this time that has been put on here by the public officials for a purpose as a guard and as a watchman, it is the same principle that has been here ever since I have been here. It is the same that was on under previous

Republican administrations, and it was on under probably the best Republican that ever held office in this State, in this building, outside of the Governor's chair, and this was Mr. Rose. In the face of what the Speaker has said I don't mean that I mean there may be a few more or a few less, but I mean that this situation in this way of putting on the watchmen, and the guards and the policemen is the same thing that it always was. There is no change, and a great many of these watchmen and policemen are old soldiers, men that have been honored because of their service in the times when this country needed them, and men whom you all know, poor, old men now that once in their lives followed the flag down through the Southland, in days when men of that kind were needed. They have been honored with little offices here as guards, about the only thing that they can do. Honored in that way, and given these places irrespective of politics whether they be Republicans, Democrats, Socialists or anything else, and I am for them for those places.

Mr. SMEJKAL (Cook). The record don't bear out what you say, Mr. Browne. We find clerks in the different offices, and they are not the character and the kind of men that you speak of.

Mr. BROWNE (LaSalle). I can go down the line among these men, and I won't leave this building, and I know them by name, I know where they served, and I can tell you now if you want to know. Some of them that I know personally. I have no personal interest in this matter, no personal interest at this time. I never got but one of them placed in my life, and Mr. Rose did that for me, and a Democrat Secretary of State took him off for me, but I do say that it looks to me as if this was straining at a gnat and swallowing a camel, as the gentleman from Mercer says. It seems to me that this is parsimoniousness. It looks to me like a very foolish piece of business, and I do believe that there is something here besides economy, I believe that it is a blow at the Secretary of State, or at somebody, because, Gentlemen, we have been appropriating thousands and hundreds of thousands of dollars with a little toss of the head and we have said, what is a few dollars, nothing doing, why I won't stop to think of it at all, and it is nonsense to think of this at this time. Gentlemen, you have got to have these guards, you have got to have these policemen. There is not a dollar's worth of insurance on any State property, they don't insure it.

Mr. BUTLER (Sangamon). I would like to ask the gentleman a question, if all those old men that he speaks of, if those were not Democrats?

Mr. BROWNE (LaSalle). Well, I can better answer you in this way. When the present administration went into office, there was a little money in the treasury and there was about \$4,000,000 of vouchers out waiting for the Democrats to get out of office so that they could come in and tie the Democrats up in a knot. Now, I don't believe I care to discuss those matters now, and, gentlemen, this thing ought to be voted down, and I vote "no."

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) Mr. Speaker, I reluctantly dissent from the gentleman from Mercer (Graham) who spoke so eloquently on this matter. I am certain that if the matter was presented again, I could be one of its staunchest supporters. (Applause.) The mere fact that this statute has stood upon the statute books since 1865—from that time down to the present, is an argument in its favor, and we should uphold the appropriation for these watchmen. It is a late day in the Assembly to advocate economy. This is something that ought to be commended by this General Assembly. It certainly is not the fault of the Speaker, and I don't think it is the fault of the chairman of the Committee on Appropriations that this bill comes up at this late day. I don't happen to be a member of the Appropriations Committee, but certainly the workings of that committee are entitled to at least *prima facie* support, and if the chairman of that committee brings up a bill here which seeks to repeal a statute which has long since served its usefulness, it seems to me that it ought to have some support. The Speaker has explained to you how this appropriation has hitherto remained undiscovered, and surely there is nothing reprehensible in bringing it up at the closing of the session. I say I cannot agree with the gentleman from Mercer (Graham), but I do agree with the Speaker

and chairman of the Appropriations Committee, and this is a bill that seems to me ought to be passed. I vote "aye."

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) Mr. Speaker and gentlemen, as I understand this bill, it is intended to correct what is believed to be now an extravagance on the part of the State in the employment of guards and watchmen for the capitol buildings and grounds. Now, it is not a question with me, gentlemen, as to whether the passage of this bill will deprive some democrat or some republican of his job; it is a question with me whether or not it is necessary to appropriate \$30,000 to employ guards and watchmen for this building, and, gentlemen of the House, you have got to bring some pretty strong argument to bear on me to show that \$30,000 is necessary to employ these watchmen or guards,—or that it is necessary to appropriate \$30,000 to employ watchmen and guardsmen for this building. I don't believe it is, and I don't care whether it deprives democrats or republicans of their jobs. I don't believe it is fair to charge that we have been extravagant heretofore, and I don't care to vote that way. If this is an extravagance, I don't know what is back of it. You place me square up against this proposition, that we are making an appropriation of \$30,000 for watchmen and guardsmen. The question is: is it necessary?

Mr. W. J. GRAHAM (Mercer). This bill simply repeals the Act of 1865.

Mr. HUBBARD (Greene). Hasn't it been appropriating \$30,000?

Mr. GRAHAM (Mercer). I don't know anything about the appropriation, but I say as far as this bill is concerned, it only repeals the Act of 1865.

Mr. SMEJKAL (Cook). This bill provides for 40 watchmen; 6 policemen in the Secretary of State's office, and custodians as I have stated; in all, 62 men, and it will take an appropriation of \$30,000 per annum; and by the way, there is one woman included in this.

Mr. GRAHAM (Mercer). I would like to ask the gentleman if he has on his desk the Act of 1865?

Mr. SMEJKAL (Cook). Yes, sir.

Mr. GRAHAM (Mercer). Will you kindly read this Act for the information of the House?

Mr. SMEJKAL (Cook). I have already done so, and I will call your attention to the page if you will just wait a minute. I have been in the House here now seven sessions and heretofore, as I understood it, the Auditor would bring in a lump sum appropriation for State officers' salaries, and in that lump sum appropriation was this \$30,000.

Mr. HUBBARD (Greene). I simply want to state this; that if there is no limit to the number of guards in that statute, it should be repealed. We should not have a statute that would permit us to employ any number of guards that we need. I vote "aye."

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker and gentlemen, I desire to explain my vote. So that the folks over on the other side may not misunderstand. I will explain that there are some 41 people involved in this little proceeding which they are attempting to put through the House at this time,—23 republicans and 18 democrats. This is not so much of a slap at the Secretary of State, but it is a kick at the State Treasurer; that is the fellow they are looking for; that is the man they are trying to hit.

Mr. SMEJKAL (Cook). I desire to state that the relations between the State Treasurer, the Secretary of State and myself are of the most cordial character, and the Secretary of State has stated to me as late as this afternoon that this particular item causes him a great deal of trouble, and he desires to see it appealed. I suggested it ought to be \$10,000; they suggested it ought to be more.

Mr. BROWNE (LaSalle). The Secretary said to me today personally, that this appropriation, as it looked now, was to be restored, and he didn't talk to me like a man that wanted this bill passed.

Mr. SMEJKAL (Cook). Well, I am telling you what the facts are. There is no rapping at anybody here at all. It is one of those things that you find out when you come to itemize. There is no rapping at anybody so far as I am concerned.

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Now, the woman to whom he refers as being on the pay roll as a watchman or clerk, is a telephone operator in the State Treasurer's office. What difference does it make whether you call them watchmen, janitors, or what not,—if they are doing the work,—it is as broad as it is long. I don't care whether they are called watchmen, clerks or anything else. They ought to have it. Now, I don't know just what is the reason behind this bill; I have never been able to find out; but I have been in that sub-committee for some months, and one afternoon I appeared there and we were rushed into the room and appropriated out that bill for \$16,000,000, and we sat in that committee about two or three months on the same bill. Why couldn't they sit in that committee like any other committee in this House, and why was it necessary for the speaker to come to the rescue. This is no time to rush out here with a bill repealing some law that is fifty years old. Why bring up an old thing like that? What is the point? What is the reason? Will they come out here in the open and tell us? Let's lay all the cards on the table and show you and me why they are hitting at some old man or some poor woman who perhaps are earning an honest living in the best way they know how and in the best way God will permit them to do it? I say it is wrong; it is not right to bring a bill out here and handle it in the manner in which this bill has been handled, at the closing day almost of this session. It is time now to put a stop to this sort of practice. Let it see the light of day, and let the light shine on that proceeding so that every member of that committee may know what is going on. I vote "no."

(Roll call continued.)

Mr. O'ROURKE (Cook). (On roll call.) Mr. Speaker and gentlemen, I want to explain my vote. As a member of this Appropriations Committee, which is probably the most responsible committee of the House, I have tried to find out if somebody was present when this so-called appropriation bill was reported out. I have not been able to find a soul yet that was present when this bill was under discussion, and it is conceded that every bill that is acted upon in that committee gets a fair consideration, and I can't see and can't understand the motive of this bill. I vote "no."

(Roll call continued.)

Mr. FRANK J. RYAN (Cook). (On roll call.) I am for the old soldier. I vote "no."

(Roll call continued.)

Mr. TICE (Menard). (On roll call.) Mr. Speaker and gentlemen of the House, it seems to me that we are all laboring under a misapprehension or a misunderstanding of the question that is pending. The great battle that has been fought in this General Assembly has been for the purpose of doing the business of the State of Illinois upon a systematic business plan or system. There has been a big fight in the Appropriations Committee of this House to require every department of State to itemize the appropriations they asked for. The big fight has been to correct an evil which has been gradually creeping into the system followed in making appropriations for the different State departments, not only in the present administration, but in administrations of the past, under republicans as well as democrats. I have served on the Appropriations Committee for twelve long years, and I know something of the difficulties that confront not only the chairman of the committee, but that confront every individual member of that committee. This is not a matter that deprives some old soldier or some decrepit individual of his means of support. God knows, there is not a man in this Assembly who has greater respect for the man who wore the Blue than I do. Many of my relatives served on the field of battle and gave up their lives for their country, and I would be the last man in this House to deprive a deserving old soldier of his job; I would be the last man in this House to deprive any man who was deserving of the position which he occupied. This does not deprive them. This will repeal a fifty year old statute, that is true, but it is one that does not apply to the present conditions of our State—one that was passed to meet that emergency situation far back in Civil War times.

Funds are furnished by this State for appropriations for the State departments to pay for every watchman that is necessary about this building, and

for every watchman that is necessary in every department of the State. This is not depriving any man of his job. If you will go and search the records you will find that numbers of these who are classed as watchmen, are really clerks, filling some other position than that of watchmen.

Mr. BROWNE (LaSalle). May I ask the gentleman a question?

Mr. TICE (Menard). Wait a minute. I never disturbed you. The purpose of this bill is to repeal this obsolete law and to place the appropriation of our funds upon a systematic business plan, to cover every department of the State, no matter what it may be. There is enough appropriated to meet the present needs of the State to pay for every watchman that is needed and that is necessary, and it will reach up to the present number if they are required. This appeal to your sympathy, that it is some poor old soldier that is to be deprived of his job, is no argument; and let me say to you that in these appropriation bills, it ought to be shown just for what purpose the money is expended. Far be it from me to in any way handicap or burden the administration of the State. The Secretary of State and the Treasurer are business men, and they probably know how their respective offices should be conducted, and if I am misinformed, they are not objecting to this bill.

I repeat, Mr. Speaker, this does not deprive any man of his job; it merely puts the appropriation upon a business system, where every taxpayer in the State may know that all the money that is being appropriated by the State for watchmen, is for real watchmen for their services. If money is appropriated for clerks, then let real clerks receive the money, and there will be no juggling of accounts. I vote "aye."

Mr. BROWNE (LaSalle). You have been here a great many sessions?

Mr. TICE (Menard). Yes, sir.

Mr. BROWNE (LaSalle). And this is the first time you have attempted to fight an appropriation of this kind—isn't that true?

Mr. TICE (Menard). There never has been a session of this Legislature when I didn't make a fight on the Appropriation Committee for an itemized appropriation.

Mr. BROWNE (LaSalle). Now the Illinois State University got an appropriation of \$5,000,000?

Mr. TICE (Menard). Yes.

Mr. BROWNE (LaSalle). Are they required to itemize?

Mr. TICE (Menard). I was chairman of the Sub-Committee that made the fight to require them to itemize.

Mr. BROWNE (LaSalle). And you are a member of the committee of three appointed to look into the matter, with an appropriation of \$4,000 for expenses?

Mr. TICE (Menard). No, sir.

Mr. BROWNE (LaSalle). Haven't you appropriated that amount for expenses?

Mr. TICE (Menard). I will answer your question and tell you what it was. There was a resolution by this Sub-Committee that there should be a Joint Committee of the Senate and House, three members from each body, who should serve during the interim between the Forty-ninth and Fiftieth General Assembly, and visit the institution and learn everything possible as to its wants and needs, for the benefit of the institution and for the benefit of the members of the General Assembly, and there was inserted in the Omnibus Bill an appropriation of \$4,000 to pay the expenses of that committee.

Mr. BROWNE (LaSalle). Now last year there was \$240,000 in tuition taken in by that institution?

Mr. TICE (Menard). Yes, that is true.

Mr. BROWNE (LaSalle). And you have never made any comment on that, have you?

Mr. TICE (Menard). Yes I have. I have talked about that ever since.

Mr. BROWNE (LaSalle). Well, I never heard it.

Mr. TICE (Menard). You was never a member of the Appropriations Committee; that is why you never heard of it.

(Roll call continued.)

THE SPEAKER. In explaining my vote I desire to state this, that the most friendly relations in the world exist between myself and Mr. Stevenson,

the Secretary of State, and Mr. Russell, the State Treasurer. I have never asked them for any little courtesy but what it has been extended. There was never any difference between us regarding any positions. It was entirely a matter of efficiency. The State Treasurer, sitting on my platform here, stated that he was willing to have this Act repealed, and I stated to him and I stated to the Secretary that I was personally willing to have any amount appropriated for watchmen if it was so designated, and to give them as many clerks as they desired in their offices, and that was the advice I gave to the chairman of the Appropriations Committee—that if they needed ten or fifteen or twenty clerks, that they could have them, and to designate them as clerks, and if twenty watchmen were necessary, why to give them the twenty watchmen, but that we should not allow any opening whereby one hundred or two hundred men could be put on.

You gentlemen of the House can see that this has grown in ten years from \$5,000 a year to \$30,000 per year. There is no trying to get under any man's hide; there is no trying to push either the Secretary of State or the State Treasurer off the map. There is no feeling in the world whatever. I vote "aye."

(Roll call continued.)

Mr. BUTLER (Sangamon). (On roll call.) Mr. Speaker, I would like to explain my vote. I think the gentleman on my left will concede that he was entirely wrong when he made the remark that he saw no use in stirring up such a trouble about this small matter when we spoke not at all about the large matters. Gentlemen, you have often heard that from little acorns big oaks grow, and I think from the way this debate is developing that we are really going to hear the truth soon and know where we are at. It seems to me I have overlooked something. (Laughter.) I have not been able to get on any investigating committee with an appropriation to take care of my investigation during the interim between now and the next General Assembly, and I would be perfectly willing to itemize it in advance. (Laughter.)

Now, gentlemen, have you ever noticed, we are not proceeding out of the general line; we are proceeding in the ordinary course of human events. You have never seen a great revival without any converts at the end of the meeting, and I want to say, gentlemen, that they are coming in due time now. If we have not seen the light before, certainly it is not too late to be saved now, and we ought to be saved if we can. You know the old saying: "While the lamp holds out, the vilest sinner may return."

Now, gentlemen, I really don't understand this tempest in a teapot. The chairman of the Appropriations Committee has made a fair statement. My friends, in 1912, you know there was an election of the democrats and republicans. The chairman of the Appropriations Committee stated that this amount jumped from \$13,000 to \$26,000 under our late and most lamented republican governor. (Laughter and applause.) Now, then, certainly you won't object to a little matter of raising this appropriation from \$26,000 to \$30,000 if we raised it in 1912 from \$13,000 to \$26,000.

Now, gentlemen, you have not been economical in your appropriations, but you have taken the stand along the line that we are going to itemize that for which we spend the money. We are now up to the proposition of whether we are going to be men or monkeys. If you are going to itemize—itemize. Be honest; be true about it; come forth and say that you want so many watchmen, and the speaker and the chairman of the Appropriations Committee have said they will give them to you. If you democrats need forty watchmen for yourselves, I am for it; but say so and come out and tell us what you need to watch you while you are in here; it will only be eighteen months more (laughter and applause), and I think you are perfectly right in demanding the old soldier; he will certainly try and keep you straight. I am in favor of giving them sixty or one hundred, but for God's sake, gentlemen, tell us how many you need to watch you. Now, gentlemen, there is absolutely nothing under cover in this proposition. It is simply this: Specify what you want. We are not going to quibble with you; simply call a spade a spade and a heart a heart. My friend from Cook (Igoe) says: "Let us lay the cards on the table." That is what we want you to do, lay them on the table and we will provide for whatever the hand calls for. I vote "aye."

(Roll call continued.)

Mr. MADSEN (Cook). (Roll call continued.) Mr. Speaker and gentlemen, I would be willing to believe nearly everything any good republican or democrat told me about the matter, but it seems to me after examining into this proposition that there isn't anything behind it. It merely means another method of doing business, and I believe it provides for a better method of doing business, and therefore I vote "aye."

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Speaker, I have served four terms on the Appropriations Committee of this House and I am willing to state now that I know less about the appropriations that have been passed out at this session than I ever did before. I am very sorry indeed that some of these speeches that have been made tonight were not made earlier in the session. In my position on the Appropriations Committee I made enemies out of several heads of departments of the State and they are not on speaking terms with me, which is my misfortune. It does come late in the session and I think that the period of time has come now, and I am willing to let the tail go with the hide. Therefore I vote "no."

(Roll call concluded.)

Mr. GRAHAM (Mercer). Mr. Speaker, I ask to have the roll verified.

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 59 and the "nays" are 56; the bill not having received a constitutional majority, is declared lost.

Mr. ROE (Fayette). Mr. Speaker, I desire to call up Senate Bill No. 439 on the order of second reading. It is the Fish and Game Bill.

Mr. FOSTER (Schuyler). Mr. Speaker, I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 439, by striking out in line 4 of section 3, the figures \$1,500 and inserting in lieu thereof the figures \$2,000.

Mr. FOSTER (Schuyler). Mr. Speaker, this amendment increases the salary of District Game Wardens from \$1,500 to \$2,000 a year. They are the people who do the real work of enforcing the fish and game laws. They are the worst underpaid officers in the Fish and Game Department, and I hope this amendment prevails.

Mr. ROE (Fayette). Now, this bill, as I stated a few days ago, is a conference bill of the House and Senate. It has passed the Senate with only one vote against it. Now, this question was up in the sub-committee, and this particular question was discussed pro and con. Now, the sub-committee of the Fish and Game Committee, the joint committees of the House and Senate, have adopted this bill and have rejected practically that same amendment, and now it is up to you. I move to table the amendment.

(Rising vote taken; amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 2.

Amend Senate Bill No. 439, by striking out all after the word "quail" in line 3 of section 4 and up to and including the word "year" in line 4 of said section and substituting the following: "for a period of four years from the first day of July, A. D. 1915."

Mr. FOSTER (Schuyler). Now, Mr. Speaker, this amendment is simply protecting the quail for four years from the first of this coming July. It was not my amendment originally. I never offered it. There were bills introduced into the Committee on Fish and Game which had, to say the least, a very perfunctory and cursory hearing, and there are some here in this House who desire this amendment and I am offering it in behalf of them more than myself.

Mr. ROE (Fayette). Now, when the two committees met, the sub-committees went over this whole proposition from A to Z and this bill is practically agreed upon up State and down State, and this gentleman is offering this amendment, and I move to table the amendment.

Mr. FOSTER (Schuyler). Mr. Speaker and gentlemen, I desire to say here and now that that is not the only objection that I have to this bill, and at the proper time I desire a hearing on the grievance that I have in this connection. At the proper time I will try to make myself heard by this House on this bill, and I hope the amendment prevails.

Mr. HUBBARD (Greene). Mr. Speaker and gentlemen, I hope this amendment will prevail. I concur with the report of the committee, but I believe I am voicing the sentiments of nine out of every ten hunters of the State of Illinois in asking that this amendment do prevail. Quail are becoming scarcer every year and the farmers claim that quail are the best birds for the farm.

Mr. SCHOLLES (Peoria). Mr. Speaker, there is in this question more than consideration for the protection of quail. I want to say to you, gentlemen, an Act prohibiting the killing of quail will not keep your quail. I can remember a number of years ago when there was a protective law covering five years on quail, and no one was allowed to kill them. For three years we had climatic conditions favorable to the quail and then we had a severe winter, and the quail were greatly decreased. If you have thirteen degrees below zero and your quail have been starved for say two weeks, the thirteen below zero will kill all your quail. If your quail are in good condition an average of twenty-three to twenty-four degrees will kill them, and so I say it is the climatic conditions that kill more of your quail than the hunters do.

There are in the State of Illinois a great number of hunters who own a great number of valuable dogs, and to see one of these dogs working upon the quail is one of the grandest sights any man can behold, and if you prohibit the killing of quail these dogs will be of no practical use. The farmers desire this protection and I will call attention to Peoria County, that a few years ago abounded in prairie chicken. What have we in Peoria County now? Not a single prairie chicken in the entire county. It is not the law that protects the quail, or the prairie chicken, gentlemen, it is the conditions that confront the game.

Mr. HUBBARD (Greene). If you say that it is not the law that protects the quail, then why have a closed season in quail at all?

Mr. SCHOLLES. (Peoria). Simply because there should be a closed season on all game. There are times when quail should be protected because in the nesting season it would be wrong to kill quail. I don't want to charge all the farmer boys with violating this law, but I know that it is not the hunter that goes out from the city and violates the law, but it is the boy that goes out hunting rabbits who pot shots the quail. That is why we have the law protecting quail. I say to you, gentlemen, that if you adopt this amendment you will kill this whole bill, and I voice the sentiment of over 10,000 sportsmen from central Illinois.

Mr. SHEPHARD (Jasper). Mr. Speaker and gentlemen, I introduced a bill in the House to protect the quail for five years. There was an amendment offered in the committee to protect them for four years. The gentleman from Peoria (Scholes) says that the elements will kill the quail anyhow. Well, perhaps some winters won't kill them. If they are the friends of the farmers let us protect them and keep them from being killed by hunters if the elements don't kill them.

Mr. W. J. GRAHAM (Mercer). Mr. Speaker, there was a sub-committee appointed by each of the committees and they met night after night and day after day and spent weeks in trying to get this bill ready. It didn't satisfy any of us; it didn't suit me, and it didn't suit Mr. Foster; it was a compromise measure, but the best that we could do. There were things in it that none of us liked, but men of all classes, from all over the State, the majority of them have remarked that this is the best fish and game bill that we have had in the State, and if any amendment is adopted, it will have the effect of killing the best game law that we have ever had in the State, and, in my judgment, this amendment should not be adopted.

Mr. HUBBARD (Greene). Just a word in reply to the gentleman from Peoria (Scholes). He states that the elements will kill quail. Admit that the elements kill 75 per cent, and that the hunters kill 20 per cent, that leaves us 5 per cent, and that is why we seek to preserve them. It is absurd

on the face of it to say that if you don't protect them that the elements will kill them. There is no argument to that at all.

Mr. McCORMICK (Cook). Mr. Speaker, when I came to this assembly two years ago, I shared the views which the gentleman from Greene (Hubbard) now holds, although I never shot quail in this State. I feel that if there should be a closed season for two years it is bound to increase the number of quail. I have come to change my mind, and I believe that the views expressed by the members of this committee are right, and I am inclined to the opinion that they have produced on the whole the best fish and game bill that has ever been introduced in this assembly in many a long year, and I believe that they should be sustained by this House.

Mr. ROE (Fayette). I renew my motion to table the amendment.

(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment, Mr. Speaker, and move its adoption. This amendment simply leaves the squirrel law as it is but gives them a month later. If it is put a month later it will be difficult to tell the young from the old squirrel.

AMENDMENT No. 3.

Amend Senate Bill No. 439, by striking out the words "31st day of July" in line 10 of section 4 and substituting the following: "30th day of June."

Mr. ROE (Fayette). I move that the amendment lie on the table.

(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 4.

Amend Senate Bill No. 439, by striking out all after the word "dove" in line 14 of section 4 and all up to the word "provided" in line 15 of section and substituting the words "at any time."

Mr. FOSTER (Schuyler). This amendment simply protects the turtle and the mourning doves, that is all.

Mr. ROE (Fayette). I move that the amendment lie upon the table.

(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption. This is the anti-baiting bill, which is endorsed by thousands of true sportsmen, the real sportsmen all over the United States.

AMENDMENT No. 5.

Amend Senate Bill No. 439, by striking out all after the word "year" in line 17 of section 4 up to and including the word "year" in line 20 of section 4.

Mr. ROE (Fayette). I move that the amendment lie upon the table.

(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption.

I assume that no explanation is necessary. I will let the gentleman make his customary motion.

AMENDMENT No. 6.

Amend Senate Bill No. 439, by adding after the word "state" in line 36 of section 4 the following: "And it shall be unlawful for any person or persons to bait or feed any of said birds or water fowl with any kind of seeds or grain for the purpose of trapping, shooting or ensnaring them; nor feed any domestic ducks in waters frequented by any of said water fowl for the purpose of attracting said water fowl to such feeding grounds for the purpose of trapping, shooting or ensnaring them; and every person so offending shall, on conviction, be fined in a sum not less than ten dollars nor more than twenty-five dollars and costs of suit, and shall stand committed to the county jail until such fine is paid: *Provided*, that such imprisonment shall not exceed fifteen days."

Mr. ROE (Fayette). I move that the amendment lie upon the table.
(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 7.

Amend Senate Bill No. 439, by inserting after the word "rifle" in line 39 of section 4 the following: "or by the use of call ducks or other live decoys."

Mr. ROE (Fayette). I move that the amendment lie upon the table.
(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 8.

Amend Senate Bill No. 439, by striking out the words "twelve (12) quails" in line five of section 8.

Mr. ROE (Fayette). I move the amendment lie upon the table.
(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 9.

Amend Senate Bill No. 439, by striking out all after the word "squirrels" on line 6 of section 8 up to the word "provided."

Mr. ROE (Fayette). I move the amendment lie upon the table.
(Motion prevailed and amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 10.

Amend Senate Bill No. 439, by striking out the words "thirty-six (36) quail" in line 10 of section 8.

Mr. FOSTER (Schuyler). Mr. Speaker and gentlemen of the House, I don't know whether it is the desire of this Legislature to make itself the laughing stock of the people of Illinois or not. If you want to oppose all the protective laws for conserving game animals, why go ahead, as far as you like; this amendment simply cuts out a foolish puerile provision.

Mr. ROE (Fayette). This is practically an amendment that says there shall be certain seasons of the year when nobody should have an excuse to carry a gun.

Mr. FOSTER (Schuyler). Mr. Speaker, I would like to ask the gentleman, are crows protected under this law?

Mr. ROE (Fayette). I move to lay the amendment on the table.

Mr. FOSTER (Schuyler). I would like to ask if crows are not protected under this law, and if a bounty is not paid in certain counties for the killing of crows.

(Motion prevailed. Amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment and move its adoption:

AMENDMENT No. 11.

Amend Senate Bill No. 439 by striking out the words "or forty (40) dover" at end of line 11 of section 8.

Mr. ROE (Fayette). I move that the amendment lie upon the table.
Motion prevailed, amendment tabled.)

Mr. FOSTER (Schuyler). I offer the following amendment, and move its adoption:

AMENDMENT No. 12.

Amend Senate Bill No. 439, by striking out the words "rabbits or" in line three of section 21.

Mr. ROE (Fayette.) I move that the amendment lie upon the table.
(Rising vote taken, amendment tabled.)

Mr. FOSTER (Schuyler.) I offer the following amendment, and move its adoption:

AMENDMENT No. 13.

Amend Senate Bill No. 439, by striking out the word and figure five (5) and inserting in lieu thereof the word and figure ten (10), in line 12 of section 22.

Mr. ROE (Fayette.) I move that the amendment lie upon the table.

Mr. FOSTER (Schuyler.) I don't know whether it is the disposition of this House to give no consideration at all to the fishing industry of Illinois, but those who make a living in this manner use the trout lines as a means of making their living during certain seasons of the year when it won't interfere with anybody else, and rod and reel, and running line, artificial bait and lure are all included here. This simply means the little trout line, and I hope gentlemen, that this amendment will be accepted.

(Rising vote taken, motion prevailed, amendment tabled.)

Mr. FOSTER (Schuyler.) I offer the following amendment, and move its adoption:

AMENDMENT No. 14.

Amend Senate Bill No. 439 by striking out the words and figure one (\$1) dollar and substituting therefor the words "fifty cents" in line 13 of section 22.

Mr. ROE (Fayette.) I move that the amendment lie upon the table.

(Motion prevailed, amendment tabled.)

Mr. FOSTER (Schuyler.) I offer the following amendment, and move its adoption:

AMENDMENT No. 15.

Amend Senate Bill No. 439, article (c) by striking out all of lines 14 and 15 and inserting in lieu thereof the following: "for each hoop net, twenty-five (25) cents; fyke net twenty-five (25) cents; basket or trap net, twenty-five (25) cents."

Mr. ROE (Fayette.) I move that the amendment lie upon the table.

(Motion prevailed, amendment tabled.)

Mr. FOSTER (Schuyler.) I offer the following amendment, and move its adoption:

AMENDMENT No. 16.

Amend Senate Bill No. 439 by inserting after the words "running line" the words "trout line" in line 2 of section 34.

Mr. FOSTER (Schuyler.) Mr. Speaker, I have no disposition to retard the work of this session, and I shall interpose no objection if the gentleman desire to offer a blanket motion to table all further amendments that may be offered to this bill. If he desires to offer that motion now to table all further amendments that may be made, I will not object to it.

THE SPEAKER. Read the amendments.

(Amendments read by clerk.)

Mr. MORASSY (Bureau.) I offer the following amendment, and move its adoption: The object of this bill is to prevent the killing of fur bearing animals in November and March, and the reason for this is because the fur is not good in those two months. We know this from experience that we have that the fur is not as good during these months as it is in the winter, because it is loose and the hair comes out. It is also a fact that I have been informed by trappers that in the month of March the male animal is running on the outside of the home and the female is inside. Consequently more females are caught. The object of the game law is to conserve the game. The law as it is now is destructive of our game and for this reason we should adopt this amendment. I know it is late to present it but it has time to be passed by the House and Senate, and had the chairman of the Fish and Game

Committee as he promised me he would I would have brought it before the committee, but, gentlemen, this is the only chance I have had to put it in. I hope you will give this amendment fair consideration, and that is all I ask.

Mr. GRAHAM (Mercer). I move that the amendment lie upon the table.
(Amendment tabled.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. FAHY (Marshall). I desire to call up House Bill 954 on the order of third reading.

Mr. SCANLAN (LaSalle). At this session this same section was amended by an Act offered by Representative Smejkal regarding the assessment of property of fraternal beneficiary associations. The law now provides that from the admitted assets of an old line life insurance company, as shown by its report to the Superintendent of Insurance, shall first be deducted its liabilities, then its real estate, but after that it provides for taxation. Now this provides—it uses instead of the words “benefitted assets,” it uses the words “gross assets.” From the gross assets are taken its liabilities, then the value of its real estate otherwise taxed, and its personal property otherwise taxed. Under the present law capital stock is considered a liability and is not taxed. Under this Act the law requires that all of these insurance companies make report to the Superintendent of Insurance. The language of the other Act provides that the report “of the Insurance Superintendent,” when it should have been “the report to the Superintendent of Insurance,” because the law require that those reports be sworn to. Then it goes on further and it says, “the net value of its outstanding policy contracts calculated according to the mortality table and rate of interest fixed by law.” Now that is what the law provides as to what the company is required to hold in favor of their policy holders, and it is the method that is figured by all of the old line life insurance companies in making their reports to the Superintendent, but starting out with gross assets, instead of benefitted assets.

(Roll called.)

THE SPEAKER. On this question the “yeas” are 81 and the “nays” 5; the bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. DALTON (Kane). I desire to call up House Bill 153 on the order of third reading.

This is a bill prohibiting fortune telling for money.

(Roll called.)

THE SPEAKER. On this question the “yeas” are 89 and the “nays” 0; the bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SHURTLEFF (McHenry). I desire to call up House Bill 994 on the order of second reading.

Mr. DEVINE (Lee). I move to strike out the enacting clause.

Mr. MCGLOON (Cook). I move that the motion lie upon the table.

(Roll called on motion to lie upon the table.)

THE SPEAKER. On this question the “yeas” are 70 and the “nays” 20; the motion to strike out lies upon the table.

If there are no further amendments, the bill is ordered engrossed and to a third reading.

Whereupon, the House proceeded upon the order of House bills upon first reading and reports from standing committees.

Mr. RODERICK (Cook). Mr. Speaker and gentlemen of the House, at the instance of Representative Thon, who is speeding to Arizona to the bedside of his dying wife, I am calling up his House Bill 202.

THE SPEAKER. Objections are heard.

Mr. RODERICK (Cook). Mr. Speaker and gentlemen, I move to suspend the rules.

(Roll call taken on suspension of the rules.)

(Motion lost.)

Mr. MADSEN (Cook). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 28.

WHEREAS, The city of Chicago is at the present time suffering from a complete tie-up of its transportation facilities on the elevated and surface lines, causing great inconvenience to the public and paralyzing the various business enterprises of the city; and,

WHEREAS, The representatives of said elevated and surface lines have for years refused to pay their employees a living wage, notwithstanding the enormous profits of these corporations and the exorbitant salaries paid to the officials, thereby causing this great calamity; and,

WHEREAS, This crisis coming after years of inadequate service to the public and insufficient wages to employees, is a further demonstration of the complete failure of our present capitalist system, with its private ownership of public utilities, to meet the needs of our times; and,

WHEREAS, There is at the present time pending before the Forty-ninth General Assembly several bills dealing with the consolidation of the said elevated and surface lines and their relation to the city of Chicago, which bills, because of the near approaching adjournment, will have but slight chance of proper consideration; and,

WHEREAS, The only proper solution of this great problem lies in the public ownership and operation of public utilities, in order that millions of people shall not be at the mercy of a few individuals; therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That the Public Utilities Commission be and hereby is authorized and instructed to cause an investigation to be made of the entire situation and report back to the next General Assembly the most feasible plan for bringing about the public ownership of said elevated and surface lines in order that such lines may in the future minister to public comfort, rather than to private greed.

(Resolution referred to Committee on Public Utilities and Transportation.)

Mr. McGLOON (Cook). I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 29.

WHEREAS, The efficiency of the Chicago Telephone Company has for years past, been so notoriously deficient and the service of so poor a quality as to receive and merit the universal criticism of all persons who in any way have had to rely upon same; and,

WHEREAS, The high rates charged for service in places of business and residence together with the small wages paid to employees are such as to warrant and guarantee first-class service to the general public; and,

WHEREAS, The condition, both as to service to the public and grade of wages paid to employees has become intolerable and unbearable; now, therefore, be it

Resolved, by the House of Representatives of the State of Illinois, the Senate concurring therein. That a joint committee of ten (10) members equally divided between the House and the Senate, be appointed by the Speaker of the House, and the President of the Senate, respectively, to investigate said Chicago Telephone Company, its service to the public, its scale of wages paid to employees and its system of hiring and the discharging of competent employees; and,

That to accomplish said purpose said committee be empowered to subpoena witnesses, administer oaths, take testimony, compel the production of books and papers and documents and to do all and several the Acts and things that may be deemed necessary to bring about the purposes of this resolution; and,

That said committee act without pay, save only and except its necessary expenses and that said committee report to the next General Assembly of the State of Illinois its findings and recommendations, rates charged for service, cost of maintenance, etc.

(Resolution referred to Committee on Appropriations.)

Mr. WILSON (Perry). I offer the following resolution, and move its adoption:

HOUSE RESOLUTION No. 99.

WHEREAS, We were informed today by our fellow Representative, E. Walter Green, of the sudden death of his brother in Cleveland, Ohio; therefore, be it

Resolved, by the House of Representatives, That we extend to Mr. Green our heartfelt sympathy in this, the first bereavement in his family; that this preamble and resolution be entered upon the Journal, that an engrossed copy be forwarded to him by the Clerk; and that as a further mark of our respect to Mr. Green, that the House do now adjourn until 9:00 o'clock a. m., tomorrow.

Resolution unanimously adopted and the House adjourned until 9:00 o'clock a. m., Wednesday, June 16th.

WEDNESDAY, JUNE 16, 1915.

9:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Strubinger (Pike), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Whereupon, the House proceeded on the order of presentation of petitions, reports from standing committees, reports from select committees, messages on the speaker's table, and Senate bills on first reading, all without debate.

Mr. DE YOUNG (Cook). I desire to call up House Bill No. 538 on the order of third reading.

Mr. Speaker and gentlemen of the House, a trust company that seeks to do a trust business is now permitted to deposit with the Auditor of Public Accounts, among other securities, first mortgages, the priority or lien of which may be shown by abstract of title. In the county of Cook as you are aware, what is commonly known as the Torrens law is in force. This bill is merely an amendment by adding to the law as it stands the right to file with the Auditor of Public Accounts a Torrens certificate which shows the lien of the mortgage. In other words, the party or company depositing may show the title not only by an abstract, but also by a Torrens certificate or either of them. We have the Torrens law in force in Cook County. A number of mortgages are shown by such certificates rather than by an abstract, and this simply permits the company to deposit a Torrens certificate with the securities.

Mr. BROWNE (LaSalle). This does not make it compulsory, Mr. DeYoung?

Mr. DE YOUNG (Cook). There is only one county in the State today that has the Torrens system, and no Torrens certificate can come from any county where the Torrens certificate is not in force.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 87 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. DE YOUNG (Cook). I desire to call up House Bill 539 on the order of third reading.

This is a companion bill to the one just passed and seeks to effect the same purposes as 538 with reference to the law of trust companies. This is with reference to surety companies. This is a separate statute and seeks to accomplish exactly the same purpose. In other words the organization of surety companies today deposits the securities with the Insurance Superintendent. This will permit them to deposit Torrens certificates, where you already have them just as the other bill did with the Auditor of Public Accounts. It does not extend the Torrens system to any other county in the State; it simply permits you to have that evidence of title where you have it with your mortgage. It is a good bill gentlemen, and it seems to me it ought to pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 95 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BURNS (Cook). I desire to call up House Bill 494 on the order of third reading.

Mr. Speaker and gentlemen of the House, House Bill No. 494 is to preserve the election returns of the various counties in the State for future use and place them in the State Historical Library. They are of a historical value only from now on and some of the buildings in which they are placed are neither fire-proof nor able to keep them, and in order to keep them secure and to keep them for future reference this bill provides that they be placed in the Historical Library.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. PIERSON (Cook). I desire to call up House Bill 310 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill simply provides for the dissolution of abandoned park districts. There are many park districts up in my section of the country which have been abandoned, and yet the officials hold on, and nothing is done and the people want to dissolve those districts. It is a general bill applying to all the State and of course, goes back to a referendum.

THE SPEAKER. Before roll call I want to ask the members to respond to the first roll call. I am anxious to pass as many House bills as possible before the noon hour, it is our last opportunity and I want to pass as many as possible, and I hope you will kindly accommodate the members. It takes up so much time to call the absentees.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" nothing; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. BURRET (Champaign). I desire to call up House Bill 215 on the order of third reading.

Mr. Speaker and gentlemen of the House, the bill has been amended since it was first written because the office of the Sanitary Engineer of the Board of Health has been created, and has been by this bill made the inspector of such building. All fees for inspection have been withdrawn from the bill. The purpose of the bill is not to interfere, and the Act provides that it does not conflict with any private vault of any kind, or with a vault for the family use; they are in no way affected by this bill. It is in line with the laws of a number of other states and cannot work a hardship to any honest builder. One reason I ask for the consideration of this bill is that many parent companies are now using patent devices and this bill brings inspection simply under the Board of Health's Sanitary Engineer; that will be all that is required. This does not in any way interfere with a private building of any kind or with the receiving vault in any cemetery; it only applies to those which are built for the purpose of receiving a large number, and requires the certificate of the Board of Health to be filed in the county in which it is built which remains a matter of record. Gentlemen, this is a good bill along the lines of our own civilization and I believe it is a bill that ought to pass.

Mr. PURDUNN (Clark). All fees have been abolished?

Mr. BURRET (Champaign). In section three the matter of fees has been amended in this way: "The process of erection of such structure, mausoleum or crypt shall be at all times under personal supervision of the Sanitary Engineer of the State Board of Health, who shall be inspector of mausoleums and crypts. It shall be the duty of such inspector to see that the approved plans are followed in every detail and that the approved specifications are complied with in every particular, as to the kind, quality and character and quantity of each and every material respectively and otherwise." There are no fees provided whatever. He has no more right to fees for building a mausoleum than he has for building a monument, none whatever.

Mr. LYNCH (Peoria). Mr. Speaker and gentlemen of the House, I think that this bill is a bad bill. It simply puts the mausoleum builders out of business. You will read under section 2 of this bill, line 6, commencing at

line 5, it says: "That the same provide for a structure so arranged that each and every part thereof may be readily examined at any time by the members of such board, or by the health officer of any county or city wherein such structure may be erected." It would simply be impossible to build a mausoleum—if anybody knows anything about a mausoleum—to build a mausoleum for anybody to get at any part of it at any time to examine. I think this is a bad bill and this bill is aimed to put these people out of business.

Mr. PIERSON (Cook). I will say in reply that in regard to the specifications that part is only in line with all kinds of regulation for the inspection of buildings.

Mr. LYNCH (Peoria). This bill says that all parts shall be so arranged that each and every part may be readily examined at any time.

Mr. PIERSON (Cook). I want to call your attention to another amendment in regard to the material specified. In the old bill it said the best materials. It is now amended to say that the material shall be such as shall be approved by the inspector, and it does not cut out concrete or tile, or anything else. You can build it with anything you want to, and I want to say for the benefit of the gentleman that many good mausoleum builders have approved this bill and it has the encouragement and sympathy of honest mausoleum builders.

Mr. LYNCH (Peoria). There is one part that no honest mausoleum builder or anyone else would approve and that is in regard to having every part so that it can be inspected at any time. I think it is a bad bill.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 34 and the "nays" are 39; the bill having failed to receive the constitutional majority, is declared lost.

Mr. HICKS (Winnebago). I desire to call up House Bill 297 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill is a loan shark bill. It takes care of the remedial loan shark business on chattel mortgages. It is the only part of the law introduced that has not been covered. We now have remedial loan statutes on pawns and wage assignments, but this covers a chattel mortgage.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 79 and the "nays" 13; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SCHOLLES (Peoria). I desire to call up House Bill 395 on the order of third reading.

Mr. Speaker and gentlemen of the House, under our present law, being the common law, dogs are considered fera nature and are not subject to larceny. This law simply makes the stealing of a dog larceny and the value of the dog fixes the amount of the penalty, the same as any other article that might be stolen. This is backed up by the Kennel Association of Illinois.

Mr. BROWNE (LaSalle). By whom?

Mr. SCHOLLES (Peoria). By the Kennel Association of Illinois.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" are 3; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to call up House Bill 953 on the order of third reading.

This bill makes the managers and general agents of an insurance company liable for rebating as well as the company, and it also cuts out the informer's share of the fine.

Mr. PURDUNN (Clark). What do they have to do to break the law in this case?

Mr. SCANLAN (LaSalle). Why rebate.

Mr. PURDUNN (Clark). Rebate?

Mr. SCANLAN (LaSalle). Yes; grant rebates to one person and not to another.

Mr. PURDUNN (Clark). If they give you back a dollar they are subject to prosecution?

Mr. SCANLAN (LaSalle). The present law of the State takes in companies and the agents, and this bill adds the words "General Manager" and "General Agent" and makes them liable with the company.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 98 and the "nays" 12; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. PERKINS (Logan). I desire to call up House Bill 352 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is a bill to amend the State Banking Act of this State to enable the people in unincorporated towns and villages to organize State banks if they desire. It is a bill that is being asked for all over central Illinois and it is a good bill and simply gives the people that right if they want it.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 89 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. TOMPKINS (Will). I desire to call up House Bill 884 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill is a bill to amend an Act that was passed in 1907. This bill is to regulate the powers of the boards of education in District No. 83 in the town of Joliet. It does not apply to any other part of the State. About ninety-five per cent of the voters in my district desire this bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 93 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. WATSON (Hardin). I desire to call up House Bill 737 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is an amendment to the Garnishment Act. At present no administrator or executor can be served with a garnishment. Some years ago the Legislature passed a law that permitted the serving of garnishments on administrators and executors, but that law was declared unconstitutional by the Supreme Court on the grounds that it was not a complete Act in itself and did not pretend to be. This bill is simply to cure a defect in the law that was passed about four years ago.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" 1; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. VICKERS (McHenry). I desire to call up House Bill 901 on the order of third reading.

Mr. Speaker and gentlemen of the House, this merely amends the law by prohibiting the disposing of real property on tickets, writing or certificates. In other words, it does away with these club propositions, the selling of chances. It is a good bill and ought to pass.

(Roll called.)

Mr. SEIF (Cook). I think this bill ought to be explained.

Mr. VICKERS (McHenry). Mr. Speaker, this bill simply amends the law in regard to disposing of property by ticket, writing or certificates. There is a bunch of fellows going around getting up these suit clubs; they go out through the country and will sell you a ticket and at the end of every week somebody draws a suit, or something of that kind. They are the particular ones that are aimed at.

Mr. SEIF (Cook). Will it hurt the church fairs?

Mr. VICKERS (McHenry). No, sir; that is all that it covers under the law. It will not affect them at all.

THE SPEAKER. On this question the "yeas" are 75 and the "nays" none; the bill having failed to receive a constitutional majority, is declared lost.

Mr. BRUCE (Cook). I desire to call up House Bill 152 on the order of third reading.

This bill suggested itself to the efforts of many lawyers who have attempted to have adoption decrees entered. One of the main features of the bill provides, as all of the lawyers in the House know, that a husband may join with his wife in the petition for the adoption of her children by former marriage, which the present law does not permit.

(Roll called.)

Mr. DAVIS (Knox). (On roll call.) I don't think the members of this House are giving this bill the attention that it ought to have. This is simply a bill that reaches the question of whether or not people that want to give a home to the child shall pay an adoption fee. Now, there should not be anything of that kind in the law, and this bill ought to pass; I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 100 and the "nays" are none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. LIPSHULCH (Cook). I desire to call up House Bill 67 on the order of third reading.

Mr. CURREN (Pulaski). I object.

THE SPEAKER. Objections are heard to the consideration of this bill.

Mr. LIPSHULCH (Cook). Mr. Speaker, I move to suspend the rules under Rule 12.

Mr. McCORMICK (Cook). This bill has been considered in the Senate and there defeated twice.

Mr. LIPSHULCH (Cook). No, sir, this is another bill.

(Rising vote taken. Motion to suspend the rules lost.)

THE SPEAKER. On a retabulation of the vote on House Bill 901 it is shown that the "yeas" are 77 and the "nays" 7; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I move that the House recess until two-thirty o'clock p. m.

Motion prevailed and the House recessed.

Two-thirty p. m. Reconvened.

The Speaker in the chair.

Mr. ROTHSCILD (Cook). I desire to call up Senate Bill 271 on the order of third reading.

This bill appropriates \$15,000 for the expenses of the commission authorized by Senate Joint Resolution No. 17, to be appointed to investigate pension legislation heretofore enacted in the State of Illinois.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 98 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. YOUNG (Cook). Mr. Speaker, I move you that the House concur in Senate amendments to House Bill 119.

This is the bill which passed the House relative to the Old Soldiers' Municipal Pension Act, giving them permission to retire after ten years' service by paying the remainder of the contracts in monthly installments. Now, the amendment means simply this: That none can come in except that are now in the contract, or after that five years starting, which will be July 1, 1916. This was established about five years ago, and only those who are now contributing to this will be entitled to this Pension Act.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" none. The House concurs in the Senate amendment.

Mr. R. E. WILSON (Cook). I move that the House concur in Senate amendment to House Bill 118.

Mr. Speaker and gentlemen of the House, this bill was amended in the Senate to three years to comply with the bill that was just passed here a few moments ago, and it was reduced from seven-tenths of a mill tax to

three-tenths, and this bill is considered and I hope you will all vote for the Senate amendments.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 95 and the "nays" none; and the House concurs in the Senate amendments.

Mr. BOYER (Cook). Mr. Speaker, I move that the House concur in the Senate amendments to House Bill 320.

This is the Police Pension Bill for Chicago. The principle amendment puts on a limitation of three years. It is a good bill, and I hope you will vote for it and concur in the Senate amendments.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 125 and the "nays" 2; and the House concurs in the Senate amendments.

Mr. IGOE (Cook). Mr. Speaker, I move that the House now concur in the Senate amendments to House Bill 231.

The amendments are pretty much similar to those which were proposed to the other pension bills. They limit the operation of this bill to three years, and restrict the amount of money that can be raised by the different park systems of Chicago.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 100 and the "nays" nothing; and the House concurs in the Senate amendments.

Mr. GARDNER (Cook). Mr. Speaker, I move that the House concur in Senate amendment to House Bill No. 37.

The amendment is to correct an error in the title of the bill as to dates.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 96 and the "nays" none; and the House concurs in the Senate amendments.

Mr. DAHLBERG (Cook). Mr. Speaker, I move you that the House concur in the Senate amendments to House Bill 472.

This is an amendment correcting the title of the bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 105 and the "nays" none, and the House concurs in the Senate amendment.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up House Bill 957 on the order of third reading.

Mr. Speaker, this is the bill that provides for additional compensation for the Circuit and Superior Judges in Cook County of \$2,000.

Mr. DEVINE (Lee). This is the bill which an attempt was made to pass on last Monday evening granting a salary of \$2,000 additional to the judges of Cook County, and on Monday evening it was announced that if this bill passed, another one would be introduced giving \$2,000 additional to the judges down State. In other words, this is supposed to be a matter of barter and trade between the down State members and the members from Cook County to secure an additional salary for eighty-five judges in this State of \$2,000 each, a small item of \$170,000, which is attempted to be pushed upon the tax payers of this State at this time.

Now, it is well to inquire in the beginning who is back of this bill. I have seen no judge's name to any petition or request that was made public asking that this additional salary be granted. I have been informed that different members have received letters from different judges throughout the State asking them to vote for this bill. This bill has had a rather peculiar career in this House. It was introduced some time ago, but it was not pressed, and nothing was said with a view to advancing it until after the election was held the first Monday in June, and these gentlemen who are seeking to gain a benefit from it had their jobs secure. It is a very noticeable fact that the members of Cook County did not urge this matter upon the Legislature until after the judicial elections. In yesterday's copy of the Chicago Journal an interview went out from this city to the effect that the opposition on the part of the down State members would now be withdrawn because the down State judges would also secure a two thousand dollar salary increase. I do not believe that that is the position that the down State members ought to assume in this matter, or that they will assume. These gentlemen went out as candidates before the people of the

State; they asked to be returned to their respective positions; when they came back they knew full well what the salary was for the position they were running for, and now at this late hour it comes with bad taste for the men who are supposed to hold the most exalted positions in the State, who are looked upon to deal out equal handed justice to the people, to come in here and be a party to a salary grab in the closing hours of the Legislature, and this is the position that the members of this Legislature are in. They have made no open request for this. The only thing that has been said in regard to these judges' salaries being increased has been said by the Chicago newspapers and these eminent gentlemen who will take this \$2,000 increase, will say, "We didn't ask for it, the Legislature gave it to us." And in this manner they attempting to pass the "buck" to the Illinois Legislature. This session has had a peculiar record on judges. First, it was attempted here to give seventeen additional down State judges, and if that had passed and the salary had been increased as it is now being attempted to do, it would have amounted to \$283,000 additional to be paid by the tax payers of this State. For what? Are we going to secure any better judges by increasing their salary now? They already have been elected, and I submit in all fairness that the simple matter of paying them \$2,000 additional is not going to increase their judicial ability. I have been told by lawyers, and good lawyers, on the floor of this House, from Cook County, that they were up against it and that it would be suicide for them to vote against this bill. But, gentlemen, you are now placed in the position where you can choose between doing your duty and voting against this bill, or wearing the fetters of the judges who are trying to reach into the treasury and take what don't belong to them, and the legislators are placed in the position where they have got to do something and, gentlemen, you are going to be responsible if you vote this additional salary. It won't be any excuse to the tax payers of this State to say that the Chicago Tribune or the Record Herald, or any other paper was in favor of it. This eleventh hour attempt to get this additional salary is contrary to the spirit of our law. The framers of our Constitution attempted to avoid matters of this kind by providing that the salary of any officer should not be increased or diminished during his term of office. The first provision, the increase, was made to protect the State against the innate greed of man so that when he is in position he could not take advantage of it and increase his own salary. The last provision, which prevents it from being diminished, was to protect the officer against his enemies. That is the law of this State, and the spirit of the law; and if these men had gone down to the Secretary of State and taken out their certificates of election they could not draw one single dollar of this money which is now attempted to be voted to them, and I understand that some of them have been so active and looking out for their personal welfare to such an extent that they have actually gone to the Secretary of State and told him that they did not want the certificates issued to them. It is a sorry state of affairs, gentlemen, when the members of the judiciary of Illinois become a party to a salary grab, and I want to say now that if this salary is given to these men, and men are brought before them charged with robbery, with larceny or with burglary, they should deal almighty leniently with that man unless the amount involved is greater than \$2,000.

I have heard some remarks about this being an improper reflection upon the judiciary, but a judge has the same rights and he is subject to the same criticism and governed by the same laws as any other citizen, and when he becomes a party to a matter of this kind, I say men who have it in their power to check this thing, have a right to be heard upon it, have a right to criticize that course of action, and it is their duty to check it. This Legislature has considerable to answer for in the way of increased appropriation. Not only was it sought to give additional judges to the State, and is now being sought to increase their salary, but we have been liberal with ourselves and increased our own salaries, an item which will amount to \$153,000 a year to the tax payers of this State. And who is going to be held responsible for it? I want to say to my republican brethren across the aisle that you cannot in good grace go out and say that the democrats are responsible for it. You have a majority in this House. Your chairman of the Appropriations Committee introduced this bill, you have a republican speaker, you

have a majority in both Houses, and you will be charged with the responsibility here of increased appropriations and it is a sad reflection upon the judiciary of this State that they will try to transform the Legislature into a drag net to take money out of the public treasury, and I say to you, gentlemen, that it is your duty here as representatives to vote this bill down and also the one that gives increased salaries to the country judges.

Mr. COOPER (Wayne). Mr. Speaker and gentlemen of the House, I wish to make just a few remarks relative to this bill in addition to what has been said by the gentleman just preceding me and to reiterate this fact. The gentlemen who were candidates for election in their respective districts, and who were candidates in Cook County knew exactly what their salaries were to be at the time they were candidates. The voters of Cook County when they voted for their candidates for Circuit and Superior Judges knew exactly at that time the salary that was to be paid to them respectively. There was no talk of the matter of increased salaries; it was not agitated; it was kept quiet until after the election was all over and it was known exactly who the men were to be to fill the respective offices, and, as said by the gentleman just preceding me, had the certificates of election been issued out of the respective State offices at the proper time, not a single judge who was elected in this election could receive this increase in salary at all, because of the constitutional provision in regard to increase in salaries after an election, and a man who will so far forget his manhood as to take an increase of salary under the circumstances confronting these gentlemen, is too low to be a circuit judge, I don't care what part of the State he may come from.

There is a companion bill to this which provides that the circuit judges at the same time shall have their salaries increased from five to seven thousand dollars, and when you do that why the reason that was given the other day why we should vote for this bill is wiped out. They told us if we voted this increase in salary that it didn't cost the State anything; that Cook County would pay the increase, but the minute you adopt the companion bill, increasing the salaries of circuit judges of the State of Illinois to \$7,500, you relieve Cook County of that load and place a greater burden—\$78,000—upon the State treasury, instead of the \$78,000 being cast as a burden upon the treasury of Cook County. It is unfair; it is unjust; and is as close to an unconstitutional proposition as one can be and not be absolutely so, because, as I said, had the commissions of these gentlemen issued at the regular time no one of them could take one dollar of this increase of salary, and the spirit of the Constitution is broken, if not the letter of it, by any man who accepts this salary, or by any man who votes for the increase of this salary.

Mr. KANE (Saline). In addition to what has been said, I desire to say that the calling up of this bill and the taking up of the time of this House at this time is an imposition upon the membership of this House who are interested in other bills of this House. This bill had a fair hearing. It had its day in court and was passed upon by the membership of this General Assembly and was defeated, and now again, after they have got another breath, after the up-State and the down-State fellows have swapped horses and re-swapped horses, and scratched one another's back again, now they come and bring this bill before this House again.

The labor organizations of this State have been here from the beginning of this session and cannot get one roll call, and this bill that is subject to as many objections as the gentlemen have made, as the gentleman from Lee (Devine) has made today, subject to every objection that the gentleman from Wayne (Cooper) has made to it on this floor, and which is only a subterfuge for the high officers, the judges of our courts, to take advantage of our Constitution, when they would not have dared to come out on the platform.

Gentlemen, whom do you represent, the eighty-five judges, or the millions of people of the State of Illinois? For whom are you voting, for the eighty-five judges, or for the people in this State? It is up to you, if you want to say that because we have taken advantage of everything that came our way that we will give everybody else the advantage of every increase.

This bill should not be taken up and the time of this House wasted on

it, and if there is a change in sentiment—something was said by the gentleman from LaSalle (Browne) yesterday in regard to suspicion. I want to ask you, what will the people of this State think? Yesterday you voted down this bill. Today the Cook County and the down-State members get together and if you should vote otherwise what will the people of this State think of such a proceeding in this House? This has been one of the most free and easy-going appropriation sessions that was ever heard of. Everything goes, so Jones pays the freight, it makes no difference. Let her go. It is all free and easy. Vote everything. Let everything go that amounts to appropriation, except as it was yesterday, some little \$26,000 appropriation there is a big howl raised over, but a proposition that amounts to \$170,000 you give a second trial. Now, why this second trial? I say it is an imposition upon this House.

Mr. SMEJKAL (Cook). This appropriation is to be paid out of the treasury and does not affect the State at all.

Mr. KANE (Saline). Don't you know that the passage of this bill means the passage of the companion bill, and don't you know that the down-State members would not vote for this bill except with the understanding that the Cook County fellows vote for the other bill, and don't you know that when their bill passes it amounts to \$170,000 to the State of Illinois? You do know that. You do know it means to take \$170,000 out of the treasury of the State of Illinois.

(VOICES. Roll call.)

Mr. KANE (Saline). Oh, yes, let her go. The State pays the bill.

THE SPEAKER. Are there any further discussions on this bill?

Mr. MADSEN (Cook). Mr. Speaker and gentlemen of the House, last night the chairman of the Appropriations Committee recommended the repeal of a certain Act in the interests of efficiency and economy; they wanted to save \$20,000 or \$25,000 of the funds of the State of Illinois. Oh, yes; that is all right, to save money at the expense of the poor working man who has hard work to make a living; but when it comes to paying \$10,000 or \$12,000 salaries to judges, that is different.

I want to say this: It makes a difference who asks this General Assembly for favors. The working people of the State of Illinois have made known to you that of all the bills before this Assembly the anti-injunction bill was the bill in which they were interested, and they have not been able to get a roll call on that bill on third reading; but when it comes to the judges who sit upon the bench and who issue the injunction against these poor working men and prohibit them from speaking to each other on the streets when they meet each other on the sidewalk, why, all those noble gentlemen ought to be rewarded; let us raise their pay; let us give them \$12,000 instead of \$10,000 a year. Gentlemen of the House, a man who is working at a trade in Cook County, the scale is trained downwards for carpenters and others, and they are working for an average salary of \$800 a year and they have to live on that and provide for their families and bring up their children to be good American citizens. What kind of business is this? What kind of legislation is this—creating two classes of society in this country where we are all supposed to be equal? The poor working man has to work upon the streets, but the judge sits upon the bench, and he has greater luck, he has more food, more clothing and good shelter.

The street car men in Chicago today are fighting to get a living wage, a wage of thirty-two cents an hour. Suppose you went to work and tried to figure out how many hours a day, and how many hours a year is worked by those gentlemen whose salaries you propose to raise to \$12,000 a year.

I think, Mr. Speaker and gentlemen of the House, that this bill is a disgrace to the General Assembly and to the State of Illinois. I voted for the bill brought up by the chairman of the Appropriations Committee last night, I voted on that bill in which he wanted to cut out these poor watchmen because they were not needed, but I certainly can't see the consistency of the work of last night in the interest of economy and then this proposition of introducing a bill here today to take out of the pockets of these working men this money for the judges. It does not make any difference whether the working man pays taxes or not. The corporations are getting their money, every cent of it, out of the sweat and the blood of the poor working

man, and you propose, gentlemen of the House, to put your hands into the pockets of these working men and take out of their pockets what they make out of their meager wages and pay these judges who sit on the bench a salary of \$12,000.

I can speak upon this subject for an hour and a half and I can't say what I want to tell you that there is not a working man's bill that has had fair consideration in this General Assembly before the speaker of this House, and the members on the floor of this House haven't given the working men of the State of Illinois a chance. You don't propose to give them anything, and I don't propose to sit here and let that go through without saying what is on my mind. I suppose there are a lot of lawyers on the floor of this House that are going to vote for this bill. I suppose this bill is all fixed, and I know it is useless to talk against it, but I am talking just the same. What do you do for the freedom of the American citizen? There are many decisions that have been handed down from the bench against that very freedom. You know that during the last winter's strike in Chicago, one of the judges of the court, under an injunction, where an old woman seventy years old was knocked down in the streets of the city of Chicago, she was dragged into court and put in jail for resisting an officer. You and I can't walk the streets of Chicago during times of trouble because these judges that sit upon the bench may issue injunctions preventing a man from talking to a fellow citizen when he meets him on the streets.

I don't think there is any reason why these judges should receive an extra \$2,000 a year. I believe this bill is a bad bill, and I believe if there is any manhood on the floor of this House that this bill will not receive 50 votes. I believe every man has the right of equality, but the way it is, one man lives in luxury on \$10,000 or \$12,000 a year and another man is not able to keep his body and soul together on the salary he receives, and I believe that every man that is in that frame of mind ought to vote against this bill, and that it ought to be overwhelmingly defeated. (Applause.)

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, when this bill came up upon the floor of the House day before yesterday there was at that time no country judges' bill, and no provision for an increase of salary of the country judges before this House, and at that time, while I voted for this bill, I did so with the understanding that a country judges' bill for an increase in salary for country judges would be introduced. This bill did not pass that evening, and since that time a bill to increase the salaries of the country judges, or the judges down the State, has been introduced and is now on the order of third reading, and is to be called, as I understand it, immediately following the disposition of this bill.

Now, gentlemen, this bill in itself provides that Cook County shall be permitted to pay to its judges upon the circuit and superior bench anything in addition to what the State pays so that the judges shall not receive to exceed, nor less than \$12,000—I say this bill as it stands will require Cook County to pay \$7,000 instead of \$5,000 of the salary of the judges, as they now pay, but with the passage of the bill that immediately follows this, the country judges' bill, so-called, the provisions of that bill will fit into the provisions of this bill, so that every circuit and superior court judge in the State of Illinois will receive from the State of Illinois the sum of \$7,000 in salary. That, coupled with this bill, which provides that the Cook County judges may receive an additional \$2,000 for the county of Cook, not to exceed all together a salary of \$12,000, it will still leave Cook County to pay, not \$7,000, but only \$5,000, as they do now. That will be the status of it if these two bills are passed. That means if both bills are passed that the State will pay to each circuit and superior court judge in the State of Illinois the sum of \$7,000 and it leaves Cook County to pay to its judges in addition to the \$5,000 that it is now paying enough to make their salaries \$12,000.

Now, gentlemen, it is all right to talk economy; it is all right to be consistent and to be consistently economical all along the line, but I want to say to you, gentlemen, that any time you send a cheap man to do a good job of work, you have paid the highest price that can be paid for that work. Any time that you send a cheap judge to do a job of work or to try a case, you are paying the most expensive salary that can be paid—by which I mean

this: Five thousand dollars for a circuit judge is not enough for him to live on as he is expected and required to live. Fifteen years ago, \$5,000 for a circuit or superior court judge would have been a good salary and one which they could live under; \$5,000 today is not as much as \$2,000 was fifteen years ago, when it comes to paying the living expenses and live as the average judge has to live in his walk of life—and to pay the expenses that are incident to his judgeship and to his living as a judge. Now, that is true. A number of years ago we increased the salary from \$3,500 to \$5,000 because a judge couldn't live on that \$3,500 in the way that a judge has to live, and because the best men were refusing to take the position, and refusing to go upon the bench, and the bench was fast becoming a birth-place and the Mecca for derelicts and has-beens. That is the answer.

Now, gentlemen, I want to cite to you one or two instances. I know of a judge in a circuit adjoining the one that I am in. The circuit judge of which is one of the ablest men that Illinois ever put upon the bench, and one of the fairest men, a man who would have graced the Supreme Court bench years and years ago, and a man whose name is known from one end of Illinois to the other as a jurist, a man who as a jurist is without a peer in the State of Illinois. That man was elected to the judgeship and had sat upon the bench probably two years when I began practicing law twenty-five years ago. He was then a judge in the district that I am now in. Since then, by redistricting, he is in the next judicial circuit. He has sat upon the bench all those years and he has worked hard and faithfully and no man can raise his voice and say that any decision of his was ever tinged with anything but the best of his brain and soul could give. He has given all he had in life to the position which was tendered to him and he has served the people faithfully and well. Today he is 76 years old, well preserved for a man of those years, not only mentally, but physically, but he is 76 years old. He has some family on his hands yet; his wife is living and he has his family expenses to meet, and he has not got a cent in this world and has nothing to show for his services other than his home and he could not live today if he were not upon the bench—and he is too old to start to practicing law again—and he is a down east Yankee, and everybody that knows what that means knows that there is nothing extravagant, and that there is no fast or loose living connected with a man of that kind; they are careful, frugal, industrious and saving, and they are good managers; they had to be; they came from a stock that had to be, and it was bred in them from the time they were children that they had to be. That is one instance.

I will now give you another. You have got a few judges in Cook County that size up with the best of the judges down the State—only a few, gentlemen, just a few, but you have got some. One of them is a man along about that age, 76. He has put in his life on the bench of Cook County, serving his people, serving its industries, and serving there for the lawyers and the litigants during all of these years faithfully and well. He is about the best man you have on the bench today there with the exception, perhaps, of Frederick Windes. Outside of him I don't think you have got a man as big as he is. He has lived and lived well. He has lived and lived to take care of his family; he has not been extravagant; he has not thrown his money to the winds; he has simply brought up a family of good children and his wife have lived along until he is 76 years old, and if he was taken off the bench today, he would be an object of charity. That is another instance.

I tell you, gentlemen, that today the living expenses of the men who are upon the circuit bench and the superior court bench are higher than they were fifteen years ago. A man cannot live down the State and be a circuit court judge and meet the expenses that he has to meet today and live as he has to live and save one dollar, and make both ends meet, on \$5,000. He can't do it. You can't figure the services of the men on the bench at day's wages and many a man who earns day's wages lives as well or better than the judge on the bench. You forget that he has incidental expenses here and there that the man who works for wages does not have. All those things you must take into account, and I want to say to you, gentlemen, furthermore, that \$5,000 down in the country or down the State will take care of a judge just as far as living is concerned, as if he were receiving \$10,000 a year and living in the county of Cook. It is just about

an even break, and that is the reason that the county of Cook wants to increase the salary of its judges, and I say to you that there is no comparison, and that this \$2,000 raise for the judges in Cook County means more than to the judges down State, and, gentlemen, if I had my way about it, I would do as they have done in the state of New York—I would make the salary of a kind and dimension that would tempt the best men in the practice of the law to the bench; I would fix it so it would not be home and a Mecca for the derelicts; I would make it a tempting thing for the best lawyer and for the lawyer with the best talent that could be secured; but without this \$2,000 raise, you cannot do that, not only in the county of Cook, but down the State, and, gentlemen, if you think that the judges don't want it I will say that if you could have talked with some of them as I have, you would appreciate the situation and the difficulty they have in taking care of their families and attempting to meet expenses that they have to meet. I think the fact that they have not petitioned for it, and that they have not caused a bill to be introduced is one of the best evidences of the dignity of the profession—of the dignity of the bench, in their not seeking that which the people ought to willingly accord to them.

Now, gentlemen of the House, you asked me, or somebody did, what I thought of the proposition of men seeking election and then asking an increase of salary. I would like to tell you this: I rode home on Saturday last from Joliet, in the afternoon, from Chicago, with Judge Stough of Morris, one of the ablest jurists in Illinois, and a man who has tried a great many cases in the county of Cook, and a man to whom every member of the bar of Cook County looks up and respects and honors. I said to him, "What do you think about this Judges' bill, this increase in salary bill for the Cook County judges?" "Why," he says, "I don't know; what do you think about it?" "Well," I said, "I feel like this about it; I feel that it was a mistake that they did not include the country judges; I am inclined to favor the increase in salary bill, but I think they ought to have included the country judges." "Well," he said, "of course, that would be very acceptable to at least one county judge that I know of, and you are looking at him now," and he says, "It has never occurred to me that it was possible; it was just like a dream, and it never occurred to me as being possible at all." He then explained to me how during the last two years—and he is not a high liver, but on the contrary he is very frugal and a good manager. He has not a large family; he has a boy and a girl, both grown up, but still living with him, and his wife, and he said to me that during the last two years on \$5,000 he did not quite make both ends meet, notwithstanding that he had a little income on the side from investments, besides his salary, and still he did not quite make both ends meet. I did not understand the bill at that time, but I said, "Judge, I think an amendment could be made to make an increase in the salaries of judges." I took the matter up with Senator Barr and Representative Shurtleff and with a number of others, and I did not find a dissenting voice; we all thought that it was a just cause and a proper movement, and finally this bill was produced. It was not at the request of the judges; it was not at their solicitation, or lobbying, it came out of the good, honest, fertile souls and hearts of the legislators; we felt that they had it coming to them and that they were entitled to it, and I think so now.

Gentlemen, you don't want to lose sight of the fact that the men whom you place upon the bench with the ermine about them—you don't want to lose sight of the fact that those men hold not only your property rights but your lives and your liberty in their hands, and it is up to their honor and their integrity to deal properly with those matters. No position can be bigger or greater or fraught with more responsibility than that of a judge upon the trial bench. He of all other men has a position that is filled to the brim with responsibility. He is fraught with responsibility and jammed full of everything that makes him either the worst or the best, and I say to you now that you cannot get any too good men to put in those places; you cannot find any too big men to place in positions of that kind, and you cannot get big men for little salaries; you have got to pay something upon which a man can not only live but so that he can lay up at least a competence for his old age. I want to ask you gentlemen that are lawyers and

I want to ask you gentlemen that are not lawyers, who are upon the floor of this House how long you would stay in a business that simply gets you the expenses of living? You wouldn't continue in that business for two years, but only long enough to get out of it. Isn't that true?

I say that there ought not to be a dissenting voice on the floor of this House. Illinois doesn't want a cheap bench, and doesn't want cheap men in positions of that kind. Illinois people pay as much as anybody in the world and they want big men in these places, and it is up to you to give them this privilege, and you should not at this time stultify yourselves in this House by voting against this bill. I vote "aye." (Applause.)

(Roll call continued.)

Mr. BURREN (Champaign). (On roll call.) Mr. Speaker and gentlemen of the House, I rise to reply to the gentleman from Cook (Madsen) in regard to what he said about the men who labor and as to their attitude upon this question. I want to say to you, gentlemen, that I have arrived at a point in my life when I don't allow any man to threaten me. I am not afraid of the lash, of any organization on earth. I would say this to you, that the men who hold these official positions should be paid for their services. The time has come in this civilization when it is necessary to pay for talent and be respectful and respectable. If you want your interests protected in the United States or in the State of Illinois by the judiciary, you have got to make it worth their while to serve. Now, I have the greatest respect for the ermine, and I want to see consistent administration of justice in the State of Illinois, and, my friends, it will redound to your benefit as well as to mine, to see that justice is done.

Now, gentlemen, I want to say just one word, merely as a layman and as a professional man in another line. Do you think for a minute that men of ability, such as a judge usually has—and such as men in certain other lines would have, would contract to practice their profession for six years at a salary of \$5,000 a year? I know men who, in my own county, when asked if they would run for judge would not do it; they said they could not afford it, that they made twice the amount of money that the men on the bench did, and some of those men have served in that capacity at a tremendous personal sacrifice, and I know that myself.

There is not a man on the floor of this House who has more sympathy for the poor laboring man than I have, and I will go as far to serve him as any other man on the floor of this House, but when it comes to a matter of legislation I have a right to my opinion, and I believe the time has come when a man has to give up his business to serve the people he ought to be compensated for it, and in my profession I can speak authoritatively, and I hope the bench will be raised above suspicion, and I most cheerfully vote "aye." (Applause.)

(Roll call continued.)

Mr. COOPER (Wayne). (On roll call.) Mr. Speaker and gentlemen of the House, if the question before us, gentlemen, at this time were the abstract question of fixing the salaries of the judges of our State without the circumstances being so peculiar as they are just at this time, the remarks of the gentleman from LaSalle (Browne) might be entirely proper; but the salary as fixed by you today will not change the personnel of any judge in the State of Illinois. The same men will serve, regardless of whether this increase of salary is granted or not. They were elected and they became candidates of their own free will and accord; they were not drafted; they voluntarily became candidates and were perfectly willing to make the sacrifice, if sacrifice it was. I say this will not change the personnel of a single man in the State; the same men will serve you, regardless of what the Legislature may do at this time, and they will serve for a period of six years. Therefore, I say that it is a fallacy. They were elected with the belief that their salaries were then fixed and permanent; but since the election they are asking an increase. I vote "no."

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I don't agree exactly with the sentiments voiced by my colleague from Cook County (Madsen). I am always willing to come to the rescue of the judiciary. I recognize it as an important branch of our

government, whether National or State. There have been some of the greatest men in our nation upon the bench, such as Kent of New York, and Marshall of the Supreme Court, and they have done as much as any man in the service of our country in preserving our institutions—such men as Shaw of Massachusetts, Campbell of Michigan, and Schofield of our own State. I have yet to know any men entitled to greater respect or admiration, but I heartily think that the way to elevate the character of the judiciary or to insure the independence of the bench is by adopting an increase in salary. I don't think it is to be done by increasing their salaries, but to lengthen their tenure. We had a recent instance in the county of Cook. Edward Osgood Brown was known and respected by every member of the bar of Cook County and he was a man qualified in every respect to sit not only as a *nisi prius* judge, but as a judge of the Appellate Court, or even of the Supreme Court of this State, was not returned to the bench. The discretion exercised by the voters failed to return him to the bench. He had sat for some years in the Appellate Court and in the Superior Court, and he was perfectly willing to submit his candidacy to the people of Cook County again, and was willing to serve them. That is an instance I submit, that shows it is not necessary to increase the salaries in order to get competent men to serve on the bench.

Let us briefly pay some slight attention to the salaries paid in other quarters. Up to just a few years ago members of the United States Supreme Court received a salary of only \$5,000, and the Chief Justice only received \$500 more. Now, the members of the Supreme Court are paid \$12,500, and the Chief Justice receives \$13,000. Now, those men are elevated to that position by the exercise of discretion and by great discriminating care and caution. They are men who have demonstrated their integrity and fitness to be members of the greatest and most powerful court in all the world—a court that passes not only on controversies between individuals and controversies between states, but even to the treaties between sovereign nations, and here it is the purpose of a single county of this State to pay a salary to *nisi prius* judges, greater than was paid formerly to the United States Court judges. But they will say that our *nisi prius* judges have to submit to elections periodically; anyone knows that they are elected for a period of six years. Later the judges of the Supreme Court were paid \$10,000 a year. Anyone who has witnessed the work of the trial judges and compared that work with the work performed by a judge of a court of review, knows that the work of the higher branch is very much more exacting than the work in the Circuit or Superior Courts; it is much more exacting and irksome for a judge to sit upon the bench in the higher court than it is to sit in the *nisi prius* court. Witness the case of Judge McAllister, one of the ablest men who ever sat upon the bench, who resigned because the work was so much heavier in the upper court that he wanted to be relieved from his duties in the court of review and go back to the trial court. The same thing has been true time and time again. Judges in the Appellate Court have wanted to go back to the trial court. Why should we raise the salaries of the judges in Cook County \$2,000 higher than is paid to the judges of the Supreme Court of this State? The trial judge in the Federal Court at Chicago and the district judge receives \$6,000; the circuit judge receives \$7,000. The circuit judges in the state of Indiana, I am reliably informed—and living expenses in the state of Indiana are just about as high as they are here, and the judges are paid \$3,500 a year. So that when you make a comparison it does not seem to me that this increase is justified at all on any ground which you have so far assigned. The Federal judges of the United States receive only \$12,000, and up to four or five years ago members of the Cabinet received only \$8,000, and their salary now is only \$12,500. We all know these men have expenses to which no *nisi prius* judge is subjected.

Let us review the situation for just a moment. Are we going to increase the character or the ability by increasing the salaries? Have we heard from anyone that they are going to resign because his salary is not to be increased to \$12,000? Is it possible in the nature of things that we are to get more experienced men by increasing the salaries of these men? We will have no new members on the bench. The men who are elected will undoubtedly serve during the period that they are elected for.

Now, I have never found any dearth of candidates for any judicial office. Of the more than 5,000 lawyers in the city of Chicago, there never yet has been a primary or an election when there was a dearth of candidates; there was always a multiplicity of candidates, and yet we are told we will get better men by increasing the salaries now.

I am somewhat amused at times with the things that we find in the daily papers. I find here a portion of an editorial page of the Chicago Daily News. This paper took occasion to express its views upon two measures pending before this Assembly. One of them was the so-called mileage bill, and this is what this estimable paper had to say about the expenditure of something like \$26,000, a single expenditure made only once to the members of this House: "The members knew when they were elected that the salary was \$2,000 a session, and that the legislators would be expected to pay their railroad fares, and voting themselves an additional allowance now is a means of increasing their own compensation while in office, whether or not it be so interpreted." This is the statement of an evening paper of the city of Chicago that has a wider circulation than any other of the evening papers, and it visits its condemnation upon the members of this House for voting to themselves a refund of about \$26,000, paid out in railroad fares, for the reason that when we were candidates before the people last November, we knew under the interpretation placed upon the matter by the State Public Utilities Commission that we would have to pay our own railroad fares. I took that view of the situation and I voted in the negative on that question.

Let me say to you, gentlemen, that this is my first term of service here, and while I did not give much credence to the criticisms visited upon the Illinois Legislature by the newspapers, I am very glad to say after a few months' service here that the character and the integrity of the average member of this body is very much higher than I believed it on the sixth day of January. (Applause.) I don't believe that this body is deserving of the criticism visited upon it by the newspapers. I am certain that if there is any criticism due to be visited upon this body it is because perhaps that they don't always give both sides of the case a hearing. And so it is here; we have heard one side of it only. That great portion of the public—those who ultimately bear the burden and pay the expenses—have not yet been heard upon this measure. If it is a good reason why we should not restore and refund to us the mileage which we have paid out, if it is something that is contrary to law, or at least an evidence of bad faith, I am unable to discover why the same reason would not obtain in the judiciary of this State. Here was an expenditure of \$26,000 for this Legislature. This measure increases the expenditure of Cook County to the amount of nearly half a million dollars, and yet they say this is a good bill; this same newspaper upon the same page says that it is wrong for us to take our mileage. We are members of an independent branch of the Government and I believe we have a right to express our own opinion, and I know that the members of the bench who were elected on last Monday, and they are all good men, they are men who are worthy of the seats to which they have been elevated, and they should not be visited with any consequences for this action, nor should any man in this body who has the courage simply to perform his duty.

I do not believe this bill ought to pass, gentlemen, and I submit that it ought to be defeated. I vote "no."

Mr. PIERSON (Cook). If the House will bear with me I will give my reasons why I shall vote for this bill. There has been considerable hysteria about this proposition which seems to me to be entirely unnecessary. The proposition is the difference between a dollar and a dollar and twenty cents. In the Forty-fourth General Assembly the salary of the members was a thousand dollars. Two years ago I helped increase it a hundred per cent. Fourteen years ago the salaries of the judges of Cook County were fixed at \$10,000 a year. Now, we are asked to change them. The cost of living in that time has increased more than thirty-three and a third per cent and we are proposing to increase the salaries of the judges twenty per cent. We have recognized the same principle in increasing our own salary, that was increased seventy-five per cent. If we are justified in increasing our salaries seventy-five per cent why should there be such objection to increasing the

salary of the judges twenty per cent? I do not know of any reason why Cook County can't pay just as good a salary for judges as New York can pay. If this bill passes, Cook County pays it; if both bills pass, Cook County pays more than half of all the cost of all the increase. The real reason, gentlemen, and I close, is that I believe it will give us better men, better judges, and better adjudication upon the rights of the people. The judicial branch of the Government ought to be in the hands of the highest class of men that the State can produce. I vote "aye."

(Roll call continued.)

Mr. ROE (Fayette). (On roll call.) Mr. Speaker, my position, as far as the judiciary is concerned, has been known to some extent on the floor of this House, and it is this. When the question came up in regard to the primary for the judiciary I was very much opposed to it and I am still opposed to it. Then when a similar question came up I was also opposed to that and I am now opposed to it. Now, when that question was up, gentlemen, and prior to any election, I was absolutely in favor of increasing the salaries of the down-State judges, absolutely. I don't think the down-State judges are paid enough and they are especially not paid enough in proportion to the judges of Cook County. Now, I can't vote for this bill, and will not, and I will not vote for increasing the salary of the down-State judges because it is not the proper time. Any time prior to the election I would have voted for it. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 85 and the "nays" 46; the bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 958 on the order of third reading.

This is a companion bill to advance the salary of the State's attorney of Cook County. Under the provision of the Constitution both bills must pass to make it legal.

Mr. IGOE (Cook). Just a moment; Mr. Speaker, let's find out what this bill is.

Mr. SMEJKAL (Cook). No. 958 increases the salary of the State's attorney of Cook County and my information is from the Attorney General's office—when the bill was submitted to me first it included both the judges and the State's attorney, and it was divided into two bills, but the Attorney General says that both bills must pass in order to make it legal. It increases the salary of the State's attorney, who at present is paid four hundred dollars a month, the same as all State's attorneys.

Mr. DEVINE (Lee). That don't apply to the present State's attorney.

Mr. SMEJKAL (Cook). No, it does not. The present State's attorney is in the middle of his term and it don't apply to him.

Mr. PURDUNN (Clark). I would like to hear some information about this bill.

Mr. SMEJKAL (Cook). There seems to be some question about this bill, as some of the members understood that the down-State Judges' bill should have been taken up first. I move that we withdraw the State's Attorney bill with that understanding, that it will be again taken up when House Bill 994 has been disposed of.

Mr. SHURTLEFF (McHenry). I desire to call up House Bill 994 on the order of third reading.

Mr. PURDUNN (Clark). I raise the point that this bill has never been to the Appropriation Committee and I object to its consideration.

Mr. SHURTLEFF (McHenry). The question of salary increase is in the State Officers' bill. This bill was advanced to third reading by the unanimous consent of the House, which suspended any rule that might be raised to its going to the Appropriation Committee.

Mr. PURDUNN (Clark). I raise the point that this bill has never been before the Appropriation Committee.

THE SPEAKER. The clerk informs me that the record shows that this bill went to third reading by unanimous consent.

Mr. TURNBAUGH (Carroll). If this bill didn't go to the Appropriation Committee how are they going to get this money to pay this increase?

THE SPEAKER. I will ask the gentleman from Cook, Mr. Smejkal, what arrangement is made covering that.

Mr. SMEJKAL (Cook). That will go to the State Officers' bill, known as 931. It carries all the appropriations for State officers.

Mr. DEVINE (Lee). Did you anticipate this increase?

Mr. TURNBAUGH (Carroll). I raise another point about this bill, that it is not on the calendar.

Mr. SMEJKAL (Cook). To make the matter clear, every law that is passed at this session will be provided for in the State Officers' bill the same as the Industrial Board, the Printer Expert bill that was passed yesterday. That bill is being held in the Senate on second reading for that purpose, and it is customary, however, to do that.

THE SPEAKER. If the purpose of raising the question at this time is to send the bill to the Appropriations Committee, the chair has ruled so on other bills and will be consistent in the case of this bill.

Mr. PURDUNN (Clark). I will ask, then, Mr. Speaker, that this bill be sent to the Appropriation Committee.

THE SPEAKER. Under Rule 12 of this House, the House has authority to take this bill and do as it pleases with it.

Mr. SHURTLEFF (McHenry). When this bill went to third reading by unanimous consent of the House it suspended any rule as to it going to the Appropriation Committee. That is a question that should have been raised on the second reading of the bill if it should have been raised anywhere.

Mr. BROWNE (LaSalle). You will find by an examination of your rules that the time to raise that question was on second reading and it can not be done now on third reading. They have had their day in court to do that and this is not the time to refer it to the Committee on Appropriations.

THE SPEAKER. The point that was raised on a similar bill that it was an appropriation bill increasing salaries, and the bill was recalled to second reading by the action of the House and then referred to the Committee on Appropriations.

Mr. BROWNE (LaSalle). If the House wants to do that.

THE SPEAKER. Now, does the gentleman desire to recall this bill to second reading for the purpose of referring it to the committee?

Mr. DEVINE (Lee). Is this bill on the calendar?

THE SPEAKER. All bills in the closing days of the session are on the calendar. The bill was reported in today from the engrossing clerk's department and it is before the House and in the possession of the House, and the House has a right to do as it sees fit to do with this bill. Does the gentleman from Clark (Purdunn) desire to recall this bill to second reading for the purpose of referring it to the Appropriation Committee?

Mr. DEVINE (Lee). I object to the consideration of this bill for the reason that it is not on the calendar.

THE SPEAKER. That point is not well taken.

Mr. PURDUNN (Clark). Then I move that this bill be recalled to second reading for the purpose of having it referred to the Committee on Appropriations.

Mr. DAVIS (Knox). I move to lay that motion on the table.

Mr. BROWNE (LaSalle). Mr. Speaker, as I understand the rules of this House, that bill if recalled to second reading should be upon the motion of the proponent of the bill. I don't think this gentleman has any authority to call that back to second reading at all.

Mr. PURDUNN (Clark). Why not, Mr. Speaker? Why do I lose my rights?

THE SPEAKER. I think the gentleman from LaSalle (Browne) is mistaken on that. Any gentleman has a right to make any motion in regard to a bill.

(Rising vote taken; motion to table prevailed.)

Mr. PURDUNN (Clark). Mr. Speaker, I raise the point of order, even after taking this vote, that this bill is not entitled to consideration; it is not on the calendar and the proceedings are irregular, therefore I at least want to file a protest.

Mr. BROWNE (LaSalle). A point of order, Mr. Speaker; the chair has already passed upon that question.

Mr. ROTHSCCHILD (Cook). This bill is being considered out of its regular order.

THE SPEAKER. There was unanimous consent to calling it up; nobody objecting to it.

Mr. PURDUNN (Clark). I objected to this bill as soon as I knew what the title was. I could not object to it before it was brought up and the title read. It never went to the Appropriation Committee.

Mr. HUBBARD (Greene). Mr. Speaker.

THE SPEAKER. For what purpose does the gentleman rise?

Mr. HUBBARD (Greene). I rise to a question of personal privilege. The question was raised here as to whether or not appropriation had been made for this increase of salary. On page 93 of the Appropriation bill, line 122, it says: "For judges, supreme and circuit courts, 89, at \$5,000 each, \$495,000." There has been no appropriation for this increase.

Mr. SMEJKAL (Cook). No one said that there was. I said that this bill was being held on second reading in the Senate for the purpose of making any changes that might be necessary.

Mr. PURDUNN (Clark). Mr. Speaker——

THE SPEAKER. I would ask the members of the House to refrain from any more horse-play. Now, we have had this sponge game for three or four days and it is only taking the time of the House. The members are asking to have their bills called and the speaker is trying to give every member an equal chance, and I hope that the members of the House will make it possible to pass upon as many of these bills as possible. (Applause.)

Mr. PURDUNN (Clark). I want to renew my objection to the reading or considering of this bill.

THE SPEAKER. The House has acted on that point. The clerk will proceed with the reading of the bill.

Mr. TURNBAUGH (Carroll). To the down-State members I wish to say just a word. We have just helped to pass a bill which gave Cook County the privilege of paying its judges an extra two thousand dollars. This bill, if you pass it, will relieve them of that and place it upon the State. You understand that, I presume. It is exactly what the bill does. We have voted for a bill for Cook County to pay their judges two thousand dollars extra and when the bill was being considered they allowed you to believe you are doing it for your own down-State judges, but you are taking that pleasant duty off Cook County.

Mr. SHURTLEFF (McHenry). Just a word in regard to this bill, and in prefacing my remarks, I desire to say that it comes with very poor grace to oppose this bill by gentlemen that not long ago were insisting that every district in the State ought to have four circuit judges. Now, the merits of this bill is not a question of who is elected or what time this bill is brought in, but is purely and simply a question of what salary ought to be paid to the circuit judges of this State. Outside of Cook County, they have traveling expenses from county to county, they have to pay their traveling expenses, they have to pay their hotel bills, and I say that today in the State of Illinois occupying the position of circuit judge that can keep his living expenses within this salary and live according to the times. We have passed in this Legislature pension bills for practically every class of people in the State of Illinois and it is not out of place to make at least a good living, decent salary for the circuit judges of the State so that they can save a little something outside of their living.

Mr. WATSON (Hardin). I wish I could see my way clear to vote an extra two thousand dollars a year for the judges that have been elected in my circuit. They are my friends, but I don't believe in increasing the salary of all the circuit judges in this State, because this Legislature is going to have to answer to the people of the State of Illinois for all the money that they have appropriated and for the salaries that they have raised. Men stood on the floor of this House yesterday and raised a question of economy about the \$30,000 a year that was paid at the rate of seventy-five or a hundred dollars a man, and now they stand up here and raise the

salary of the judges of Cook County from ten thousand to twelve thousand, and after they have done that, they now propose to take that burden off Cook County and place it on the people of the State of Illinois. I say to you that if you take the bills that have been passed in this House and compare that with the bills that have been passed in previous sessions and in the raising of salaries you are going to hear from the people of the State of Illinois in the coming election. This Omnibus bill that was passed without a moment's consideration raised the salary of clerk after clerk in the offices down stairs. One in particular that four years ago, the chief clerk in the Auditor's office, was raised to \$3,600 a year. His salary was raised to \$5,000 two years ago, and that was not enough, they raised him to \$6,000 this session. Now, you are going to vote an extra two thousand dollars a year to every circuit judge in this State. The men who are elected in my district are my friends, but I do not believe that they are entitled to this consideration. For eighteen years I have been practicing law before men who are as able lawyers as there are in this State, and they were of opposite political faith to me, and I have practiced before men of my political faith, and I want to say that there are no abler lawyers in the State than they, and yet they were willing candidates and we didn't have to press anybody into the race to fill these positions. They were elected and they knew at the time when they offered themselves to the people what the salary would be, and now after they have been elected and before their certificates of election have been issued it is proposed to raise their salaries. I say that it is not right, and the people of the State of Illinois should not have this burden forced upon them.

(Roll called.)

Mr. DEVINE (Lee). (On roll call.) I am a little bit surprised at the logic advanced by the gentleman from McHenry (Shurtleff) in support of this bill, namely, that the judges of the down-State cannot exist on the salary that they are getting and support their families. The best answer to that argument is that those gentlemen have sought re-election, term after term. You will probably say that they gave up their practice, but if they gave up their practice, they gave it up as a matter of choice and they knew that they would receive only a certain salary when they did it, and it is all foll-de-roll to say that after these men have gone out seeking re-election have said to the people of the State of Illinois that they desired re-election, that they should not send their agents into this Legislature and seek to take \$2,000 each from the pockets of the people of the State of Illinois. I vote "no."

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) Mr. Speaker and gentlemen of the House, I don't believe that I am competent to talk upon this measure but should I at least refuse to vote "no" on this bill I would be a coward if I again sought to come back to represent the people of my district. There is no question but that if this were put to a referendum vote that it would not receive five per cent of the support of the voters in my district. When the bill to increase the number of circuit judges was pending before this House the circuit judges in my district asked me to be against it on the ground that it was not needed, that they didn't have enough work to keep them busy. I was against that bill from the standpoint of economy, from the standpoint of being against creating offices that had no function to perform. We heard speeches on the floor of the House from a great many down-State men against increasing the number of circuit judges, and as to there not being enough work to justify the Act. I know that my people are not for this proposition. We have elected three circuit judges, and allowed them to be elected without opposition in my district. They have all served a number of years and I have had the pleasure of being with them for the last four years. They are all good lawyers, eminent judges, well qualified and honest men. They are satisfied and were satisfied with the salary, and I don't believe that these men would take this additional salary if it was voted to them. I am against voting extra compensation in the amount of \$185,000, and placing this extra burden upon the people of the State. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 86 and the "nays" 41; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. PURDUNN (Clark). I would like to call up the State's Attorneys bill now, House Bill No. 958, for I believe that we ought to let it all go together.

THE SPEAKER. It has been explained, read and explained, and withdrawn in order to consider House Bill No. 994.

Mr. SMEJKAL (Cook). This is a companion bill to No. 957, and it fixes the salary of the State's attorney which is paid out of the treasury of the county of Cook.

Mr. PURDUNN (Clark). I want to explain that the reason I called this bill up is that I want to get all these salary increases disposed of.

(Roll called.)

THE SPEAKER. The chair is sorry that he is compelled to plead with this House to try and do business. Personally I would like to have all these bills washed off the calendar. I have no interest in them, but it is impossible for the clerk to hear the responses of the members. You can figure for yourselves how many bills we can handle between now and Friday night at the rate we are going, and if there are 150 bills on the calendar when the gavel falls you must blame yourselves and not the chair. Proceed. (Applause.)

Mr. WILSON (Adams). I would like to have that roll verified.

(Roll verified.)

THE SPEAKER. On this question the "yeas" are 69 and the "nays" 41; the bill having failed to receive a constitutional majority, is declared lost.

Mr. ROE (Fayette). I rise to a question of information, as to the disposition that was made of this last bill.

THE SPEAKER. The bill is lost by a vote of 69 to 41.

Mr. SMEJKAL (Cook). I desire to call up House Bill No. 764 on the order of third reading.

Mr. DAVIS (Knox). I would like to explain this bill. I introduced this bill and it is a bill that increases the salary of the secretary to the judges of the Supreme Court from \$2,000 to \$3,000, that is all that it does. These men have to be practicing lawyers. This is a bill that does not involve but a very small expenditure and a lawyer that is not worth \$3,000 a year is not very much of a lawyer. It seems to me that this bill ought to carry and that it ought not to have very much opposition.

Mr. ROE (Fayette). Mr. Speaker, I believe that this bill ought to pass. It is to increase the salaries of the secretary of the Supreme Court.

(Roll called.)

Mr. COOPER (Wayne). (On roll call.) Mr. Speaker and gentlemen, the law of this State was changed some nine or ten years ago when I had the honor to be the private secretary to one of the supreme judges of this State, and at that time the salary was increased to \$2,000. The committee of the House together with the committee in the Senate in joint session placed upon the statute books the requirement that the secretary to the supreme judge must be a legally licensed lawyer of the State of Illinois. The salary of the private secretary to the Supreme Court judge is now \$2,000. He is required by the regulation to put in all of his time and if there were more months in the year he would be required to work more, they never get through with their work. If the man must be as the law requires, a lawyer of the State, then \$3,000 is certainly not too much. If you are going to require him to be a lawyer and if you are going to pay a less salary, then the law should be changed to permit the employment of a stenographer to do this work.

Mr. DONAHUE (McLean). I would like to ask the gentleman a question for my own information. What are the duties of that secretary?

Mr. COOPER (Wayne). He goes to the library and secures authorities for the judge, the authorities cited by counsel in their respective briefs, brings them to the court, frequently is required to read them to the court. He takes dictation, the opinions of the judge, and at such leisure time as may be had transcribes them on his typewriter.

Mr. BROWNE (LaSalle). Just a moment now. This is certainly a bill that ought to appeal to every man here that wants to assist the highest court in Illinois in the efficient and proper conduct of its business. It provides for an increase in the salary for the secretary to each judge. Now, a judge's secretary——

Mr. SMEJKAL (Cook). I move that the House take a recess until 8:00 o'clock p. m.

Mr. BROWNE (LaSalle). Why not dispose of this bill at this time? The motion prevailed and the House recessed until 8:00 o'clock p. m.

Eight o'clock p. m. Reconvened.

Mr. SMEJKAL (Cook). I move the adoption of Senate Joint Resolution No. 38.

SENATE JOINT RESOLUTION No. 38.

WHEREAS, The joint committee established by Senate Joint Resolution No. 22 of the Forty-eighth General Assembly, in the report of the investigation of the departments, boards, bureaus and commissions of the State Government, has shown the need for further study of all branches of State and local government, for the purpose of securing greater efficiency and economy; now, therefore, be it

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That an Efficiency and Economy Commission be established, to consist of four Senators, to be appointed by the Executive Committee of the Senate; four Representatives, one of whom shall be the Speaker of the House of Representatives, and three others to be appointed by the Speaker of the House of Representatives; and four other persons, to be appointed by the Governor, which shall have full power and authority to prepare a comprehensive survey of all public offices and authorities, established by and under the authority of the State of Illinois, to investigate the efficiency of their organization and administration, and to make recommendations and prepare plans for the consolidation, co-ordination and reorganization of such public bodies, such as will promote greater simplicity, efficiency and economy in the management of public affairs;

Resolved, That the commission shall have full power and authority to subpoena witnesses and to examine and compel the production of books, papers and documents;

Resolved, That the commission shall have power to employ agents, attorneys, accountants and other experts and assistants necessary to carry on such investigation and make its report;

Resolved, That the expenses of such commission and its agents and employees shall be paid out of any appropriation made therefor by the General Assembly, upon vouchers properly drawn upon the Auditor of Public Accounts, and properly itemized and signed and approved by the chairman and secretary of the commission; and

Resolved, That the commission is authorized to make recommendations for changes in administrative methods and regulations to the several public officers and authorities concerned; and shall report its findings and recommendations, with drafts of bills and proposed constitutional provisions, to the General Assembly of the State of Illinois.

(Resolution adopted.)

Mr. McCORMICK (Cook). I offer the following resolution and move it be referred to the Committee on Appropriations:

HOUSE RESOLUTION No. 100.

Resolved, That the Speaker appoint a committee consisting of seven (7) members of this House to make a thorough and complete investigation (within this State) of the problem of the municipal regulation and of the development of local public utilities; that the committee shall have full power and authority to employ counsel and such other assistants as it may deem wise and expedient in pursuit of this investigation and to determine the compensation of such counsel and assistants; that the said

committee shall be, and they are hereby empowered to summon such witnesses, administer oaths and to call for such books, papers and documents as may be necessary in carrying out the said investigation; that the committee and the members thereof shall be allowed necessary and actual expenses incurred in pursuit of the investigation, to be paid out of any appropriation made therefor by the General Assembly, upon vouchers properly itemized, signed and approved by the Chairman and Secretary of the Committee; and that said committee shall promptly report its findings and recommendations to the 50th General Assembly of the State of Illinois.

THE SPEAKER. It will be referred to the Committee on Appropriations.

THE SPEAKER. We will now proceed with the roll call on House Bill 764.

Mr. SMEJKAL (Cook). House Bill 764 is the bill that provides an increase in the salary of the secretaries of the Supreme Court Judges of from \$2,000 to \$3,000.

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) This is a bill, as I suggested before adjournment, that is of the utmost importance to all of us in the State of Illinois for the reason that it makes for efficiency in the highest court of the State. It provides for an increase of \$1,000 a year, raising the salary from \$2,000 to \$3,000, for the secretary of each one of the Supreme Court Judges. Under the law of this State and as a matter of necessity each Supreme Court Judge has a private secretary. He has to have, and to do the work that is entrusted to him and for which he was appointed he must be a good lawyer. It don't do for him to be simply a clerical man. He must be a good lawyer, as good a lawyer as can be secured, because it falls to his lot, especially in strenuous times, and when there is much business on the hands of the court, to investigate and run down points of law, read briefs and abstracts, and report his conclusions to the judge, take the matters up with the judge and discuss them with him. It is a very important office and \$2,000 a year will not secure the talent that is needed and pay that kind of talent the money that it is entitled to. Men can be secured and are secured but they are not paid what their services are worth, and it has just been suggested to me that some of the judges are paying out of their own private fund, out of their own pockets as high as a thousand dollars a year to the secretaries in order to obtain the kind they want. Now, then, this simply provides for a raise of \$1,000 to each one of those secretaries, seven in number. It is not much of an item and it is a necessary one. It is a right one, and it is one that we all ought to vote for in the interests of the highest court in this State. It simply means efficiency on the part of the Supreme Court, and there certainly cannot be any politics in it, there cannot be any objection to it, and there cannot be any charge of salary grab in it. I think everybody should vote for this bill. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" 6; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up House Bill 185 on the order of third reading.

This bill creates the office of State Masonry Inspector and two assistants, one at \$1,800 and the other two at \$1,500.

Mr. KANE (Saline). I would like to ask the gentleman a question, simply for information. What is the difference between the duties of this office and the duties of the present State Architect?

Mr. SMEJKAL (Cook). The State Architect gets \$5,000 a year and 2 per cent for drawing plans. He does not supervise the constructions of any buildings as I understand it. The office of the State Masonry Inspector will personally supervise the construction of buildings.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 83 and the "nays" 19; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. YOUNG (Cook). Mr. Speaker, I move you a reconsideration of the vote by which House Bill 958 was lost.

(Motion prevailed.)

THE SPEAKER. The clerk will proceed with the roll call on House Bill No. 958.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 80 and the "nays" 30; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

THE SPEAKER. House Bill No. 185 carries an emergency clause. The bill having failed to receive a two-thirds majority, is declared reconsidered for the purpose of striking out the emergency clause and the clerk will call the roll without the emergency clause.

(Roll called.)

Mr. DEVINE (Lee). (On roll call.) Mr. Speaker, this is a bill which creates what is known as a State Inspector of Masonry. I think everyone who is familiar with the proposition of State buildings knows that these buildings are built under the direction of the State Board of Administration, and there isn't any building but what the State has an inspector on the job, and the only necessity I see for creating this additional office is to pay somebody \$2,000 and his expenses to ride between towns where buildings are being built. Anyone who is interested in a building certainly is interested enough to see that it is built correct without having a State Inspector. It is simply another salary grab. I vote "no."

(Roll call concluded.)

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 77 and the "nays" 40; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. RODERICK (Cook). I desire to call up Senate Bill 126 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is an enabling Act empowering the Sanitary District authorities of Chicago to build three bridges at points agreed upon between the citizens of that territory and the Sanitary authorities. The bill was introduced in the Senate by Senator Denvir, the senator from my district, passed there, and is here now on third reading. Let me call your attention to this particular feature of this bill, gentlemen, that it imposes no tax upon any part of the State of Illinois except the Sanitary District of Chicago. It is a meritorious bill and I hope it will pass. (Applause.)

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 119 and the "nays" 1; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

I am going to impose upon the House and ask the members to remain until 12:00 o'clock tonight in order that we can do as much business as possible. I know it is a hardship, but it is in order to get as many of those bills out as we can.

Mr. HUBBARD (Greene). Mr. Speaker, I would like to ask if it is necessary for the pages to remain that late.

THE SPEAKER. I think if the pages would go now, we would be better off. (Applause.)

Mr. SHURTLEFF (McHenry). I desire to call up Senate Bill 109 on the order of third reading.

Mr. ROTHSCHILD (Cook). I would like to have the attention of the House in regard to this bill. This is Senate Bill No. 109, called up tonight and nobody seems to be the proponent for it, and there is nothing said about it. I just want to say one or two words about it so you will know what you are voting on.

This bill as originally introduced was a bill that provided that newspapers might exchange their space for transportation, and on second reading I offered an amendment to the effect that we strike out these words, and the House did not see fit to strike out these words, and on the contrary they inserted the words that in addition to newspapers being permitted to ex-

change space for transportation that railroads might be permitted to issue passes to members of the Legislature. Now, in the discussion of this bill, as on every other bill, I try to treat it upon its merits. It seems that what I did did not meet with the favor of some of the editors through the State, and I understand they are now threatening me with defeat if I care to run for State office, but I feel that if I sit here and do not make any remark on this bill, this question might not get proper attention. I also understand that there has been a letter circulated on the floor of this House that refers to me in some terms that are not complimentary, but that does not concern me a particle. The letter hasn't anything to do with it. The letter was not written to me, and was shown to me privately. It is not a personal matter at all, nor is it a personal matter with the newspapers. The objection I had to the bill was this: It permitted the sale of railroad transportation and the paying for it in something other than money, and I said this was discrimination, and it was contrary to the Interstate Commerce Law and it was contrary to our present Utilities Act, and on second reading I said that this—that didn't emanate from me—but that the Supreme Court was of the same opinion and I would like to read about six lines from the opinion of Mr. Justice Harlan on this same matter. The facts in the present case show how easily under any other ruling the Act could be evaded and the object of the Act entirely defeated. "The legislative department intended that all who obtained transportation should be treated alike in the matter of rates. These things cannot be made otherwise than by requiring transportation to be paid for in money which has a certain value known to all and not in commodities or services or otherwise than in money." Now, Mr. Speaker, there is no reason in the world why a newspaper should not sell its space for anything it can get, but our railroads should not be permitted to sell transportation for anything but money, because otherwise there is going to be a discrimination, and I want to say in regard to the amendment that was added permitting the giving of passes that it is not entirely fair to members such as myself who voted for a salary raise on the theory that members had to pay their own fares, and after we had voted for the salary raise the members in effect voted themselves passes, and I don't think that is entirely fair. In this connection I want to say that in my humble judgment there is more justification for voting passes to members of the Legislature than there is for voting the newspapers the right to exchange space for transportation. I think that this bill as it stands now is doubly bad, and I think it should be beaten.

Mr. SHURTLEFF (McHenry). Mr. Speaker and gentlemen of the House, the gentleman from Cook (Mr. Rothschild), if he had not been in such a hurry to do something upon this bill would find that there were some proponents of the bill. The bill without the House amendments had been passed substantially by unanimous vote. The bill is identical so far as the newspapers are concerned, with the House Bill introduced by the gentleman from Ogle (Mr. Atwood), and not only that, but this bill on second reading, or the House Bill on second reading was discussed and the gentleman from Cook offered his amendment to take out the language of this bill, and the House passed upon that question and refused to take it out, and it is not in my opinion so very serious a matter if the Utility Board in the State of Illinois can let a few country newspapers exchange—at least have a time table of the railroads in some of our smaller towns—for transportation. I don't think the State will go to pieces over that, and the original bill without the amendment has practically been endorsed not only by this House, but by the Senate. Now, the only question comes as to the amendment offered on the floor of the House and which provides for passes for the members of this body upon the railroads. When that amendment was before the House I stated then, and I state now, and I think I voiced the large sentiments of this body in stating it, that the House does not favor passing a law making it optional with the railroads to give passes to the members of this body. I don't think that is fair. I think many of the members of this House would not want to take passes under those circumstances where it was optional with the railroad to issue it or not, so that the member would feel, or any member could feel under obligations to the railroad company. Now, on this question of passes some of us ought not to be very squeamish

because for years we have used them; all of us have used railroad passes, and it is not any new thing in our lives to discuss the question of railroad passes. But I voted for the House amendment as I think all of the members did, or a large number of them, because they thought that was the only method by which this bill could be saved from being killed on the floor of the House, and in the hurry and in the rush we preferred to have the bill amended that way rather than to be killed, and to leave an opportunity where this whole question of passes might be settled. Now, the Senate is not going to pass this bill with this amendment; I don't believe it is, and I don't think any member on the floor of the House expects that the Senate I don't think any member on the floor of the House expects the Senate to pass it, but I expect, and I think we all expect that the Senate will sit down with us in conference and draft an amendment that will make passes to members of the Legislature mandatory and not optional, and that is what they ought to do. (Applause.)

Now, let me say, gentleman from Cook (Rothschild) on this question of passes it is not an equal salary for some gentleman from the north part of the State or the south part of the State to spend \$250 of his salary traveling to Springfield, and the members that live in the immediate vicinity of this city pay practically nothing; that is paying one member one salary and another member another salary, and that is not fair. In the old Railroad and Warehouse Commission there was a provision that those officers and other certain officers of the State were entitled to railroad passes, and had a right to ride upon the railroads free, and it is my judgment that if this bill passes to the Senate and goes into the Conference Committee there will be drafted with this bill another amendment that will make the issuing of railroad passes not optional, but absolutely mandatory, so that the railroads will not only carry you, the members of this body, but the Governor and certain State officers free, and we won't have to spend another session of the Legislature quarreling over railroad fare, passing two cent a mile bills that may be good and may be bad. I am in hopes, gentlemen, that by the passage of this bill we will not only pass a bill for the newspapers that in all common parlance is not objectionable, but we will settle and settle right the question of passes in this State for the members of the Legislature, and with that end in view I voted for the amendment and with that same end in view I am going to vote for the bill. (Applause.)

(Roll called.)

Mr. COOPER (Wayne). (On roll call.) Mr. Speaker and gentlemen of the House, I can see no reason, gentlemen, why a person running a newspaper should not have the right to adjust his account between him and the railroad company just as he does his account between himself and his grocery, his dry goods man or any one else with whom he deals; I see no reason why he should not do that, but I cannot believe that it is right and just to ask the railroads of the State to adjust the differences in salaries that are paid us from the State by giving us transportation, asking the railroads to equalize the matter for us. If the bill were submitted to us as a fair, square proposition of permitting the newspapers of the State to exchange their commodity for railroad transportation as exchanging for anything else I would most heartily favor the bill, but with this provision requiring the railroad company, authorizing the railroad company to adjust the differences in salary seems to me to be unjust, unfair, unreasonable and everything that is wrong. I vote "no."

(Roll call continued.)

Mr. TURNER (Cook). Mr. Speaker and gentlemen of the House, I desire to explain my vote upon this proposition of exchanging newspaper space for transportation. I have been engaged in the newspaper business for the past twenty-two years, and the newspaper reaches a thousand where the voice of a man reaches but few. It carries good tidings to the homes of the poor souls as well as to those of the rich, and it is a legitimate proposition, and I believe that the men, the majority, two-thirds of this body are honorable and honest in the vote which they cast. Ninety-nine and one-eighth per cent of the Forty-eighth General Assembly—

(VOICES. What about the other seven-eighths?)

Mr. TURNER (Cook). —are honorable and fair-minded men. (Ap-

plause.) If the gentlemen would place themselves in the position of the newspaper editor they would not try to deny publishers of rights which are justly theirs. We carry the advertising, the card, the time table, and it is an accommodation to the masses of the people in the different communities in which they reside to give to them the hours of the departure and the arrival of the trains. Under the Act of the law, the railroad companies could not exchange transportation for advertising. We would have better judges, better State officials and better legislators if the editors got adequate compensation for their space in giving to the public the record of the competent and efficient members when they made a record in this body, and so far as that is concerned no newspaper of a large circulation requires anything in return for giving to the public a record of the efficiency and the ability of his respective candidates when they are aspiring to office, and I do not believe that it would be just for the publishers if you should deny them the right to exchange advertisement for transportation. I have for the last twenty-two years been engaged in the publication of a newspaper and I would not want for myself what was not just for my fellow members in the Legislature, and I hope that this bill will pass. I vote "aye."

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) Mr. Speaker and gentlemen of the House, I wish that this bill were in the form that I could vote for it and be consistent in my vote. Two years ago on the floor of this House I did all that I could to pass a bill that would prohibit passes being issued to members of the Legislature by the railroads and the interurban lines. I was sincere in my belief that passes should not be issued to members of this body, and I am sincere in that today. On the other hand, I believe that the newspapers should be given the right to exchange their space, their advertising for mileage, with the railroads and with the interurbans. Now, placed in that position, if I vote for this bill I am consistent on one hand and very inconsistent on the other. I cannot explain my vote in any manner. If I vote "aye" on this bill, carrying with it the passes which we have voted for ourselves in this bill, we are placing ourselves in a most ridiculous attitude and I am sorry that this body sitting here as a body of intelligent men should attach to this bill a rider which they believe would kill the bill, or else carry with it something that was absolutely wrong—if this bill should pass and become a law saying that the railroads may issue transportation to the members of this body and to no other public official it is simply what might be termed in the vernacular, the rankest kind of cheek, and I cannot vote "aye" and be consistent, and I must at this time vote "no." I have been told that if the members pass this bill the Senate would refuse to concur in this amendment. I hope that they will refuse to concur in it and that there will be a conference committee and that it will strike out that part in regard to passes and give to the newspapers the right to exchange their advertising for transportation, but I cannot stultify myself by voting for this bill and taking the chances of the Senate doing that thing which I do not believe that they will do. Consequently, Mr. Speaker, I will ask to be recorded as voting "no."

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House, I take it that there are any number of members in this House at this time who are voting for this bill who would not think of voting for a bill giving passes to the members of this House. I believe that that is not the right spirit in which the members of this House should act; in order that they can get through something that they want they vote for something that they are opposed to. Further than that I do not believe in imposing the obligation upon the railroads to compel them to give passes to the members of this House. That is crucifying the railroads no doubt. Now, there are some members in this House to whom I believe the railroads would be delighted to give passes, but there are some of us in the House that I believe it would be crucifying them and that we should not so impose upon them as to compel them to give us passes. Now, if they want to give passes to some members in the House there might be, I presume such distinction and perhaps the gentleman can figure out when it gets to the Senate how

the railroad can give passes to those that they please and withhold them from those whom they do not please. I vote "no."

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) Mr. Speaker and gentlemen of the House, there has been a great deal of four-flushing about this bill. The facts are that the newspapers are the last people that should receive what they are asking for in this bill, and I object as a member of the Illinois Legislature to being rushed into this matter of this amendment. In other words, if I am going to take a pass from the railroad company, I object to being in company with the press on this proposition. The average honor of the members of the Forty-ninth General Assembly is so much above the average of the press in the State of Illinois that I would feel humbled. To show the consistency. To show you the consistency: I received a letter the other day which said, 'I understand that you are hooked up with this car limit bill.' I don't think the editor knew what the bill was about, but he said in the same words, "Why throw your brains against a stone wall, if you wish to promote a measure that will give you strength politically in this district I would advise that you stand for the measure that gives free transportation to the newspaper men of this State and stay off of the car limit bill." Now, the press are the moulders of public opinion, and we all know that a great many times it does not get to the people as it happens here in the Legislature, and that this Legislature has been blackmailed and libeled by the press more than once during this session. I don't think that there is anything to this bill one way or the other. You take in the last few sessions of the Legislature when the men were entitled to ride on passes or at the hands of the railroad companies, if you will search the records you will find that there was more legislation put on the statute books adverse to the liking of the railroad than there is at this session when we have all paid our fare and have not asked any favors from the railroad company. There is nothing to the bill. It is neither good nor bad. I am for the whole thing. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 85 and the "nays" 41; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BURRES (Champaign). I desire to call up Senate Bill 213 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill provides for what is commonly known as the birth and registration bill and is a bill to take the place of the present law which is quite ineffective in this State. In the State of Illinois we are one of the very few states that is not now in what is known to be the registration area. If we were in that area we would receive from the Federal Government in the matter of services about \$50,000 worth of clerical work and statistics which we cannot have at the present time. This bill does not add any more expense to the State but it is important in the matter of insurance and it has been so worded that it does not necessarily report the name of the parent, father or mother, in the case of an illegitimate birth. That part has been stricken out. I do not care to say anything further on the bill unless there is some question to be asked.

(Roll called.)

Mr. COOPER (Wayne). (On roll call.) I desire to call the attention of the House to some of the provisions of this bill, which, in my judgment, should condemn it in the mind of every fair-minded man. It provides that before you may bury your dead, no matter how far you may live from the local registrar, as they call him, you must travel through mud and snow and dirt, or whatever may occur, you must go and get a permit before the bodies of your relatives may be buried. The same kind of a bill was passed but a few years ago in this Legislature, and the effect of it was felt in the next succeeding election very severely by the men who voted for it. It was so unpopular that in the succeeding session the bill was repealed. The bill provides that in cities, towns and incorporated villages the clerk of the city, village or incorporated town shall be the local registrar for the purpose of issuing the certificate, and if you are in favor of requiring the men of this country, the men who live out in the country, who have dead persons in

their family, to stop the proceedings and go through all these formalities to procure a burial permit, then vote for the bill. This provides that no cemeteries, the officers of no cemetery, or cemetery association shall receive the dead bodies without the certificate, so that if you want that to be the law, if you want this registration to be required, vote upon the bill, but if you don't believe that is fair and right and just, vote against it. I vote "no."

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House, do you realize that this very bill, so far as the main features of it are concerned, was passed by the General Assembly here a few years ago and that the dissatisfaction with it all over the country was such that the people of the State compelled its repeal, and it has been taken off from the statute books once. The very features that are the main features in this bill, requiring the permits to bury, are the features of the bill that the people raised so much objection to that the members of the Legislature came here and repealed this law, and if it goes back to the people again, you will find the same thing. Now, if you look upon your statute books you will find that has been done; it has been passed once, and the people have compelled its repeal. I vote "no."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I have been through this bill a couple of times and I have tried to find something objectionable in it, or something that would warrant my voting against it, for the reason that I have been against this bill during at least two previous sessions, and I think three, when this bill was presented, but I find that this bill has eliminated the features that at that time, or those times, made it particularly objectionable. For instance, in the matter of illegitimate births, the former bills branded the child and branded the mother. This has been eliminated from this bill, and there is cast no such stigma down through the years; that part has been carefully eliminated; that was a very objectionable feature of the former bill and has been taken out of this.

Now, this bill in substance merely gives a record of births and deaths and a gentleman upon the floor of this House today, or this evening, was recommending to me the value of a bill of this kind. For instance, down south of Springfield here there was a man and woman separated; they were married and separated; there was a child; and the man wandered away to one part of the country and the woman to another, and the parentage of the child, for some reason or other, with the passage of the years, became uncertain. The child moved from that particular locality; the father accumulated considerable property and after that passed away. Now his estate is being probated, and this child was absolutely being defrauded of his rights in his father's estate, although there was no will; he died intestate and this child was entitled to practically that the father died seized of. Now, a doctor here that was conversant with the circumstances, and had a propensity for keeping notes and memoranda of those cases in which he was interested and keep a record himself, hearing of this trouble looked through his record and discovered that he had record evidence of it and by reason of that he was enabled to see to it, and he jumped into the game and saw to it that this child received his rights, and but for that little imperfect record kept by that doctor the child would have been defrauded. Now, then, this record of birth and death kept in this way will serve a very valuable purpose in the State of Illinois, I believe, and while there may be objectionable features, I confess that I cannot see them at this time, as this bill is drawn.

Mr. BROWN (Cook). I would like to ask the gentleman a question. Are not the births registered at the present time?

Mr. BROWNE (LaSalle). I wish I could say yes.

Mr. BURES (Champaign). I can answer that question. A good many of them are not, and this makes the penalty much stronger.

Mr. BROWNE (LaSalle). In reference to the answer of the doctor, I would like to say that in my observation of matters in the majority of cases they are not recorded; I don't believe it; you can't find the record.

Mr. WILSON (Adams). May I be pardoned for adding to what Mr. Browne (LaSalle) has said? Another instance that came under my observa-

tion attending the birth of a certain child where the date became in question and there was no record of it at all, but it happened there was a blooded calf born on that day. There was a register of the birth of the calf and through the record of the birth of the calf was the only way they could satisfactorily demonstrate the date of the birth of the child.

Mr. BROWNE (LaSalle). I would like to ask this question, for information, of Doctor Burres. Is it true that these records will have to be filed with the State only, or with the State and the county as they are now?

Mr. BURRES (Champaign). Every state, town and village and township and road district where these people are talking about the mud, that we are appropriating millions of dollars for roads for, have a registration center, if they wish it, for the convenience of the citizens.

Mr. BROWNE (LaSalle). What I want to know is, does this bill take away from the county the present recording or registration of it?

Mr. BURRES (Champaign). It does not.

Mr. BROWNE (LaSalle). Are you sure of that? I think I am, but I want to be real sure.

Mr. BURRES (Champaign). I am sure that it does not take away from the county, but it requires the county clerk to keep the record, and furthermore the parents or anyone interested can have a certified copy from the county clerk without expense.

Mr. BROWNE (LaSalle). Another question. In getting a birth permit it is not true that you have to go to the county clerk; you can get it from the town clerk, can't you Mr. Burres?

Mr. BURRES (Champaign). You can get it from the village clerk, and the undertaker has to do that before he can bury anybody.

Mr. BROWNE (LaSalle). Now, do these various history registrations come under the State or under the county?

Mr. BURRES (Champaign). There is no added expense.

Mr. BROWNE (LaSalle). Yes, but is the records still kept in the county, the same as now?

Mr. BURRES (Champaign). Yes.

Mr. BUXTON (Macon). There is one-third of the children born without any physician; some old woman or Christian Scientist steps in, where there is no record at the present time and there is no way of knowing; under this law wouldn't it make the record become absolutely certain?

Mr. BROWNE (LaSalle). It would make it certain, yes, sir. I vote "aye."

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) Mr. Speaker, I have patiently read this bill and although it is somewhat long and complex, and looks at first glance as if it might be a pretty hard matter, somewhat extensive, yet, I believe after examining it rather carefully, it is a good bill. I have often found in the practice of law that if there were some record kept somewhere of births and deaths that was authentic and reliable it would rid us of a great deal of litigation by making proof of things that we lawyers oftentimes find to be lacking in the proof of heirship and things that are necessary in that line, and I believe it is a move in the right direction, and on the whole is a good bill and ought to pass, and I vote "aye."

(Roll call continued.)

Mr. MERRITT (Sangamon). (On roll call.) Mr. Speaker and gentlemen, I would like to say that the vital statistics of Illinois are not recognized in Washington at all, and this is one of the most important bills before the Legislature. We should take time to examine into this matter and if this is a good bill, enact it into law. As I stated, the vital statistics of Illinois and other western states are not considered in Washington at all; we are not in it when they are making up the general statistics of the United States. This is a very important measure and it should be carefully examined into. The case cited by the gentleman from LaSalle is an evidence of its importance. Take the case of people bringing about a divorce. In the case cited the man had accumulated a large property. He died, and the mother of his child could not remember the date of the birth of the child. The doctor went into court and saved the son his property. The bill is

important; it is very important as to property rights, and we should consider it carefully and pass it. It is a good bill. I vote "aye."

(Roll call continued.)

Mr. LIPSHULCH (Cook). (On roll call.) Mr. Speaker, there seems to be a misunderstanding and before the vote is announced I would like to have the privilege of explaining the few points in dispute.

Gentlemen of the House, it occurs to me that some gentlemen have the wrong impression that the State Board would usurp the powers of the county clerk. In answer to that I say that if they will take the trouble to carefully examine the bill they will find an explicit section where it directs the physician, midwife or parents to report the birth to the county clerk within sixty days. This bill simply makes an already existing law more perfect. It establishes a central bureau and a great many branches of a local nature all over the State so that our records will not only be complete in Chicago, but all over the State. In the make up of vital statistics which is so necessary in the life of a community, this bill affords all that is good and as far as it can be perfect.

Now, as to the gentleman from Wayne County (Cooper), in regard to it working a hardship on some who would be struck with misfortune and death—inasmuch as it would compel such a person to walk through snow and mud in order to record their case—I say again that is not true; first, because the undertaker in such cases is allowed to certify to the certificate—and surely wherever a death occurs, whether this law is in existence or not, an undertaker must be had—and so no extra hardship is placed on anyone by the passage of this bill.

In conclusion, I say that this bill allows one to notify the authorities by postal in case of a birth, and through the local undertaker in case of a death. This is a bill in the right direction, and I hope everybody will support it. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 86 and the "nays" are 37. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. O'ROURKE (Cook). Mr. Speaker, I desire to call up Senate Bill No. 66 on the order of third reading.

This is what is left of what was intended to be an amendment to the Workmen's Compensation Act. It is not what they ought to get, but the little they do get, it seems to me they are entitled to, and we ought to at least pass this bill unanimously. It increases the benefits of those who are injured about five per cent. It increases the death benefits the magnificent sum of \$150. So, if you gentlemen that are so kind and generous to the laboring men will kindly vote for this bill, perhaps you will get your reward in the near future.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I have never, inside or outside, or in any way claimed that the Compensation Act was a benefit to the laboring man, or to anybody else but the casualty insurance companies and the doctors, and I know whereof I speak, because I have had, since the passage of the Act a small-sized procession at intervals of the lame, the halt and the blind and the disabled, coming into and out of my office seeking help under this Act, and I have been compelled in the majority of cases to send the poor devils away with not enough to provide the necessities of life, or to keep soul and body together.

If this Act is a good thing for the laboring man; if this Act is something that the laboring man wants, then they don't want much this side of the next world; their reward is certainly in the hereafter. This bill was put through as an agreed bill—as an agreed bill, so-called, by the representatives of organized labor, namely, the Honorable Edwin S. Wright, then president of the State Federation of Labor—and he was successful in his manipulations and in his machinations, and working with the casualty insurance companies, he succeeded in getting them to loan their lawyer, Mr. Harvey, to them and they drew the Act up together, and it was an agreed bill in the interests of the casualty companies. Now, I know what it does

and what it does not do; but the only trouble is that the laboring people all over this country that have not been hurt; that have not lost a leg or an arm or had their heads battered in, still think it is a law in the interests of the laboring man, and you know each one of them in turn will have to lose an arm or a leg or some other part of his body before he can go up against the game and realize what a cussed farce it is and how it has nothing in it of benefit to the laboring man. I tried to beat it, and when they sought to amend it, I tried to stop that, and did my best to stop it, but I failed most miserably in my efforts.

Now, in its present condition, I don't believe it can be made any worse; I don't believe it is possible to make it any worse for the laboring man or the people that it is intended to help take care of, and upon that theory I am not going to fight this bill, but I am going to vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 112 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. FOSTER (Schuyler). Mr. Speaker, I desire to call up Senate Bill No. 80 on the order of third reading. This is an Act to regulate civil service of the State of Illinois by extending the military and naval privileges to include in any of the wars in addition to those specified in the existing Act, while in the military or naval service of the United States.

(Roll called.)

Mr. KESSINGER (Kane). Mr. Speaker and gentlemen of the House, this bill is not receiving proper consideration. This measure deserves the study and support of every man in this Assembly. It is a bill extending the same preference to Spanish-American War veterans that is now extended to Civil War veterans in our civil service. This does not place a premium on incompetency. The Spanish-American War veteran will have to take and pass the same examination that every other applicant for a civil service position must take and pass. This bill merely provides that the veteran shall be given the preference in the distributing of the positions.

And this is only right. It will be a sad time when our government, national or state, fails to fully appreciate and adequately reward those men who risk their lives in the service of their country. I know we have many men today who dream of peace. And all of us believe that peace is better than war. But the time has not come and never will come when any government can afford to deny every consideration and recognition for the men who serve as defenders of their country's honor.

In the Civil Service Committee (and as a member of that committee I voted to get this bill out on the floor of the House) in the committee room one gentleman laughingly said something about these boys taking "An excursion and a pleasure jaunt down to the Philippines at the expense of the Government." I want to say in answer to that gentleman that in my home, Aurora, we have a camp of the Spanish-American War veterans. The name is the "Robert M. Dyar camp." It is named in the memory of an Aurora boy who offered and lost his life for our country. That boy was the son of Edward Dyar, a veteran of the Civil War. And I want to say that all over the State of Illinois the sons of veterans enlisted to fight for our country, in our struggle with Spain, for the rights and freedom of people who were oppressed and miserable. Many of these sons of veterans lost their lives. And what American citizen will dare to go to their fathers and mothers and loved ones and slander the memories of the heroic dead by saying, "They went on a little pleasure trip." (Applause.)

We hear a few people say that the Spanish-American War didn't amount to much, that very few men were killed, and that many who enlisted never engaged in active service. This, perhaps, is true. And I will answer the argument by making the suggestion that perhaps if more of our boys had been killed and had lost their lives from fever and sickness that, perhaps, then, these legislators would be willing to vote for this bill.

Their objection seems to be that there were not enough of our boys killed in that war. It makes no difference how many or how few American soldiers lost their lives. We should support this measure even if there was not a single life lost. All of us hoped, as many sorrowing mothers and

wives prayed, that not a life would be taken. Regardless of what the loss was, this fact remains—that every man who enlisted offered his time, his health, his very life, for the protection of our government. We must judge these men by what they were willing to do, by what they were willing to give, and not by what circumstances permitted and fate decreed to be done. We owe these men a debt that never can be paid by any amount of money or any number of positions. Surely it is not unreasonable, certainly it is only right and proper that we should grant them the small privilege and preference which this bill extends. In behalf of the thousands of veterans in our State of Illinois, and in behalf of the principles which they offered their lives to perpetuate, I ask every member to support this measure in the interests of the Spanish-American War veterans. (Applause.)

Mr. Speaker, I vote "aye."

Mr. SMITH (Cook). You feel favorable towards civil service because it stands for efficiency?

Mr. KESSINGER (Kane). I am not talking about the Civil Service Law, but we have got it, and since we have got it and the people have voted for it, and these men have to pass an examination before they are eligible for positions, it is only fair to give them the same preference as we give others.

Mr. SMITH (Cook). I want to tell you that those men don't have to pass anything better than 70 per cent, and if they pass at the 70 per cent grade, they get preference over a man that passes with 99.9 per cent.

Mr. KESSINGER (Kane). Well, the same preference is given to the veterans of the Civil War, and in our public school the boy who "just passes" gets the same diploma at graduation that any other student gets and very often he makes a greater success than the book worm of the class who made a higher grade.

(Roll call continued.)

Mr. WOOD (Wayne). (On roll call.) Mr. Speaker and gentlemen, in explaining my vote, I would like to call your attention to this bill. I recognize the fact that if this bill passes, the Spanish-American soldiers will only have to make a grade of 70 per cent; and I also recognize the fact that it is not the men that go to war when the call is made, but it is the boy, most of them, if you will notice the record closely, ranging in age from 17 to 21 years. They leave the school today and answer to the roll call tomorrow, and after an absence of a year or two years in camp life, with their minds taken off their books, they are not in proper shape to return to their books. They cannot be expected to do this after they come back from the war.

Now, I am asking if at this stage of the game, with war calls sounding on every side, if we are going to make a discrimination against the Spanish-American soldiers. In the language of Colonel Smith of the Second South Carolina Regiment, the Fourth Illinois and the Ninth Carolinas did not want to be brigaded together, and Colonel Smith, with his empty sleeve, speaking for those boys—and he had never seen these boys before—said: "I say to you men from the Second South Carolina, that they will stick." I want to say to the members of this House that had the Spanish-American soldiers been called upon to fight, they would have proved their metal, and I don't believe the members of this Assembly would want to make a discrimination between the Spanish-American veterans and any other American veterans, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" are 2. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. GORMAN (Peoria). Mr. Speaker, I desire to call up Senate Bill 114 on the order of third reading. This is the State-wide Public Library Bill which you have all heard a great deal about.

Mr. KANE (Saline). Mr. Speaker, I would like to ask the gentleman what change this makes in the present law.

Mr. GORMAN (Peoria). It gives the right to increase the tax levy. (Roll called.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" are 2. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. VICKERS (McHenry). I desire to call up Senate Bill 382 on the order of second reading.

Mr. BROWNE (LaSalle). I object.

Mr. VICKERS (McHenry). I move to suspend the rules for the purpose of considering this bill on the order of second reading.

(Rising vote taken.)

THE SPEAKER. Those in favor of suspending the rules for the purpose of considering Senate Bill 382 on second reading are 69 and those opposed are 33. The rules are suspended and the clerk will read the bill.

Mr. JACKSON (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 382, by striking out of the printed bill, all of section five (5).

Mr. VICKERS (McHenry). I move to lay the amendment on the table.

Mr. JACKSON (Cook). This bill creates a State Board of Censors and permits this censor board, if created, to permit certain pictures to be exhibited without any censorship whatever, and that section of the bill ought to be stricken out. This bill, under section 5, allows this board, and in fact compels them to accept a picture and show it in every city and village in this State without any censorship whatever and the local authorities in the State of Illinois could not stop them. They would be compelled to appeal to this board of censors and you know that these pictures are one night stands and if they come into your city or town or village, by the time that you appeal to this board, why the picture would have shown and gone. I think that we should not make this board of censors so powerful as that. Should an immoral picture come into your city or into the State these exhibits could not be barred. I think that every community in this State, every town and every village ought to have an opportunity at least to say whether a picture shall show in their respective locality or not and I think this section ought to be stricken out of the bill.

Mr. BROWNE (LaSalle). Isn't this somewhat on the same principle as the Public Utilities Commission and absolutely opposed to home supervision and home rule? It is making the State Board the supreme body instead of the municipal authorities.

Mr. CURRAN (Cook). There is nothing in this Act that shall prevent any town, city or village from censoring the pictures even after the State Board has passed on them.

Mr. BROWNE (LaSalle). It does not provide that; it makes the State Board the supreme body.

Mr. LYLE (Cook). Do I understand that this would abolish the censor board in Chicago?

Mr. PIERSON (Cook). No, sir; it does not.

Mr. VICKERS (McHenry). It does not; the board in Chicago is not a legal body.

Mr. LYLE (Cook). Well, it is a municipal organization.

Mr. VICKERS (McHenry). I wish to say that the corporation counsel of the city of Chicago is satisfied with this bill; there is an amendment in it that is satisfactory to him.

(Motion to table amendment prevailed.)

THE SPEAKER. Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. DUDGEON (Grundy). I desire to call up Senate Bill No. 338 on the order of second reading.

Mr. McCORMICK (Cook). I would like to ask the gentleman from Grundy to explain this bill.

Mr. DUDGEON (Grundy). It is not the gentleman from Grundy's bill. It is a Senate bill amending section 7 of an Act in regard to wills; it is a good bill and ought to pass.

Mr. IGOE (Cook). Well, now, just a moment; let's find out what this bill is.

Mr. DE YOUNG (Cook). This bill simply forbids the introduction of evidence by the testator both before and after the execution of the will on the ground of undue influence. The bill has already passed the Senate and a like bill was introduced in the House.

THE SPEAKER. Are there any amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. HAMLIN (Cook). I desire to call up Senate Bill No. 327 on the order of second reading.

Mr. BROWNE (LaSalle). I object to the consideration of this bill at this time.

Mr. HAMLIN (Cook). I move to suspend the rules for the purpose of taking up this bill on second reading.

Mr. BROWNE (LaSalle). I wish the gentleman could postpone this bill until the first thing in the morning because I want to urge my objections to this seriously and it will take me some little time to do it.

Mr. HAMLIN (Cook). I would prefer to have this matter up tonight. The bill is not very long, it is a short bill and I would prefer to have this bill threshed out tonight.

(Rising vote taken; motion to suspend the rules lost.)

Mr. PIERSON (Cook). I desire to call up Senate Bill No. 203 on the order of second reading.

Mr. O'ROURKE (Cook). I would like to be heard here on a question of personal privilege. I want to say that the speaker of this House has stated on numerous occasions that he would give a fair deal and a fair shake. This Senate Bill 132 has been on the order of second reading for a month. I don't like to get up here and object to bills of other members, it is not fair for me to do it, but I want to have a roll call on this bill. That is all I ask. If the bill is defeated, well and good, but I am entitled to a roll call.

THE SPEAKER. If there are no amendments to Senate Bill No. 203 it is ordered engrossed and to a third reading.

Mr. WILSON (Adams). I desire to call up Senate Bill No. 131 on the order of second reading.

This is an amendment to the Art Commission Bill of the city of Chicago, something highly artistic.

Mr. SMEJKAL (Cook). What does it do?

Mr. WILSON (Adams). Why, it changes slightly the manner in which they are appointed. It is Senator Hull's Bill and I am not entirely familiar with it.

THE SPEAKER. If there are no amendments, the bill is ordered engrossed and to a third reading.

Mr. SHURTLEFF (McHenry). I desire to call up Senate Bill No. 39 on the order of second reading.

Mr. O'ROURKE (Cook). I am going to object. Now, I presume it is correct for some gentleman on the floor of the House here to object.

Mr. SHURTLEFF (McHenry). I move to suspend the rules for the purpose of considering this bill.

(Motion prevailed.)

Mr. SHURTLEFF (McHenry). This bill is intended to correct the Act in regard to collections, to take care of a decision of the Supreme Court, whereas before it was reserved to the board of town auditors, with practically no limit to the fees, and this provides a limit in different counties of the different classes, the collectors' fees for collecting taxes, and it provides for certain cases.

Mr. BROWNE (LaSalle). Is it less than they now allow?

Mr. SHURTLEFF (McHenry). Well, I don't know what some of them do allow, but it is made to take care of this decision of the Supreme Court, a copy of which I have here. It is Mr. Purvier's bill in the Senate and this amendment has been gone over with him and he has agreed to it.

Mr. DEVINE (Lee). What is the maximum fee?

Mr. SHURTLEFF (McHenry). \$1,500.

Mr. DEVINE (Lee). That is what it was before?

Mr. SHURTLEFF (McHenry). That is what it was before.

Mr. PURDUNN (Clark). In counties like mine that now pay two per cent commission, how does that change the law?

Mr. SHURTLEFF (McHenry). Why, the maximum, as I take it, in your county would be \$1,500, and the minimum would be as it is in the bill.

Mr. BROWNE (LaSalle). This only makes the Act certain?

Mr. SHURTLEFF (McHenry). The court held that the board of auditors could have certain discretion within reasonable limits.

Mr. BROWNE (LaSalle). And they used that discretion to cut it down?

Mr. SHURTLEFF (McHenry). Yes.

AMENDMENT No. 1.

Amend Senate Bill No. 39, in the House, by striking out all after the word "require" in line 58 of section 36, and preceding the word "provided" in line 61 of the same section, and insert in lieu thereof the following:

"And, provided, further, that the town board of auditors may allow such additional amounts as may be necessary for the payment of office rent, clerk hire, postage and incidental expenses, which said amounts shall be paid out of commissions and fees accruing during the year in which said collections are made; and, provided, further, that all excess of commissions and fees over fifteen hundred dollars in counties of the first and second class, and over three thousand dollars in counties of the third class, together with any such office rent, clerk hire, postage and incidental expenses so paid, shall be paid into the town or district treasury, and in no case shall the compensation be paid to a town or district collector, together with the amount allowed for office rent, clerk hire, postage and incidental expenses, exceed the total amount of such commissions or fees."

(Amendment adopted.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. MORRASY (Bureau). I desire to call up Senate Bill No. 24 on the order of second reading.

Mr. BROWNE (LaSalle). I object to this bill being considered at this time.

THE SPEAKER. Objections are heard to the consideration of this bill.

Whereupon, Senate Bills Nos. 24, 208, 425, 345, and 407 were taken up on the order of second reading, read a second time, and ordered engrossed and to a third reading, all without debate.

Mr. O'ROURKE (Cook). I do not desire to call up any bill. Would it be impertinent for me to ask the speaker if he desires to beat Senate Bill No. 132 or allow the House to defeat it?

Mr. SHURTLEFF (McHenry). I move that all House Bills on the calendar and in the committees do lie upon the table.

(Motion prevailed.)

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 9:00 o'clock Thursday, June 17, 1915.

Whereupon, the House adjourned until 9:00 a. m., Thursday, June 17, 1915.

THURSDAY, JUNE 17, 1915.

9:00 o'Clock A. M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. W. H. Nicholas.

Journal of the previous day being read. Upon motion of Mr. Graham (Lake), further reading was dispensed with and the Journal approved.

Whereupon, the House proceeded upon the order of Senate bills on second reading and Senate Bills Nos. 162, 452, 337, 547, 57, 196 were taken up, read a second time, and ordered engrossed and to a third reading, all without debate.

Mr. WEST (Knox). I desire to call up Senate Bill No. 223 on the order of second reading.

Mr. BROWNE (LaSalle). I would like to ask the gentleman how this changes the present law?

Mr. WEST (Knox). Well, you take county officers now where there is a vacancy we have to call a special primary to fill them.

Mr. BROWNE (LaSalle). Well, if there is only a year to run, how do you do it?

Mr. WEST (Knox). Well, you have to do the same thing. We had in Knox County this spring a vacancy in the coroner's office and we had to call a special primary to fill it.

Mr. BROWNE (LaSalle). This will do away with the right of the Governor to fill vacancies in certain instances where there is not more than a year to run.

Mr. WEST (Knox). This provides that the board of supervisors makes the appointment.

Mr. BROWNE (LaSalle). Yes, I know. What experience have you had with the board of supervisors?

Mr. WEST (Knox). About six years.

Mr. BROWNE (LaSalle). I think I ought to move to strike out the enacting clause.

Mr. WILSON (Adams). I have just received a letter from our county officials in regard to this bill, I have not had the time to read it. I would like to have time to read it and know what they think of the bill.

Mr. BROWNE (LaSalle). May not consideration of the bill go over until a little later in the day?

Mr. WEST (Knox). I have no objections.

Mr. HAMLIN (Cook). I desire to call up Senate Bill No. 426 on the order of third reading.

Mr. MADSEN (Cook). I offer the following amendment, and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 426, by striking out the enacting clause.

Mr. HAMLIN (Cook). I move to lay this amendment on the table.

Mr. MADSEN (Cook). Mr. Speaker and gentlemen of the House, those of you who were here two years ago may recollect that this bill was before this House, almost exactly the same bill, on two occasions and was defeated.

The gentleman who handled the bill upon the floor of the House at that time came from my own district and was my friend then and is my friend now, and I hope that anything that I may say against this bill may not be considered by Mr. Hamlin as in any way reflecting upon him.

It is my belief that this bill is a bad bill. It might do away with the right of every citizen to a trial by his peers. It would enable the jury commissioners of Cook County to have a system of jury boxes, they might have as many as ten different jury boxes, and the elector expressing his for a particular one could have his name put in one of those boxes. They don't need to grant the wishes of a man, but it would enable them to have this system of boxes and put this name in any box that they might desire and I call your attention to the fact that even now under our present jury system they have a sort of system of taking jurors that is not to the interest of the common working man. I have a report here in which there is an allusion to a pamphlet issued by the Lawyers' Association of Cook County and they refer to that report as the remarkable statistics of our practice, but instead of saying that the figures are given out by the Lawyers' Association are wrong they take up some other statistics that don't bring out the facts so strongly. Now, if the statistics given by the Lawyers' Association were not true they would have these to show that they were not, but they don't say that. Now, the Lawyers' Association say in this pamphlet that the jurors are now selected in such a way that the larger number of jurors are selected better class of people. If you are in the real estate business your chance of being selected as a juror is six times as great as if you happen to be a carpenter. Jurors are selected largely from ten occupations in the city of Chicago and other occupations are entirely ignored. It shows that 36 labor organizations affiliated with the Chicago Federation of Labor are entirely ignored. There is not one single man from 36 organizations affiliated with the Chicago Federation of Labor selected as a juror. Now, satisfied by selecting people merely from one class of people they select them largely from certain villages. In the cities and villages outside of Chicago which contain only ten per cent of the population they selected twenty per cent of the jurors. Not only that but more than fifty per cent were selected from six of those 83 cities and villages, Oak Park, Wilmette, Winnetka, and one or two others furnished sixty per cent of all the jurors sent to the Superior Court. From other cities containing the workman class of population they didn't select very many, from the city of Berwyn, with a population of 15,000 as compared with Oak Park with a population of 20,000, 116 were selected from Oak Park, and four from Berwyn. Only four jurors were taken from Berwyn during that term of court, and what they did pick they did fine. Those four people picked from practically a working population, one was a bank president, one a manager, one a solicitor and one superintendent out of this city with a population of 15,000 consisting largely of working people and they picked just those four. They made a fine collection. And from the village of Oak Park, which is one of the most aristocratic villages in the State of Illinois, and curious enough that is the village that I have the honor to represent. From that high class aristocratic village they picked 116 jurors as compared with four in Berwyn, and of that number 110 were of the so-called better class of people and only six came from the ordinary walks of life.

Now, that is the kind of systems we have today. Now, take and add to that a system where they may have ten different jury boxes and deposit these cards in any jury box, they need not recognize the preference of the man unless they want to. I think you have a fine jury system.

Now, I would like to read to you, and gentlemen you have been very kind to me in listening to my arguments, but to my mind this is a very important bill, and I should like to read to you what some of the members of the Forty-eighth General Assembly said when a similar bill was then being discussed.

Representative Lucus F. Butts from Peoria who since then has been elected sheriff, this is what he says:

REPRESENTATIVE LUCUS F. BUTTS. I have read this bill, especially the new portions, and after an experience of six years, in caring for the jury lists in my county, I am convinced that the bill, although not intended to be so by the gentleman presenting it, is a vicious measure. I cannot support it at this time, and I give warning to those who are not well informed as to its provisions, that they will work to the detriment of selecting fair and impartial juries. I vote "no."

Now, I would like to read to you members on the other side of the House a few words said by Representative Clyne, who has since then been appointed District Attorney. This is what Representative Clyne said about this bill:

REPRESENTATIVE CHARLES F. CLYNE. My attention was first brought to this bill by a gentleman in the Senate, when a similar bill was under consideration there. From an examination of this bill, I cannot understand, nor can I see, why it would not be possible to determine who would constitute a jury, and at what term a jury would be apt to serve. If that is true, I think the bill ought to be defeated, and I vote "no."

Now, just one other item. I would like to read to you what Representative King had to say about this bill. Mr. King has since been elected to serve his district in the United States Congress. This is what Mr. King had to say:

REPRESENTATIVE EDWARD J. KING. The only service a citizen has to perform for his country in times of peace is to sit on the jury. I don't think it ought to be made easy for anybody to be accommodated, in regard to jury service, I think men ought to serve when called upon, whether in winter or in summer time; and for that reason, I vote "no."

Now, gentlemen of the House, just one more minute, and I know I am trespassing upon your time. The argument was brought two years ago that this bill was brought up in the interest of labor. I challenged the proponent of the bill at that time to name one single labor organization in the State of Illinois that was in favor of the bill, and I would like to extend the same again to Mr. Hamlin. Now, the Chicago Federation of Labor has gone on record against this bill. It has instructed its representatives to do all in their power to defeat this bill. Now, I would like to say this to you members of this House, that the labor organizations do not want it, they are not asking for it, they are opposed to it, and we should not make it any harder, not make it any more difficult for a man to get justice in the courts of this country. The right to a trial by jury would be jeopardized by the passage of this bill. It is a bad bill, a vicious bill, and I hope the motion to strike out the enacting clause will prevail. I thank you.

Mr. HAMLIN (Cook). I desire briefly to call your attention to a few of the salient features of this bill, and I will then answer specifically a few of the remarks that have been made by the gentleman who preceded me. The present jury commissioners' bill was enacted in 1897, has been on the statute books for almost twenty years without a change. The bill that is now before you for consideration makes four or five slight changes in the present bill.

First of all I wish to say that it only applies to Cook County and does not in any way effect the down State. When a similar bill was before the Legislature two years ago there was a provision in that bill making it possible for an elector to select two months of the year which would be most suitable for him to serve upon a jury. This provision was put in the bill for the purpose of efficiency and economy and also for the purpose of giving men the opportunity to serve upon a jury who might not otherwise have the time. Owing to the fact that there was considerable criticism at that time we have changed this provision and made it four months, that a man can select four months of the year in which it would be best suitable for his purposes.

Another provision in this bill provides that an elector after serving on a jury cannot be again called to serve upon a jury until all other eligibles have been called, that is, so far as it is possible to call them.

One other provision provides that the County Board of Cook County, if they so desire, can increase the pay of the jury commissioners from \$1,500 to \$2,400.

The gentleman who preceded me principally attacks the jury system as a system, rather than the efficiency of that system as it is at present conducted. Last year out of 5,000 men who were called for jury service there were more than 400 trades represented. The gentleman who preceded me fails to keep in mind the fact that there are men who labor by the brain as well as those who labor by the hands. I think those men should have some consideration. There are always lawyers who will attack the jury system, that seems to be part of their mental make-up.

There is now just one thing which I wish to call your attention in closing, and that is the attack which was made upon our jury system by the socialists, and this attack has not been opposed by the socialistic party as a party, and I don't think it becomes a gentleman under these circumstances to attack this bill. I wish to read this letter. It is addressed and the poster which is referred to reads as follows:

NOT GUILTY!

Workingmen, do not convict a fellow worker for any offense against capitalist property. If drawn as a juryman, always vote against capitalism.

VOTE NOT GUILTY.

100 Stickers like this one mailed for 10c.
THE INTERNATIONAL SOCIALIST REVIEW,
CHICAGO.

The letter is as follows:

"I enclose a letter received by us last October with a "sticker" indicating the attitude of socialists toward the jury system, also a number of other stickers secured by us.

"Inasmuch as the opposition to the Jury Commissioners' bill seems to be mainly confined to the socialists, I thought it proper to give you the above to use or not as you may see fit.

"There may perhaps be danger of our being accused of partiality towards 'Capitalists' as the sticker is aimed at that class, and also because the bill of two years ago was supposed to favor them by reason of its introduction by the Industrial Club, which caused opposition to its passage."

Now gentlemen, this speaks for itself. I believe that this bill should pass.

(Amendment tabled.)

THE SPEAKER. If there are no further amendments, the bill is ordered engrossed and to a third reading.

Mr. MORRASY (Bureau). I desire to call up Senate Bill No. 272 on the order of third reading.

Mr. BROWNE (LaSalle). I object.

Mr. MORRASY (Bureau). I move that the rules be suspended for the purpose of considering Senate Bill No. 272.

This has reference to where a town is built up in a drainage district and the people in that town out vote the people in the country. They are not interested in the maintenance of the drainage district, they only have a small lot, and they would not be interested in the improvement and maintenance of the ditch, consequently it would be an injustice to allow them to dictate the policy of the district.

Mr. McCORMICK (Cook). What are you trying to do, take the people of the town out of the drainage district?

Mr. MORRASY (Bureau). Yes; so that they may not out vote and prevent the people of the country from improving the district. It is simply an act of justice to the farmers in the drainage district.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, I would like to give a little explanation of the bill from my viewpoint. One of the chief principles upon this government was founded was representation with taxation, and one of the things that caused this government to exist was the denial of representation when there was taxation, and one of the most notable incidents in the history of this country, the Boston Tea Party, grew out of that right. Now, I will tell you what this bill does. This bill provides that where territory in a drainage district is within the limits of an incorporated town or city, or village, that it shall not be regarded as part of the drainage district, that is it is subject to taxation, all right, just the same as if it was outside of corporate limits, but the owner of the land, and it don't say lot, as my friend Representative Morrasy has said, it don't say a little lot, and it don't make any difference if it is ten or twenty acres. The owner of the land has no voice in the doings of that district. He cannot vote at all on that matter and if you think that is fair, all right, I don't. I believe you should either exclude him entirely from the district or if you are going

to take his money, let him have something to say about the district. It is not fair and it is not right. If some fellow in a little town has a mere lot and would not be interested in the election of officers of the drainage district and so forth, then pass a bill saying that kind of territory shall not be included in the drainage district, but if you are going to tax the man let him have a voice in the matter.

Mr. MORRASY (Bureau). As a general proposition, the statement by Mr. Browne is correct, and these men should not be taxed without representation, but in this case the town was built up in the drainage district after the district was created, and the property owners in the town who paid but a very small amount of tax can out-vote the farmers and it is not just.

Mr. BROWNE (LaSalle). It don't say so.

Mr. MORRASY (Bureau). But these are the facts in the case. The farmer may pay several hundred dollars, he may pay several thousand and the man in the town may pay twenty-five cents. Is it right to let these men out-vote the farmers who are the men that are vitally interested? The man in the town is not interested because the drainage district was not made after the town was built. If it had been the town would never have been taken in. The fact of the matter is, it is representation without taxation. Now, it makes no difference what you do with this bill, Mr. Browne. These are the facts, and to defeat the bill will work an injustice, and I have told you of an instance where it does.

Mr. BROWNE (LaSalle). There isn't anything said in this bill about a little lot, nor about lots; it says any territory within the corporate limits of an incorporated town, city or village, any territory, and it may be a great many of those instances exist all over this State. Now, then, this simply means that that land can be assessed just the same as it would be if it was outside, but the man that owned it cannot have any vote on the officers of the district; he is barred simply because he lives inside the village; in other words, he can live outside the drainage district only. I don't care if one man pays \$40 and another \$160, or if one man pays \$10 and another \$500; they are both voters in the affairs of the district, and it is not fair that the money should be taken from them without a voice in the matter because he owns a smaller piece of territory than some fellow outside and he might influence the election it is sought to deprive him of his vote. The way to do is to eliminate that territory from the district, or if you want to keep it in, give a man a chance to vote on it.

Mr. McCORMICK (Cook). Why should not this little district be placed under the jurisdiction of the State Utilities Commission?

Mr. BROWNE (LaSalle). Or of the Moving Picture Commission?

(Rising vote taken; motion lost.)

Mr. HAMLIN (Cook). I desire to call up Senate Bill No. 327 on the order of second reading.

Mr. BROWNE (LaSalle). I object.

Mr. HAMLIN (Cook). I move that we suspend the rules for consideration of this bill.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, I don't want to be understood as charging that there is anything inherently and intentionally wrong in this bill, but I do want to start out with the proposition that this bill if passed will result in a good deal of wrong and a good deal of injury to the State of Illinois in its effects and result, and that those effects and results will necessarily and inevitably follow the passage of this bill. This bill is an enabling Act and it has operation over all submerged land of the State of Illinois giving the power of transfer of those lands without any specification as to compensation whatsoever. Especially and expressly it is intended to apply to certain lands along the Lake Front, submerged lands along the Lake Front in the city of Chicago. Down beyond the Chicago Beach Hotel there has been transferred already a piece of land for park purposes. The transfer was made before this session of the Legislature. We have passed a bill, No. 326, which gives a confirmation of that, and inasmuch as the transfer had really been made there was no use in objecting to it, and I didn't object to it because it had passed beyond the purview and the dominion of the State of Illinois. Now, then, coming up farther from that you strike the Chicago Beach Hotel, a concern that

is a squatter a good deal more than Streator ever was. It has not got as much title to the land that it has settled on, not as much as Streator has. His right is recognized by the courts, but these people haven't even got squatter rights. But coming on up farther yet you find it is sought to transfer to the city of Chicago in and by this bill a piece of land, or giving the rights to the city to do it, giving the park commissioners the right to transfer a piece of land for bathing beach and park purposes. Now, that is all right. If that is all that it was, and if that is all that it meant, and if that is all that it would be, I would not be here on this floor urging any objection to it if it were, and while that is a legitimate object, and while that is the *prima facie* purpose of this bill, that is not all that it does. Coming up farther, there is a large tract of submerged land that the Illinois Central claims title to and that it has been contesting and fighting over for years, a piece of land a great many acres in extent, and it is worth \$250,000 an acre if it is filled in. Now, then, they can't fill it in today because it is "navigable waters." If you pass this bill you give the city the right to fill in its tract of territory on farther, making land of it and you destroy the navigability of this water over the territory claimed by the Illinois Central. Do you get the point? In other words, you make non-navigable under the Federal law and construction of what is now navigable, and the minute you do that the Illinois Central can start its improvements and fill in that land, over fifty acres in extent. That's what this bill will do. I don't say it is the purpose of this bill, but I do say that that is what it will do, and you all ought to know what this bill will do before you vote for it.

I want to call your attention, to show that I am not a dreamer in this matter; I want to read to you an article from the Chicago Daily News of Tuesday, June 8, 1915, as follows: It is headed:

Vast terminal plan hangs on two bills. New Illinois Central Station may be outcome of Lake front land measures. Provide for twenty roads. Park Board and city interested in proposed improvement that involves many millions.

One of the biggest, if not the biggest railroad terminal propositions in Chicago is said to depend today on two bills which may be passed at the present session of the Legislature. The bills concern the transfer of the riparian rights along Lake Michigan and on their success is said to depend an immense new Illinois Central Railroad station large enough to accommodate all the roads now using the four south side stations. Under the plans twenty of the twenty-six railroads entering Chicago could find room in this station. The legislation is necessary before the undertaking can be put through.

The bills are companion measures. The first, introduced by Senator Hull, permits park boards to convey the title of submerged lands to the city and has already passed the Senate and is on second reading in the House. The second, introduced by his colleague, Representative Rothschild, permits the city to convey the title to similar lands to park boards and has passed the House and is on third reading in the Senate. The War Department which holds the veto power in all of Chicago's lake front development, has ruled that no permits will be granted for park improvements unless the city council so requests.

If the bills are passed the Illinois Central Railroad and the Chicago and Western Indiana Railroad are said to be ready to undertake the new station and the South Park Commissioners can carry out its agreement with the former road for the lake front improvement. William H. Sexton, former corporation counsel, is here pushing the bills. He is acting for Robert Redfield, his law partner and the attorney for the South Park Commissioners, also for the Union Station Company in the west side terminal matters.

That the plan for a gigantic terminal station on the lake front has reached definite proportions is indicated in the report of the Chicago Railway of the Chicago Railway Terminal Commission, which has just been published. It says:

"The Illinois Central, owning the central station, has under consideration a greatly enlarged passenger terminal located at Twelfth Street and the lake front, of sufficient capacity to take care of all the railroads on the south side of the city now using stations east of the Chicago River."

Four roads use the LaSalle Street Station, five the Grand Central, eight the Dearborn and three the Central. In addition, the Alton might change from the Union Station to the new one on the lake front.

In this same report John F. Wallace, chairman of the commission, says:

"It is clearly apparent that important applications to the city council will be made in the near future for changes in the terminals of various railroads. Among these will be:

"1. The application for such privileges as the Illinois Central may need in order to provide a new passenger terminal on the lake front and access thereto by other railroad lines which may be induced to use this terminal.

"2. The application for radical changes in freight and passenger terminals of the Chicago and Western Indiana group of roads, which changes these roads have been studying and discussing for some time.

"3. The application for changes in both the passenger and freight terminals of the Lake Shore and Rock Island roads. These changes seem to be inevitable and are believed to be under contemplation for the not distant future."

In its report the commission goes into detail on the beauty of such a site for a terminal and the financial advantage to the State that would result. It would give the road twenty main tracks as far south as Fifty-first Street and fifteen beyond, with a right-of-way 700 feet wide along the shores of the lake.

"With the present close relations of the railroads' legal talent and the South Park Commissioners it should be easy to reach an agreement," said one of the Chicago aldermen here.

Mr. HAMLIN (Cook). Will the gentleman yield to a question?

Mr. BROWNE (LaSalle). No, not until I am through, and then I will answer any question.

Now, then, I put this matter up to these gentlemen that are here lobbying for the bill and asked them if it wasn't so? Now, in the first place, we are told that all that this meant was for the creation of a park, and the only trouble and the thing that started my curiosity was that one gentleman said it was for a certain place, and another gentleman had it located here and another there, and I said to myself, I don't believe they know what they are talking about, and finally they told what it is, that it will give to the Illinois Central millions of dollars. Now, that doesn't necessarily condemn this bill, but you all ought to know what it means and what it will do.

Now, it is passing strange, too, that the gentlemen that are here lobbying for these measures are representing interests that ought to be diametrically opposed to each other and still they are as thick as one in a bed. Now, then, gentlemen, to show my sincerity in the matter, I was willing personally to forego any opposition to this bill provided I could be assured of the sincerity of these gentlemen that proposed the passage of this bill, even though it did redound to the benefit of the Illinois Central, and so I said to the gentleman, do you really mean that you want this land for park purposes, and for a bathing beach and a south side park, do you really mean that? And they said, why, certainly, Browne, that is all we want. All right, will you submit to this amendment? "Provided, that no conveyance of land under this Act shall be made under circumstances directly or indirectly except for Municipal, State or Federal purposes." That would include a park and a bathing beach that they say they want under that bill. It will include a harbor by the Federal Government, by the State Government. They said, we will look the amendment over. They did, they tried to convince me that that wasn't necessary in the bill. Then, you can't object to this amendment, but they won't accept it, and when people act like that I am afraid of them.

Now, if you vote this morning to take this bill up and consider it, I think you are making a mistake. If you do it Doctor Young will offer that amendment. There will be a motion to lay it on the table, just as sure as God made little apples, now watch and see.

Now, if you don't do it I will object as long as I can stand on this floor. Yes, and they are lobbying now from the galleries.

Mr. HAMLIN (Cook). We will accept the amendment.

Mr. BROWNE (LaSalle). I will withdraw all objections then. It has taken you three weeks to do it.

Mr. HAMLIN (Cook). I notice that you read from a newspaper. We are surprised that it is a Chicago paper.

Mr. BROWNE (LaSalle). I am, too, but do you know by reason of my long campaign for honesty I find that I am making converts there. (Laughter.)

If they mean what they say and if they accept my amendment I have no objection to the consideration of this bill.

Mr. YOUNG (Cook). I desire to offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 327, by adding at the end thereof, the following: "Provided nothing in this Act contained shall be construed to vest any authority or right for the conveyance of lands, submerged or otherwise for any other use or purpose than strictly for State, municipal, or federal use or purposes."

Mr. BROWNE (LaSalle). Now, Mr. Speaker, if the proponents of the bill, I want it understood that failing to accept this amendment here that you will not try to go over in the Senate and burglarize it there. Will you guarantee that?

Mr. HAMLIN (Cook). I can guarantee nothing.

Mr. ROTHSCCHILD (Cook). There is no occasion for any argument. It is only fair to Mr. Sexton to say that he did not consider that this amendment was necessary to the bill, but if it is desired to include these words in the bill, why he is willing to take it, and I think that if Mr. Brown would stop to consider he would admit that it is hurting the bill.

(Amendment adopted.)

Mr. BROWNE (LaSalle). I want an understanding now and this House wants to understand that there will be no effort on the part of the proponents to change it in the Senate.

Mr. HAMLIN (Cook). We will not endeavor to do that.

Mr. BROWNE (LaSalle). All right.

Whereupon the following Senate bills were called up on the order of second reading, read a second time and ordered to a third reading all without debate: Nos. 299, 223, 442, 401, 474, 221, 466, 527, 217, 542, and 317.

Mr. RENTCHLER (St. Clair). Mr. Speaker, I desire to call up Senate Bill 447 on the order of second reading.

Mr. BROWNE (LaSalle). Mr. Speaker, I move to strike out the enacting clause of that bill. There is a question in the minds of a number of the members of the Public Utilities and Transportation Committee as to how this bill ever got out of the committee. I don't know how it did and I find there are a number of members here that don't know how, and didn't know it was out of the committee; they thought it was dead.

This provides that any public utility whatever; it doesn't limit it at all—any public utility, when necessary for acquiring right of way for any pipe line for the conveyance of oil, gas or water for any public utility, when necessary for the construction or any alteration, addition or extension of the improvement, may enter upon, take or damage private property in the manner provided for by the law of eminent domain. This gives to any public utility that wants to convey gas, oil or water, either in the city or outside the city, the right of condemnation under the eminent domain law. They can go on property the same as a railroad may, and take what they want, paying for what they use. Any of these public utilities for the conveyance of gas, oil or water may do this. They are seeking to put them on a par with the railroads, which have the right of eminent domain. If you pass this bill the gas company can go on your lot in the city and cut across it if they want to. If you want to give the gas company the right to cut across your lot without frontage consent, or anything else, and condemn your property, I don't want to accede to a thing of that kind, and I think the enacting clause of this bill ought to be stricken out.

Mr. LE PAGE (St. Clair). Mr. Browne, you were present yesterday when this bill came up before the Public Utilities and Transportation Com-

mittee; you probably paid very little attention to what the bill was, but when the bill was brought up before the committee you said you guessed you didn't have any objections and you walked out of the committee meeting.

Mr. BROWNE (LaSalle). I didn't understand what it was then—I was busy with another committee—but had I known that it was this bill I would have stayed long enough to holler once anyhow. If you are going to pass a bill of this kind you might just as well throw the bars down and give every corporation on earth that wants to use your land that right to go on it and use it; just throw the bars down without any limit and let the gas company or the oil company or the water company take your land. Why not let the jitney buses do it if they want a road across your lot. All they have got to do is to incorporate and then you will have to let them come through.

Mr. McGLOON (Cook). I was in that committee all day yesterday and I don't remember anything about it.

THE SPEAKER. I would ask the gentleman from Cook, Mr. McCormick, to state the fact. The gentleman here says he was there all day and doesn't remember it.

Mr. McCORMICK (Cook). The gentleman is right. There was no quorum present and I assured the members of the committee that no bill would be reported in the absence of a quorum if objections were made. I think the gentleman from LaSalle (Browne) is right; that he did not look into the thing very carefully.

Mr. BROWNE (LaSalle). I didn't even look at the bill.

Mr. McCORMICK (Cook). The matter was explained, and objection was made by the gentleman from Cook, Mr. Hamlin. He had a conference with an assistant in the corporation counsel's office and he withdrew his objection. There were two bills reported in this manner. There is no question about it, and I think the gentleman from LaSalle (Browne) now remembers it.

THE SPEAKER. The gentleman from LaSalle (Browne) moves to strike out the enacting clause.

Mr. RENTCHLER (St. Clair). I move that the motion lie upon the table.

(Rising vote taken. Motion to table lost.)

THE SPEAKER. The gentleman from LaSalle (Browne) moves to strike out the enacting clause.

(Motion prevailed.)

Mr. PROVINE (Christian). Mr. Speaker, I desire to call up Senate Bill 526 on the order of second reading.

Mr. BROWNE (LaSalle). I object, Mr. Speaker.

THE SPEAKER. Objections are heard.

Mr. PROVINE (Christian). I move that the rules be suspended for the purpose of considering Senate Bill 526 on the order of second reading. Before that motion is put, Mr. Speaker, I desire to make a statement, but not until after the gentleman from LaSalle (Browne) has made his statement. Heretofore much time has been taken up in the House in discussion of the two Practice bills, one in relation to practice in courts of record and the other in relation to actions in courts of equity. Much time was consumed in committee discussing and amending these bills. Then they came out on the floor of the House and several days' time was consumed in discussing them, and then these two bills were introduced in the Senate and there amended.

Now, I don't desire to take up the time of the House on both of these bills. It is the purpose of the introducers of the bills to drop No. 525, which is the law bill, and take up No. 526, which is the equity bill. Both bills have been amended, and it is not necessary to speak to any bill except No. 526. We are not going to seek to advance No. 525, which is the law bill, but we are seeking to advance and pass No. 526, which is the equity bill.

Now, during all the discussion here on No. 526, objections were made to it and the chief objections made to it were in regard to the service of summons by any person other than the sheriff or deputy sheriff. Now, the bill has been amended in the Senate in that respect and it comes over to

us. Service can only be had by a sheriff or a deputy sheriff, except when they are disqualified to act, and then service must be had by the coroner. In other words, the method of service of papers is exactly the same in this bill as under the present law.

The other objection made was to the clause wherein this bill provided for a jury trial—that you have to demand a jury trial at the time you file your papers. Now, that has been stricken out.

The third and the last objection that was made was in regard to any actions that may now be pending in the courts of this State. There was an amendment made to the bill in the Senate which provides that this Act when it passes shall have no bearing upon suits in equity that are now pending.

Those, gentlemen, were the only three serious objections that were made to this bill when it was up here on second reading. There were no amendments of any kind offered when it was on second reading for over a day and a half, but simply objections were made to it. I introduced the bill in the Senate with these amendments, and it comes back here now in the form that I have described to you, and I hope you will allow this bill to come up on third reading and pass it. Furthermore, this bill is framed along the lines of the equity practice in the Federal courts. It will not disrupt practice; it will not make lawyers uncertain as to how they should prove up their cases, but it is simply an adoption of the Federal Practice Act by the State courts, and if we pass this bill it will be one of the best bills that the Forty-ninth General Assembly will enact into law.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, the strange thing about the value of this bill and the desirability of its passage is the fact that practically all practicing lawyers of any age and experience, irrespective of the class of practice they are engaged in, are against it.

Here in this House within the last week, the gentleman who has been for years in this Assembly trying to put these two bills through, solicited the vote of a member on the floor of this House, and the member said to him, "All the lawyers in my part of the country are against it and they urge me to be against it, and I would be recreant to my trust; I would be unfaithful to the desires of my constituents—those who are opposed to these measures—if I didn't listen to those voices and vote against these bills." The gentleman promoting the bill said, "Why, every lawyer, pretty near, in the House is for these bills." The member said, "All right, sir, all right, if that is true and you can show that to me, I will vote for your bill." He said, "If you can show me that two-thirds are for it, I will vote for your bill; if you can show me that a majority of the lawyers in the House are for your bill, I will vote for it." So he started to tab up, and when he got through he didn't have twenty-five per cent of the lawyers on the floor of the House that were for the bill, and admitted it.

Now, gentlemen, this is a departure that no one but the lawyers in this House can realize the importance of, or where it will lead to or what it will mean. I realize the fact that efforts have been made—and nobody realizes it more than I do—for a good many years here to pass these bills, and the same gentleman has been here upon the floor of this House trying to promote the passage of these bills. He has been here in season and out of season; he has lobbied with the members on the floor; he has lobbied with the members off the floor; he has lobbied with the members in the hotel; he has lobbied with the members at their homes and in Chicago, and he has been at it for six years.

Now, he says that his only interest in the matter—that the only interest he has got is his desire to improve the practice in the State of Illinois; that he hasn't got another particle of interest in it and that he has spent all of this time and a great deal of money, amounting to thousands of dollars, for the accomplishment of this purpose. Well, now, I have known the gentleman for a great many years; I have known him a great many more years than any other man on the floor of this House has. He came from my country and he practiced law there and I have known him ever since. He is a splendid lawyer; he is one of the best lawyers in the State of Illinois, and he ought to be ashamed of the authorship of a thing of this kind, and nobody with my knowledge of the gentleman can convince me that his

efforts are a matter of philanthropy, or a matter of desire solely and purely to improve the practice of the law in the State of Illinois. You can take that if you want to, but not me. There isn't as much philanthropy or warm blood in his makeup as there is in Greenland's icy mountains. He never sweat any in his life, and he hasn't got a drop of warm blood in him; he is as cold as any man that ever sat at the card table with a pair of duces and bluffed the man with the full house. (Laughter.) And if my statement as to his lack of philanthropy is not accurate, I want to know why. It has become necessary in the interests of philanthropy for the Attorney General for the State of Illinois to make this House and its environs his living and abiding place during the session, and out of session for three months, lobbying for this bill. He has put in more time on the floor of this House and in the lobbies and corridors of this House and in his own office, you might as well perhaps say, in lobbying for the Gilbert bill.

I also know that, gentleman, and I have the utmost respect for him, but he himself will never be interred with a monument over him: "I died by reason of philanthropy." (Laughter.) I also find here lobbying for these bills in the interest of the dear people, Mr. Edward Kramer, from East St. Louis, the president of the Bar Association, and I find on investigation that he has not represented anything but corporations all his life, and he did not come here merely to do his duty, but he has been here in season and out of season, lying down on the members and going on personal friendship as the matter of consideration for the votes for these bills. Is that philanthropy? I say nay, nay Pauline, not on your life. There isn't any philanthropy in his makeup either.

I want to go a little further with you along those lines. Every man on the floor of this House that either has a man in the office of the Attorney General here or in Chicago, or who has got a friend that has got a friend in the office here or in Chicago has been told to be for these bills, and he has been told why, and he will be for these bills for that reason. He has been given to understand that his job and his friend's job depends upon his vote for these bills, and I want to go a little further with you along this line, and if anybody wants to take exception to what I say I am here all the time. I live at the St. Nick, and when I am not in this county I am in LaSalle County; I am available. I want to say that they have not stopped in their solicitation for votes for these bills, in discussion of jobs or friendship, or the question of philanthropy. They have gone further than that, and I want to say to you right now that the friends of the railroad lobby that has been here for three months to kill the fifty car train bill, the amendments adopted by them have not been as far-reaching and as strenuous as the gentlemen, these philanthropists have been in their efforts to pass the Gilbert Bill, and that is true.

I regret very much that it becomes necessary for me to take up the time of this House in the discussion of these matters at this time when every minute is golden in value to the State of Illinois in the consideration of really meritorious bills, but, gentlemen, I feel and I say with all sincerity and earnestness, and I cannot be earnest enough in these matters, I feel that there is about to be perpetrated upon the people of the State of Illinois—not the lawyers; they can live anyhow; they can live under any form of practice—but upon the litigants of the State of Illinois, the people of the State of Illinois, there is about to be perpetrated an outrage and almost a crime, if this can be so considered, that will have its effect, believe me, for years to come, if this happens, and for that reason I find myself unable to refrain from an effort at least to prevent this thing from going through and to prevent this unholy compact from being consummated and made good in the State of Illinois.

As I say, the lawyers can live and get along anyhow, but I want to tell you what it is going to mean to the litigants in the State of Illinois. This gentleman who is the proponent of this bill got rid of the following statement in the committee relative thereto, and he made it frankly; he made it coolly; he made it without any sort of spasm of nervousness or surprise or anything of the kind, and he said, "Yes, gentlemen, if you adopt and pass these laws, it is very true that your Illinois decisions will be of no value to you so far as precedence of practice are concerned." And I want to say to

you, gentlemen, that are not lawyers that fifty per cent of the decisions in the books of the State of Illinois, the Illinois decisions have to do with questions of practice that are now settled and have been settled, and scarcely a thing today can arise in the way of practice that has not been settled by our Supreme Court, so that every man, big, little, great or small, old or young, in the practice of law, any man that breathes can understand and know where he is at, and I say to you that if you adopt these bills you might just as well throw away your Illinois reports so far as practice is concerned, because they will be of no value—and that is true. Somebody said to him, "What shall we do?" He said, "You will get what is known as Arthur's English Practice, and then you will get a set of English reports and you will commence studying law; you will just have the trouble of learning this new system." Somebody said, "That is like beginning all over again." And he said, "Yes, insofar as practice is concerned." All right. That doesn't hurt me, it doesn't hurt Brother Cooper, it does not hurt some of you gentlemen that have been in the practice for years—for as many years as I have—but I will tell you who it hurts; it hurts the people of the State of Illinois, the litigants, who will have to pay for twenty years of experiment, who will have to pay money out of their pockets for twenty years to educate up a new set of lawyers who understand the law and practice and during that twenty years they will be paying a mighty high price for the work of this Legislature in this closing hour. That is what it means. It won't cost the lawyer, it will cost the people, to teach the lawyer and educate a new bunch up to this new system.

Now, reverting back a little; these bills came into this House early in the session. They were referred to committees; they had divers and sundry hearings in the committee; they were discussed by the gentleman, the proponent of the bill, with the aid and assistance of Mr. Kramer and of the Attorney General and some others. They were discussed with the members of the committee and they were whipped into form, a form which was supposed to be absolutely right. That is what a committee is for; that is what those gentlemen were there for—and when they were absolutely right and perfect they were sent out here on the floor of this House for you gentlemen to pass, and when I first rose upon this floor on the second reading of the bills to attack what is now Bill 526 which is the same thing as a previous bill that I am not certain about the number of, I think it was 624—why I was regarded a very impertinent sort of an individual by a good many and they were wondering what I was going to talk about in attacking such perfect instruments as these were. Well, they didn't pay very much attention to the criticisms that I offered on No. 624; they passed it to third reading and it is on third reading now, and it has always been on third reading and they have not dared to call it up for passage because it was so rotten and so wrong that they knew it would never get any place. Then they wanted to call it back to second reading and remodel it, and reframe it, but they didn't do that. Well, when in view of the condition upon which the people waited here about twenty-four hours after the discussion of that bill, when 625 came up—625 was the law bill—I was given a little more attention. Even the proponents of the bill respectfully listened and imagined that there might possibly be a semblance of sanity in what Browne had to say.

I made about fifty criticisms of this bill. I showed to this House that they had practically taken away, on account of the jury system, that they had done away with the service on corporations; they had done away with the chancery provisions in enabling service on corporations; they had fixed up and mutilated the question of where a man could be sued and where he could not be sued, until it wasn't fit to be seen, and those are only a few things that they did, and every criticism that I made they admitted it was right, and one after another have apologized for it, and admitted that the criticism was right. And, then, what did they do? They took it back into the committee and made comments on every one of those criticisms in a cursory way, I suppose, and changed the bill to meet those criticisms, every one of them, and the bill has been here on second reading ever since and it is substantially, to all intents and purposes, Bill 525 from the Senate.

Now, as a sequel to that, you are informed this morning by the gentle-

men who are the proponents of this bill that they will not try to pass 525. Why not? I will tell you, gentlemen, whenever the father and mother, and the wet nurse all become so ashamed of the child that it is properly termed nullius filius, it is getting to be pretty tough times, isn't it? (Laughter.)

Now, I want to say to you that there isn't any more virtue, there isn't any more good, there isn't any more value to the people of the State of Illinois in No. 526 than there is in 525, and if you pass it, the only difference between passing that or both will be that you have only committed one murder, or one crime, rather than two. You are just as guilty; you have done the work; you have just simply limited your territory. You are like the fellow coming out of Chicago on the train who was strenuous and who had a little bit of enthusiasm on board and he got up in the middle of the car, and he says: "I can lick anybody in the city of Chicago." Nobody paid any attention to him——

Mr. ROTHCHILD (Cook). I don't desire to interrupt the gentleman but he has stated himself that time is valuable, and that the moments are golden, I think we ought to limit this discussion.

Mr. BROWNE (LaSalle). Yes, the time is golden, but you can't spend it in any better way than in trying to save the State of Illinois from this thing.

Mr. PROVINE (Christian). I cut my discussion short for that very purpose.

Mr. BROWNE (LaSalle). I am not going to cut mine short.

THE SPEAKER. The chair did not take notice of the time when the discussion commenced. The gentleman from LaSalle (Browne) has the floor.

Mr. BROWNE (LaSalle). Now, after the train had gone a little further the man got up and said, "I can lick anybody in the State of Illinois." Nobody paid any attention to him. He got pretty strong and as the train went across the line into Indiana, he got up again and said, "I can lick anybody in Illinois or Indiana." Just then a little fellow got up and rapped him one and put him to sleep. When he came to he said, "I knew I would get it if I kept on long enough." My only trouble was I took in too much territory. (Laughter.)

Now, gentlemen, I will tell you what this Bill 526, which is this Equity bill, means. To all intents and purposes the rules of practice contained in 526 are the same as those contained in 525 insofar as they are similar as between law and chancery. The rules of practice provided in 525, the Law bill, are as nearly as may be analagous to the rules of practice in the municipal courts of the city of Chicago today, and if there is anything that a man wants to hold up to the average respectable practicing lawyer as a horrible example that is worse than the rules of practice and the chaotic condition known as the municipal courts in Chicago, I don't know what it is. It is the best horrible example that could be held up to a lawyer. It doesn't begin any place, and it doesn't finish any place. You go into court under one order and you stop. You go in before one judge, and you stop again, and then you finish under another one. The first one tells you so and so, and the second one tells you you are all wrong, and you are thrown out of court. No two agree upon this matter because it doesn't mean anything, and that is the trouble with this, it doesn't mean anything, there is no fixity about it; there is nothing you can tie to. It spells chaos, at the beginning, in the beginning and at the end, and when you get through you haven't got anywhere. You can't tell where you are at. This is not a Practice Act. It is doing away with practice. It is a penalization of the knowledge of the law. It is penalizing the lawyers; and that is what they want to hand to the people of the State of Illinois, and I say to you that the passage of this bill will be as dangerous and disastrous to the people of the State of Illinois as the other one.

At this time I am not going into this matter section by section and dissect it. If I have to do it, I am going to do it on third reading. I hope I won't have to do it, but if I do I am going to show to this House section by section what you are doing, so if you want to commit this crime, you will know what you are doing, but I am not going to do it unless I have to.

Gentlemen, in the name of the people of the State of Illinois, and in

the name of the practice of the law that ought to have some respectability and be something substantial, and in the name of the practitioner and in the name of every local bar association that has a word to say about this from one end of the State to the other, and in the name of your duty here to the State, and to the people, I ask you now to stop and put an end to this farce claimed by these gentlemen here in the name of philanthropy, end their little farce now, and all their selfish ends and aims that will come to them by reason thereof.

I say to you now that a gentleman that can successfully handle about \$100,000 in fees from the Attorney General in the course of two years, I say to you that his services are valuable and he must be getting something all right for doing his work in this matter. (Applause.)

Mr. WILSON (Adams). Mr. Speaker and gentlemen, I will be very brief in what I have to say, and I hope to make in what I have to say, a reasonable appeal to reason here.

I have always noticed that when an attorney has a bad case, he sometimes talks about matters that are immaterial, and he cannot be criticized for that because I think they are all more or less alike along that line.

Now, my friend, Mr. Browne (LaSalle) has had a good deal to say about Judge Gilbert. I have known Mr. Browne and I have known Mr. Gilbert a good many years. I know their relations, and I am satisfied that they are so friendly that if it were not a fact that Mr. Browne had this bill to beat that he himself would be the last man to say anything against Judge Gilbert, and I want to say this, while I think it is entirely immaterial, I want to say in regard to Judge Gilbert that he is the most disinterested man, and the most industrious man in compiling works of pleading for the profession without any hope of gain in this life or the life to come, so far as I know, and I think he is worthy of great commendation along those lines. This is not Judge Gilbert's bill. Why, the original Gilbert bill was a book as big as the one I hold in my hands, which is a volume of House bills. You members of the House who were here a couple of sessions ago remember the Gilbert bill. It was such a bill that I shied at it and I would not have anything to do with it, and, as a matter of fact, there never has been a time since I have been in the Assembly when there was a bill on the Practice Act that it has not had approval and hearty support from me, and this bill itself has my approval. Now, this bill is only a small bill of 26 pages, and you must remember that this is the bill we unsuccessfully negotiated on second reading in the House, with the exception that we have eliminated certain provisions for service by private parties. You will also remember, my friends, that they sought to bring that bill back from second reading for the purpose of amendment, and there was objection made by Mr. Browne (LaSalle) on that count, so we thought that the best thing to do was to introduce the bill as we had it in the House, with that slight change, and now we have practically the House Equity Bill back here in Senate Bill 526, and furthermore I want to say with regard to the relations of Mr. Browne to Judge Gilbert, or Judge Gilbert's relations to Mr. Browne, that they were such that he had Judge Gilbert draft the libel bill, which Mr. Browne had up in the House here one or two sessions ago.

Now, then, with regard to the Attorney General, there is an attack on the Attorney General. Now, I hardly know the gentleman myself, but since he has been in the office, put there by the democracy, I have thought he was a very able lawyer, and my acquaintance with him is such that I believe him to be a high-minded man and that he has no interests except for the public good, and it is for that reason he wishes this bill advanced.

Now, most of the argument was made against the common law bill. I concede, gentlemen, that that common law bill would make considerable change in the practice, but this is an equity bill, and it would make so slight a change that the practice in the State would hardly be affected. We have some lawyers on this side of the House who are opposed to the common law bill, yet they are for the equity bill. The very feature of the equity bill that it provides that they adopt the Federal Equity Practice, according to the rules of practice there shows that it is not a revolutionary bill.

Mr. Browne says that the people that have the Illinois Reports or the Illinois Decisions will have to throw them away. I want to say that it is

absolutely monstrous, that the reports of the State of Illinois should be followed against the practice to the detriment of the Equity Law. In the short time of twenty years or a little more that I have been practicing law the Illinois Reports have accumulated so that there are about 125 more reports than there were at the time I began practicing law. Mr. Browne says that if this bill should be passed we wouldn't need those practice decisions. I think that we could very well bid them a long farewell because they would be useless.

My friends, I am not going to take any longer your time in regard to this matter. This Equity Bill is a bill I think should be on the statute books. It will not cause any revolutionary change in the practice. No one, however conservative he may be, need have any fears along that line.

Mr. PIERSON (Cook). Mr. Speaker and gentlemen of the House, I suppose there is no more conservative class of men in the world than lawyers and judges. Of all the lawyers in the world as a class, the lawyers of the United States courts seem to be the most conservative. James Price, an Englishman, came over here to this country and went home and wrote a book called "The American Commonwealth," and in it he criticized the American lawyers for their conservatism, and he said, in his book, that the people of England had swept away, in her case, nearly a half a century ago, the same technicalities that exist in our laws and which this bill is supposed to remedy, and if you are progressive you will save money to the average layman; it will save time to the courts; it is a bill that ought to pass. There are some substantive change that are good, and to the best purpose, and this bill is harmonious, it harmonizes the State practice with the Federal practice. Gentlemen, don't be influenced by cries in the name of the people. The people want this bill more than anything else. Your present practice is antiquated and out of date.

Mr. SCHOLLES (Peoria). Mr. Speaker and gentlemen of the House, I want to put O. K. on every word the gentleman from LaSalle (Browne) has said against this bill. I want to in very brief words explain to you what I did in good faith in order to determine what the Bar Associations in Peoria County believed with reference to this bill. In order to get at their opinion I distributed among the lawyers in order to get at their opinion. I distributed among the lawyers of Peoria and request responses from the members of the bar. I received but two responses; one was against and the other for. The man who wrote in favor of the law ended in these words. He said, "I am an old man now in the practice of law. If this law goes into effect I will never see the day when it will be settled. It will be trouble for me, but for the coming generation it may be a good law." Now, that was his opinion of the bill, and only one I got in favor of it.

I want to say to the laymen that this is not a law for the people; it is a law for the lawyers. Why? Because, as the gentleman from LaSalle told you, all the decisions of the Supreme Court are settled upon the pleadings and any lawyer can go back to the precedent before him and draw a safe bill in chancery and if he can't do that he ought not to be admitted to the practice of the law. Now, I can't take any more time. I believe all has been said by the gentleman from LaSalle that I want to say, but I want to add my protest against the revolution of the practice as proposed by this bill, and say that this bill should not pass.

Mr. COOPER (Wayne). Mr. Speaker and gentlemen of the House, it has just been said by the gentleman from Cook that the lawyers and the judges are conservative; that they do not desire that changes should be made. I admit that that is true and it is true for this reason, that the only safe way in which a lawyer may advise his client is to have matters fixed and determined, and not have them constantly being changed from one time to another. They are conservative because they believe it is to the interests of their clients to be conservative. It is the only safe way for them to be guided. If matters are unsettled, if acts such as this are constantly being passed, then the lawyer cannot safely advise his client as to what shall be done, and neither can he safely, while he is pleading in the court, tell with any certainty what the result of that pleading may be until it is finally determined—if changed—until it is finally determined by the Supreme Court of the State that it is or is not correct.

I say to you, gentlemen, it is a mistake on the part of the old lawyer, as well as the young lawyer, to make a change. The old lawyer can stand it as well as the young, but we are all put upon an equality and no man, whether he be old or young, in the practice of the law can know with any degree of certainty, if this bill is adopted, as to how his pleadings shall be filed. The bill provides that the Supreme Court of the State may make orders relative to practice from time to time. That may be done upon the motion of some of the members of the bar from any community where it works well to have the change made. No notice is given to the bar at large until we get the bound volumes of the Supreme Court of the State, which sometimes takes months, and during the interim you or I may file pleadings without knowledge of the change of the order by order of the Supreme Court, and find when it is too late that we have not followed the order as provided by the Supreme Court of the State.

How is this bill, as has been said, going to save to the litigants money? I think it will have identically the opposite effect. Instead of saving to the litigants of the State money, we lawyers will be experimenting, in order to get rulings from the Supreme Court we will be experimenting with the money of our clients in order that the rulings may be had and in order that precedents may be established for us to follow in the future.

I know how the bar of my district feels about it. I sent copies of both of these bills to the president of each bar association in my district and in each instance the president of the bar association called meetings of the bar, took up these respective bills and discussed them and each of them have advised me that when the matter was submitted to them as to whether or not they should advise the passage or rejection of these bills that the bills were each of them unanimously condemned by the respective bar associations of that district.

Mr. KANE (Saline). Mr. Speaker and gentlemen of the House; I trust that you will pardon me for taking up a few minutes of your time. I realize that at this session I have spoken some few times, but each time I have cut my speech short; in fact I have raced through everything I have tried to say in this House as if I was under whip and spur, for fear I would intrude upon the time of this House, and I am not going to take but just a minute or two at this time, and I am not going to cover any ground that has been covered by any of the other gentlemen. I am only going to add such matters as appear to me, in addition to what has already been said.

Up to this time the argument in this House has been as though these bills only affected the pleading and practice of this State. Now that is not altogether all there is to it. It not only affects the pleading and practice of it, but it affects other provisions of the law, of the fundamental law, of this State, in addition to the pleading and practice of the State. The law of the State has grown up together with the pleading and practice and the substance of the law in regard to the various subjects upon which the law has been enacted in this State have all grown up together, and I want to say to you that whenever you disturb the pleading and practice you not only disturb that branch of the law, but you also disturb other branches and other subjects of law. Now to show you what I mean by that I want to give you an illustration which grew out of some objections and some amendments. Now especially since it has been said that some of these remarks should be addressed to the layman, I want you to take notice of just what effect may be brought about. You remember that when this bill was on second reading and the other bill, the law bill, was on second reading, that I raised the objection in regard to those bills interfering with the subject of judgments, executions and decrees, and I want you to notice this, as an illustration as to how it may affect other law. This bill provides—both these bills provide—that there shall be no adjournment of court, but one term shall run into one another, a continuation from one term of court into another, that is, that there is no adjournment of one term of court until the next term of court begins. In a great many places there is only two terms a year. That will mean that it will be strung out over a period of six months. Now to show you how that not only affects pleading, you take our law in regard to judgments, executions and decrees, and they provide that there shall be no priority of liens of one judgment over another judgment that is secured at the same term of court. Now how would this law have

affected that? It is true that they attempted to amend that, but it is only an illustration of other questions. Now notice here how it would affect it. Now, gentlemen, I am not covering any territory that has been covered by any of the other gentlemen, but I do want to call your attention to the one point I am trying to make, and that is that this not only affects the pleading, but affects the other law. This bill provides now that one term shall run into another. Then we have another law that is separate and distinct from the pleading and practice; it is no part of the subject of pleading and practice, but it is affected by these bills on pleading and practice. Those terms of court running over six months—if I get a judgment against a man at the beginning of the six months I can't proceed until the end of the six months. Why? Because Mr. Smith will come in and get another judgment, Mr. Jones will come in and get another judgment, Mr. Brown will come in and get another judgment, and the man at the end of the six months who gets a judgment is on the same footing as the man who got a judgment at the beginning of six months. It means, in other words, that a judgment is no judgment; a judgment does not amount to a judgment until the end of the period of six months.

And, of course, upon the suggestion of that they agreed with it and said it should be amended. Now I only give you that as an illustration as to how these pleading and practice bills confuse and disturb the other subjects of our law. Don't you see that that is true?

And it is true that these bills are not worked out in connection with the other sections of law. Pleading and practice must dovetail into it. It must fit and be applicable and co-extensive with the other subjects of the law, and these bills don't provide for that, and for the reason that I believe these pleading and practice bills will disturb and confuse not only in regard to pleading and practice, but also disturb and break up the other subjects of law that have been well established and cause confusion, I am against these bills.

Mr. PROVINE (Christian). I do not intend to go into a lengthy discussion and answer the arguments that have been presented by the gentlemen who have spoken before, but I wish to say to the members of this House that no law ever has been or ever will be passed that is satisfactory to all the lawyers. In 1907, when there were amendments to the Practice Act, there was discussion and dissention and wrangling among the lawyers of the Forty-seventh General Assembly. They disagreed as much as they do now and it was the laymen in the General Assembly that took the matter up and settled it, and if you depend upon my word and upon the word of the gentleman from LaSalle (Browne), and upon the word of the gentleman from Peoria (Scholes), you will get conflicting opinions, all honest in their belief, but the laymen are the men that must settle this question, and I appeal to you to do it. We are practicing law now in regard to the equity branch with no more intelligence than we did fifty years ago. We have the old forms that were precedents and the old technicalities, and I appeal to you gentlemen to help us out a little. There have been advances made in every trade and profession, in medicine, in surgery, in dentistry, in agriculture, in electricity, in sea and in air navigation, and in every line of human trade and industry, and yet the lawyers stay in the old rut and we have it here before us today. Whenever we desire to make a step forward the conservatives say that we will disrupt all former precedents. So if the words of the gentleman from LaSalle (Browne) are true that fifty per cent of the law books contain matters of procedure, then we should do away with all of it and get back on a sane and sensible basis. England, from whom we adopted our practice in law, more than forty years ago swept away these old fictions in law that we are now trying in some form or other to get away from, and I appeal to you gentlemen to help us to this, and by the passage of this equity bill you will take a step forward and help the conservative lawyers to go along with these other more progressive lawyers that want to see the administration of justice done in a more economical and more speedy way, and I thank you.

(Rising vote taken on motion to suspend the rules.)

(Motion lost.)

Mr. ROTHCHILD (Cook). I desire to call up Senate Bill 380 on the order of third reading.

Mr. Speaker and gentlemen of the House; this is practically an agreed bill. It is made necessary by a recent decision of the Supreme Court. It makes it possible for cities and villages to impose a tax upon all kinds of automobiles. The tax may be imposed only in the city or village in which the owner resides, and puts the maximum outside of Chicago at \$10 for vehicles of horse-power more than thirty-five and \$5 for less than thirty-five horse-power, and double that amount in Chicago. It is protective against double taxation.

Mr. BROWNE (LaSalle). Down-State the maximum is ten dollars?

Mr. ROTHSCCHILD (Cook). Down-State the maximum is ten dollars.

Mr. BROWNE (LaSalle). What did it used to be?

Mr. ROTHSCCHILD (Cook). It used to be twenty dollars. It has been cut in half.

I wish to say this is merely an enabling act to permit the cities and villages that desire it to impose a wheel tax.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 97 and the "nays" 8; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. McCORMICK (Cook). Mr. Speaker, I move that the House recess until two-fifteen p. m. today.

Motion prevailed and the House recessed.

Two-thirty o'clock p. m.; reconvened.

The Speaker in the chair.

Mr. MOORE (Henry). I desire to call up Senate Bill No. 435 on the order of second reading.

THE SPEAKER. Are there any amendments; if not, the bill is ordered engrossed and to a third reading.

Mr. SHURTLEFF (McHenry). I move that the House refuse to recede from its amendments to Senate Bill 109 and ask for a conference, the conference committee to consist of five members.

(Motion prevailed.)

Mr. WILSON (Adams). I would like to call back, now, Senate Bill No. 223 to the order of second reading for the purpose of amendment and I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 223, in House, as printed, by striking out all after the enacting clause and inserting in lieu thereof the following: "That section 133 of an Act entitled, 'An Act in regard to elections and to provide for filling vacancies in elective offices,' approved April 3, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

"SEC. 133. When a vacancy shall occur in the office of county commissioner, State's attorney, county clerk, justice of the peace or constable within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment, by the county board of the county in which the vacancy exists, but if such unexpired term exceeds one year, the county clerk, or, in case of a vacancy in his office, the chairman of the county board, shall issue an order appointing a day for an election to fill such vacancy, and cause notice thereof to be given as in other cases of election: *Provided*, that when a vacancy shall occur in the office of sheriff, coroner, recorder of deeds, county treasurer, county surveyor, or other county or precinct officer not otherwise provided for by law, at any time before the expiration of the time such vacant office, such vacancy shall be filled by appointment, by the county board of the county in which such vacancy exists until the next county or precinct election, when a successor shall be elected for the unexpired term or a full term, as the case may require."

Mr. BURNS (Cook). This appears to be an entirely new bill from the one what was presented this morning.

Mr. WILSON (Adams). It is the same bill, Mr. Burns.

(Amendment adopted.)

THE SPEAKER. Are there any further amendments; if not, the bill is ordered engrossed and to a third reading.

Whereupon, the House proceeded with the consideration of Senate Bill No. 448.

Mr. YOUNG (Cook). I offer the following amendment and move its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 448, as follows: Insert after the word "closed" in line five (5) section 16b, the following: "from three days prior to last registration in the several precincts up to and including the next day for election."

Mr. YOUNG (Cook). Mr. Speaker, the purpose of this amendment is to close the registration period previous to the regular registration, an improvement in this bill.

(Amendment adopted.)

Mr. BURNS (Cook). I offer the following amendment and move its adoption:

(Amendment read.)

THE SPEAKER. The amendment is out of order. It is an entirely new bill.

Mr. BURNS (Cook). The same thing practically was done before this and I just want to be heard for a moment on this proposition.

THE SPEAKER. It is an entirely new bill, the enacting clause and everything else.

Mr. BURNS (Cook). Now, there have been other changes in bills, and if the bill is not proper I will change it.

THE SPEAKER. The chair rules that the amendment is entirely out of order. It is an entirely new Act.

Mr. BURNS (Cook). Now, Mr. Speaker, I would like to be heard on this a moment; I think other amendments have gone in.

Now, the amendment that I want to place upon this bill is what is known as practically House Bill No. 943, the permanent registration bill. It is a bill which tends to make registration permanent, a registration for four years. It is an amendment which applies only to the cities operating under the Election Commissioners' Act, and it is an amendment which will save the people of the State of Illinois or the cities operating under the Election Commissioners' Act considerable money. In the city of Chicago alone, in the precincts of the town of Cicero, the February registration of next year will cost \$160,625, the March registration will cost \$160,625, the March registration for the April primary will cost the same, and the cost of registration for the September primary will cost the same. The cost of these four registrations will be \$642,500, and this makes a net saving of \$554,500 in the city of Chicago, and will permit a saving in all the cities in the State of Illinois operating under the Election Commissioners' Act.

Mr. McCORMICK (Cook). Will you yield to a question for a moment? What is the number of this bill as it came from the committee?

Mr. BURNS (Cook). No. 943.

The bill contemplates registration every four years. The office of the election commissioners is open at all times so that persons not registered or those who have moved from the time of the last registration may go there and register up to and including the 29th day previous to any election. It also contemplates placing on the 26th, 27th, 28th, and 29th days previous to a primary or election four different places in the various sections or wards of the various cities places where people can go and register. Those places will be open from nine o'clock in the morning until ten o'clock in the evening. The various guards so far as candidates are concerned are thrown out the same as under the present law. The clerks of election are sent out and made a canvass of their precinct and make returns to the election commissioner. On the 23d and 24th days previous to an election, after the returns have been made by the various clerks, the suspect notices will be sent out and if the card is returned signed, the election commissioners know that the party to whom it was sent lives there and his name is retained upon the list. The letters have the stamp of the election commis-

sioners and if they are returned by Uncle Sam it is a knowledge with the commissioners that the parties who lived there are not there and their names will be checked from the list. I believe that all the safeguards possible so far as protecting the registration are in this amendment and I believe it should be adopted.

The various organizations that have assisted the election committee of the Senate and the House and the election commissioners of the city of Chicago have taken this matter up, they have gone into it thoroughly with some of the members and those that have been stricken out have made it in the main entirely satisfactory. I don't think that there is anything in it to which anyone could have any objection whatever. Now, I think it is an amendment that should receive the consideration of this House.

Mr. McCORMICK (Cook). Is this amendment in order?

THE SPEAKER. The chair has ruled that it is not an amendment; it is an original Act.

Are there any further amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. IGOE (Cook). I desire to call up Senate Bill No. 179 on the order of third reading.

This is a parole law for life time convicts and long term prisoners in the different penitentiaries. It provides in substance that when a man has been sentenced to life imprisonment after he has served twenty full years in the penitentiary, and that does not mean twenty years with good time off, but twenty full years in the penitentiary, after he has served that time, he is then eligible for parole. Now, that does not mean that he will be put out on parole, but it means that he is then in a position to come before the Parole Board and ask them for a parole; that parole may be for one year or ten years, or life, and it may be upon such conditions as the Parole Board may see fit. It is approved by the wardens of the two Illinois penitentiaries, it is approved by all the chaplains and it is approved by the Parole Board of the State, and it is approved by every organization in the State that has to do with men that have been convicts and are seeking to improve their lives.

Mr. PURDUNN (Clark.) Can I be heard a minute, please?

Mr. Speaker, 97 or 98 per cent of those who are sentenced for life imprisonment are men who committed murder. This question of pardoning men who commit treacherous crimes and who ought to be in the penitentiary will be worse under this bill. Now, gentlemen, if you want to put aside the question of ever abolishing capital punishment you should vote against the adoption of this measure. There ought to be some protection for society as well as the men who commit crime. Now, the men who commit misdemeanors and small offenses are entitled to consideration, and entitled to all the humane treatments that can be given them, but when a man escapes the gallows and by a compromise is sent to the penitentiary then it is no time for the so-called reformers to step in and make a farce out of the law.

Mr. LYLE (Cook). I think that it should be clearly understood just what this bill does. This bill abolishes life imprisonment. Now, if the members of the House want to vote for a bill which means that life imprisonment can be abolished at the end of twenty years' imprisonment, why, then, vote for the bill. I would rather abolish capital punishment than to pass this bill.

(Roll called.)

Mr. DEVINE (Lee). (On roll call.) The best argument in favor of capital punishment today is the fact that men escape life imprisonment by serving a limited number of years, and if this becomes a law that argument will be used with added force. It will go through the columns of the newspapers that men who have been sent to the penitentiary for life can be released in twenty years. I believe that there is a growing sentiment in this State against capital punishment. It is a relic of barbarism and should be swept off the statute books of this State. Anyone who makes a study of criminal matters knows that any man who has the money to get a decent defense very seldom goes to the gallows. If anyone will take the trouble to investigate the criminal trials of this State in the past few years they will find that that is absolutely true.

Now, the reason that I urged for this bill in the committee was that the practice had grown up in this State of granting about twenty-five pardons a year that it was unpopular for a governor to grant more than that. The pardoning power has been left in the hands of the governor to exercise and he should exercise it despite the fact that it might bring down public condemnation upon him. Illinois had one Governor who was not afraid to exercise the pardoning power. When John P. Altgeld pardoned the anarchists he received censure on every hand. He did that because he believed that the evidence did not sustain their conviction. Anyone who knew that governor knew that he was well aware when he granted those pardons that he was going to bring down censure upon himself, but I believe that the great mass of the citizens of Illinois respect him, and I believe that everyone who is against capital punishment ought to vote against this bill. I vote "no."

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker, I desire to explain my vote. I don't believe that the members fully appreciate what this bill is. Now someone has said if we pass a law which will permit parole of life time convicts, why it will be a very easy thing to commit murder and be paroled. Now the statistics show that the average life of a life time convict is something around eight and one-half years. That is the average length of life that they have after they are put in the penitentiary. Now, if the man who goes to a penitentiary for life, there is nothing in the future that is held out to him, and there is no reason why he should behave himself within those walls, there is nothing held out to him why he should seek to make of himself a better man, there is no hope, there is nothing for him but death. That man may be serving his sentence next to a man who has committed the most atrocious crime in the history of the State and maybe he is serving a sentence of from one to fourteen years. Now it is not right and it is not fair, and this is the only method by which the men who have to do with these matters may meet the conditions as they are.

Now it is only a year ago, or two, since up in Cook County a citizen of Cincinnati came to our city and he took his wife into a hotel and he deliberately slashed her throat from one side to the other, and that fellow was given a sentence of 14 years in the penitentiary. He goes down to Joliet, and he will get out in about eight years, and he is serving his time and he lives his life with some poor devil who perhaps made a mistake in his life, maybe he was young, and for some one reason or another, he made a slip and he got life. Now there is no justice about it.

I remember when this bill was up before the Judiciary Committee, Mr. Browne of LaSalle County asked one of the men from one of the penitentiaries how a certain prisoner was getting along. I was up in the penitentiary and discovered there a pretty good looking negro, and he was the man mentioned. This poor fellow had been in that penitentiary for 19 years, and they told me he was one of the best behaved prisoners in the penitentiary. Now, he goes along and lives his life on the inside, after perhaps he has made a mistake on the outside. Where is the justice, and where is the humanity within the heart of any man who will say there is no hope for you, keep on looking through those bars until the end of time. This is a good law. It is a law that has the approval of every decent person in this State, and it is a law that should have the approval of every man in this House. I vote "aye."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) On the 13th day of last February at 10:00 o'clock I saw a young man step out on the gallows and pay the penalty for a crime which he had committed when he was under the influence of liquor, at a time when he was under the influence of hatred, physically, mentally and morally deficient, born of parents who were first cousins, that young man payed the penalty for an awful crime. Now that young man should not have been hung. That young man should have been treated as every other feeble minded man. He should have been taken care of by placing him in some sort of an institution, and not punish him because of something that he inherited.

Now if you pass this bill, if you pass this bill you will increase capital punishment, because when the prosecuting attorneys argue to the jury they will argue that this man can be turned out in twenty years, therefore, gentlemen, do away with him. This will increase capital punishment, and I am opposed for capital punishment, and I would not vote for this bill on that ground, and I don't believe any other man should do so. I vote "no."

(Roll call continued.)

Mr. MAUCKER (Rock Island). (On roll call.) Mr. Speaker, I wish to explain my vote.

Mr. Speaker and gentlemen, I believe that this bill is a good bill and a humanitarian bill. I disagree with the gentleman from Cook who has preceded me for the same reasons that the statistics will prove that the great majority of murderers who are serving life sentences are not murderers at heart. Their crime ordinarily has been committed in the heat of passion and under adverse circumstances, and I believe that with that inducement held out to them to be good citizens that they will live hoping that some future day they might be paroled and it would be an incentive to good behavior and I think that they at least should be offered one opportunity for a better condition of their affairs as they are sitting in their place of incarceration. I shall vote "aye."

(Roll call continued.)

Mr. RAY (Vermilion). (On roll call.) I fail to see how any sane man can be against capital punishment and at the same time oppose this bill. There is nothing under Heaven that ever induced any man to ask for anything but the death penalty if he was defending his client, but for the simple hope that he might escape by reason of the clemency of the executive of the State. There is not a man with a drop of manly blood in his veins that would not prefer to ornament the end of a rope if it wasn't for the simple reason that he hoped sometime to receive executive clemency. The truth is that if you ever expect to reform criminals in this country, you will never reform them by putting them behind stone walls, and the fellow who has no more sympathy for the fellow that is down, no more consideration nor friends, then you put a man behind walls regardless of the shortcomings of our jurors, and our judges, notwithstanding the fact that all men are liable to error. We all know that they are human like the rest of us, we know that they have erred, and while erring may have sent some poor devil to the gallows, or to the penitentiary for life, and now we stand here, not willing to trust the pardon board and the executive to act. I say that every man on this floor ought to vote for this bill, and I am surprised that any man will vote against it. I vote "aye."

Mr. DEVINE (Lee). Isn't the Governor vested now with the power of pardoning any one who is worthy of it?

Mr. RAY (Vermilion). He is.

Mr. DEVINE (Lee). Then why shouldn't he exercise the power?

Mr. RAY (Vermilion). Simply because he don't want to be put in bad.

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) Mr. Speaker and gentlemen of the House, to my mind this is a very serious question. It has been my privilege to visit the penitentiary many times in the last four years by virtue of being sheriff of my county, and I think I know something about the lives of the men in the Southern Illinois Penitentiary. In my judgment this question is one that should receive very serious consideration. I remember well when I took a young man of twenty-three years of age to the penitentiary for committing murder. Under the strict construction of the statute and the law, it seemed that there was no escape for him other than life imprisonment. This young man in a fit of drunken desparation took the life of a policeman in my county. He was absolutely irresponsible for his acts at that time. Now can it be said that for the rest of his life there can be no ray of hope? There are other instances where it seems that men are absolutely justified in taking the life of other men, and under the strict construction of the law there is no escape for them but the gallows or the penitentiary for life. And in my judgment nearly every member of this House knows of some good citizen that has never committed a crime before in his life that is now languishing in the penitentiary without a ray of hope for committing an act that in a second sober thought he can almost decide

that he was justified in it. I can't be against this bill. I have seen too much of it in the last four years. I vote "aye."

(Roll call continued.)

Mr. WATSON (Hardin). (On roll call.) I don't believe that there is a man in this House that is any more opposed to capital punishment than I am. I don't believe that there is a man here that would go farther to strike from the statute books that relic of barbarism, and for the very reason that I am against capital punishment I am for this bill. I am against capital punishment, because I believe in giving every man another chance.

Mr. BROWN (Cook). Suppose that it was your own sister?

Mr. WATSON (Hardin). Yes, sir; if he commits murder I believe in giving him another chance. The punishment is not for revenge. We can't inflict punishment upon them for revenge. Every one of us has got enough to do to escape the penitentiary. A punishment is only inflicted for three purposes. One to put the offender where he cannot commit the offense again, another to reform him and the other to deter others from committing a like offense. I say I believe in giving every man another chance, and when a man is sent to the penitentiary under this bill he cannot be paroled until he has served twenty years. This bill does not say that he must be paroled, but that he may be paroled, and when a man is paroled he goes out on his good behavior. When he goes out pardoned unconditionally he is free, but when he goes out on parole he goes out with the understanding that he can remain out so long as he obeys the laws of the State of Illinois, and so for the reasons I have stated, I vote "aye."

(Roll call continued.)

Mr. WILSON (Adams). (On roll call.) I don't believe this question ought to be confused with capital punishment. I am in favor of retaining the law of capital punishment on the books to be used sparingly and only occasionally, but I am satisfied in regard to the parole law that it is a necessary matter. I have in mind one man myself who was sent to the penitentiary for thirty years for murder. Under circumstances not of an aggravated sort. I have received letters from year to year from that young man and I am satisfied that if he could be paroled that he would be a fit subject to be allowed to go at large. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" 19; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. ROTHSCCHILD (Cook). I desire to call up Senate Bill No. 72 on the order of third reading, the Loan Shark Bill.

Mr. Speaker, this bill amends the Practice Act for the purpose of making the wage earner a defendant in a suit on an assignment of wages. As the law now stands, if a man assigns his wage and a suit is started, and he is not a party to the suit, sometimes loan sharks have started suits and gotten judgment for more than is due.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 112 and the "nays" nothing; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. GRAHAM (Mercer). I desire to call up Senate Bill No. 198 on the order of third reading.

Mr. Speaker and gentlemen, this is a slight amendment to the Township Organization Act. It is local in its application, I believe, in the cities of Rock Island and Moline, which it is intended to cover. There are townships or towns inside of the city, and this simply amends the present township organization law by adding a clause that provides that where a town is wholly within the limits of an incorporated city or village that the electors at a town meeting may, if they desire, by vote, permit certain portions of the township funds to be used on the roads and streets of that city or village inside of the township.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" nothing; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BOYER (Cook). I desire to call up Senate Bill No. 108 on the order of third reading.

Mr. Speaker, the purpose of this bill is to correct an error that inadvertently crept into the Public Utilities Act. The Act as it now is states that a public utility corporation that issues capital stock must pay one dollar a thousand into the treasury of the public utilities fund. It must also pay another dollar a thousand into the Secretary of State. The object of this Act is to put the public utilities corporations on the same basis as other corporations and require them to pay one dollar a thousand into the office of the Secretary of State. The bill further provides that issues of bonds for the purpose of refunding or discharging bonds upon which the dollar a thousand has been paid, and it does not increase the indebtedness, the purpose is that there shall be no fee charged.

Mr. BROWNE (LaSalle). I would like to ask the gentleman a question. Where do these fees go, to the Secretary of State?

Mr. BOYER (Cook). No, sir, they go to the State treasury. It is paid through the Secretary of State into the State treasury, as I understand it.

Mr. BROWNE (LaSalle). Under this bill?

Mr. BOYER (Cook). This is only an amendment.

Mr. BROWNE (LaSalle). Well, where do they go now?

Mr. McCORMICK (Cook). Through an error in the Public Utilities Act passed at the last session, through an oversight, a provision was made for two different sets of fees in two different Acts. This bill provides that there shall be only one set of fees.

Mr. BROWNE (LaSalle). Does this take anything away from the Secretary of State's office?

Mr. McCORMICK (Cook). Not a dollar.

Mr. BROWNE (LaSalle). Is he satisfied with it?

Mr. McCORMICK (Cook). Yes, his attorney helped draw the bill.

THE SPEAKER. On this question the "yeas" are 104 and the "nays" nothing; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BOYER (Cook). I desire to call up Senate Bill No. 347 on the order of third reading.

Mr. Speaker, this is merely a re-enactment of the fee section of the present statute and is a committee bill from the Senate.

Mr. IGOE (Cook). What does this bill do?

Mr. BOYER (Cook). At the time that this bill was before the Senate committee they were in some doubts about how it would act upon the present statute, so this is merely to re-enact the present fee section with the amendment that the money be paid to the Secretary of State.

It is a re-enactment of the statute in effect at the present time.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 117 and the "nays" 1; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. RICHARDSON (Christian). I desire to call up Senate Bill 362 on the order of third reading.

Mr. BRINKMAN (Cook). I object.

Mr. PIERSON (Cook). I move that the rules be suspended and that we proceed under Rule 12.

(Roll called on the motion to suspend the rules.)

(Motion prevailed; rules suspended.)

(Roll called.)

Mr. BRINKMAN (Cook). (On roll call.) This is the first time this session I have gotten up at the roll call and asked to explain my vote, and I just want to do it in a very few words. It may be an unpopular measure to be against, but in my opinion it is one of the worst bills that has come up in this entire session. At first I want to say that I do not believe that any house of prostitution or anything of that character. The worst part of this bill is that a writ of injunction can be had to stop a piece of property from being used for that purpose, which is all right as far as it goes, but after that writ of injunction is issued in order to use the property for any purpose whatsoever, a person owning that property must give a bond for

the full value or for the value that the judge thinks is right before that property can be used for any purpose whatever, be it legal or illegal. This may be all right for some rich property owner that can put up a bond no matter what it is for, but I just want to say that supposing the property that is used for this purpose was owned by some widow woman or some child, or by somebody who lived out in the country, or away from it and had no friends and only had this one piece of property, I would like to know how that party could get a bond so that the property could be used for legal purposes for the next year? If they did not put that bond up the property would be closed up the whole year, and they would lose the income of it and probably lose the property besides. I don't believe in using property for this purpose, and I don't do it whenever I know it. I am in the real estate business in Chicago and I bump up against this kind of proposition right straight along. We get these classes of people in our property and we get them out as fast as we can, as soon as we find it out. That is not any kind of money that I want, nor my clients, nor anybody else, but if we get caught on any proposition of this kind, for any person that has only one or two pieces of property we don't want any court of equity to say that we can't use it for any purpose whatever unless we put up a bond. I probably could put up a bond on my own piece of property, but there are thousands and thousands of cases where the people, the woman or the child or the man, whoever it may be, could not use that property for any purpose whatever unless they could get that bond, and it is a bond that is the hardest to get of any kind that you can possibly put up. A criminal of the worst character can get a bond that he won't run away, but anybody that has got a piece of property, to get a bond of that character, where it is slipped over so easy, it is awful hard to get. The party that owns a piece of property like this, if they live in the country or any other place where they have absolutely no jurisdiction over it, if they leave it to an agent in the city, that agent may wilfully or unwilfully rent that piece of property for that purpose, and if an injunction is issued—probably the owner never knows anything about it and don't know what it is being used for—he will never find it out until that writ of injunction is had, and he will have to put up a bond, and I tell you, gentlemen, it is a bad bill and it ought to be killed for that one purpose alone. I vote "no."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I am not going into any lengthy discussion of the merits or demerits of the main body of this bill. I have already wearied the House with my views on the subject. I could not make it any stronger if I was to talk a day. As you know, I believe that this bill is a wrong bill; that is, it may be right in intention, but it is almighty poor in the way it is drawn up and in the execution that will be done under it. But I do want to call your attention to one feature. Wherever an injunction is issued and sustained against a building under the provisions of this Act that building cannot be used for any purpose for a year. Now, bear that in mind as a starting point. It cannot be used for any purpose for a year. All right. Here is a big apartment building or a big flat building. It has got a dozen apartments or a dozen flats. The owner is a respectable, law-abiding citizen; he makes his living by renting his apartments or his flats. Under the present conditions we will say in the city of Chicago where the red light district has been abolished, where segregation is a thing of the past, these sporting characters, these fallen women have simply disseminated themselves all through the city from one end to the other, and in every part of it, and they cannot always be told by their appearance. They do not all carry the hall mark of what they are. And this landlord, the first thing he knows, the first thing this house owner knows, or his agent knows, they find that one of those flats or apartments is occupied by a tenant that is not using it for proper purposes, and not only that, but he is cited in the court and an injunction is maintained against him. Before he can satisfy himself of the justice of the charge in the notice he is cited into court and it is sustained against him. Now, then, that is only one flat; that is only one apartment. Under the provisions of this bill that building cannot be used for any purpose for one year thereafter. That is what it means. And you

cannot put any other honest construction upon the bill. Now, if that is so, it is unfair, it is unjust to the property owners. It is not a good law; there isn't anything fair or honest about it and it ought not to be written upon the statute books. I recognize the fact, gentlemen, that it is not popular to talk against a bill of this kind, no matter how wierd, ghastly and full of vagaries it may be; it does not make any difference if it has not got an honest leg to stand on, if it is lame, halt and blind and has the asthma, it is not popular to talk against it. It is not good policy to the man that does it. They look upon him with a sort of horror and hold up their hands, and many of those that hold up their hands are representing districts that are loaded full of this kind of stuff and are hypocrites here and enjoying the proceeds at home. I know it is unpopular. I know it is not policy, but unfortunately I prefer honesty to either one, and I vote "no."

(Roll call continued.)

Mr. BRUCE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I wish to briefly explain my vote. It has been discussed at length on second reading in this House and I offered an amendment to the bill which the proponents of the bill agreed to. That amendment provides that before an owner of a building or premises that is being used in this illegal manner can be brought into court, he must have been notified at least five days prior thereto of the purpose for which his premises was being used and he must have failed or refused to abate the nuisance. This, in my judgment, is one of the best bills that has come before this General Assembly. (Applause.) Had this bill been a law some ten years ago it would not have been necessary for me to have moved my family, but it was necessary in view of the absence of this legislation. People who were not fit and proper to reside in a residential district rented a premises close to my home and the nuisance grew to such an extent that even small children nine and ten years of age begun to be aware of the existence of that nuisance in our neighborhood. I appealed to the authorities for relief and they could find no law under which that nuisance could be abated and it became necessary for decent people who were endeavoring to raise their families in decent neighborhoods to move out of that neighborhood and we had to leave instead of having a law on our books which would enable us to compel them to leave. This is a good bill. Before an owner of a building can be brought into court, before an injunction can be issued it must be apparent to the judge and to the court that he has had ample notice, and that he has refused absolutely to aid in abating that nuisance. I believe the bill should pass. I vote "aye."

(Roll call continued.)

Mr. BURRET (Champaign). (On roll call.) Mr. Speaker and gentlemen of the House, I will take only a few moments to explain my vote. I believe that in the closing days of this session, while we have been appropriating money to take care of a large number of insane, of which probably thirty-nine per cent are due to specific diseases, and while I know it was unpopular two years ago to undertake to pull the State of Illinois out of the mud, but we did it; while we have been appropriating large amounts of money for salaries, I want to go on record as saying that the State of Illinois is not only legislating along those lines but that we are ready to do more legislation, and that if this bill passes, I believe it will redound to the credit of the Forty-ninth General Assembly as much as any bill that will be passed in the House in this session, and I vote "aye."

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, the objections which have been urged today I do not believe are tenable. The owner is fully protected here by having the notice of the use to which his property is put either served upon himself or upon his agent, with a particularity as to dates and other things so that it seems to me every precaution which is required is here fully provided for. Under the law as it now stands, not only may an owner be deprived of the use of his property, but even in certain instances the owner may be deprived absolutely of the fee title. The objections made here that he may be deprived of the use for a single year, that he may be required to give a bond, are not serious at all, for the utmost the court can possibly do is to enter a decree depriving him of the use after he has failed either directly or through his

agents to abate this nuisance. Surely anybody acquainted with the change of the character of residence property in a large city like Chicago would be very glad to have the opportunity to inaugurate legislation of this kind. It is sadly needed there. Owners of property have found that they thought they owned a piece of property of some value and in a very short time the value of that property deteriorated so very materially that they could hardly sell it for any purpose. I have had a similar experience. Only a short time ago I owned what I thought was a fine residence in one of the best districts in Chicago, but by reason of the absence of a law of that kind that property today is not worth one-third of what it was, so the respectable people are moving out of neighborhoods of that kind because the law has been unable to reach these transgressions and violations, and desecrations. Surely here is a law that ought to have the support who appreciates decency. I vote "aye."

(Roll call continued.)

Mr. ELLIS (Kane). (On roll call.) Replying to the criticism directed at this bill in regard to closing property up for a year, I desire to call attention of the members of this House to section 8. I think that fully answers the criticism. I vote "aye."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker, there is one thing in regard to this bill that I am sure the gentleman from LaSalle (Browne) and others on the floor of the House have overlooked, and that is that this bill tends to do away with raids, with arrests and prosecutions, with fines and imprisonment and makes for a milder form for the suppression of vice and crime and the annihilation of disease that we hear so much about. Instead of prosecuting persons and putting them in jail it seeks to enjoin the property, not the person, but enjoin the property and abate the nuisance.

Now if you look at it in that light I am sure those who do not believe in prosecution, in fines and jails as methods for reforming people, will agree that this is a reasonable bill. Now this bill has been passed in nineteen other states and it has been tested out in about six other states as to its constitutionality. Its purpose is to prevent a public nuisance and to suppress what the law declares to be a nuisance. Now, gentlemen, even when convictions are had, after arrests and prosecutions have been had in cases of this kind, the work has to be all done over again. You arrest a prostitute, you arrest the proprietor, you arrest the patron, and nine times out of ten you will find in some other locality or in some other city or place the same thing going on again. Prosecutions and fines do no good, but this is an entirely different method, and it is sane and reasonable. Now there has something been said about enjoining the landlord from the use of his property. This does not seek to enjoin unless the landlord or the owner or the agent knew of the existence of the nuisance. That is safeguarded. It does not seek to enjoin until after five days notice has been given to the landlord, or the agent, giving the landlord and the agent proper and due time to get rid of his undesirable tenants. Now it also provides that no injunction shall be issued unless in the petition it is specifically stated as to what took place and the dates upon which those acts took place, so there is nothing wrong and no injustice and it safeguards the proprietor. Now listen to this, in section 3, lines 6, 7, 8, 9, and 10, is an answer to the objection which was made, I believe a few days ago that this amounted to a bill for blackmail. The answer is contained in lines 6, 7, 8, and 9, and provides against that. Provision is made to guard and protect the proprietor from anyone who would start one of these prosecutions and the shake down the proprietor and leave the community. Now again in section 3 it provides that in case an injunction and abatement proceeding fails that the petitioner—not the proprietor of the place, not the man who owns the property, not the agent of the place, but the petitioner—must pay the cost, see. Now this bill was drawn up and there were some objections to it on the part of the apartment owners association to begin with, but those objections have been eliminated and the Apartment and Building Owners' Association of Chicago have accepted this bill and agreed with it and are willing to come to the front and state so in writing. The Chicago Real Estate Board, the Cook County Real Estate Board have approved this bill; have withdrawn their objections, and it is endorsed by the Chicago Association of Commerce, if that means any-

thing to you gentlemen. Now, no injunction shall issue under this bill unless the petitioner so states and the evidence bears out the fact that the agent had endeavored in good faith to prevent such a nuisance, and no other apartment—now here is another thing—no other apartment but the apartment in which the nuisance takes place can be molested or attached in any way. That was one of the chief objections that the apartment owners and building owners and real estate associations had to this bill. They said that a whole hotel, or whole apartment or building could be closed up, and this amendment was inserted, and gentlemen, I want to say to you that this is a mild form for the prevention of vice and crime, doing away, as it does with raids, by police officers, and therefore doing away with prosecutions in court, doing away with fines and imprisonment, and thereby should receive your support, and I am sure, gentlemen, if you consider it carefully that you will vote for this bill, and when you go home you will feel as though you have done a good and a wise thing by voting for this bill. I vote "aye," Mr. Speaker.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 110 and the "nays" 5; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill 164 on the order of third reading.

Mr. HRUBY (Cook). Mr. Speaker and gentlemen of the House, this bill seeks to extend the age limit from 16 to 21, and from 21 to 26, sending the first offenders to the reformatory instead of the penitentiary. Along last October there was a committee of nine appointed by the Governor of this State. On that committee were Judge Dever, Judge O'Connor, the superintendent of the Joliet Penitentiary, the superintendent of the Reformatory at Pontiac, and the superintendent of the Reformatory at St. Charles. This bill has been drafted by the most able lawyers in the State of Illinois, presented to this committee and this committee had several meetings in the city of Chicago. After going over it carefully they voted it out unanimously. Now, gentlemen, if this bill is enacted the State of Illinois will not be the only State that has such a law. They have a law in Massachusetts which commits the first offenders to the reformatory up to the age of forty years, the same in the state of Pennsylvania, and there are a number of states which I could name over which have adopted this law and I believe it is a very meritorious bill and ought to pass.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, there is something in this bill that strikes me as being something that is going to cause a whole lot of—not confusion—but a whole lot of trouble, and ought not to be approved of here. In the latter part of section 10 the last clause I find this: "And in case the finding of the jury shall be that the defendant is between the ages of 16 and 26 years, and the offense of which the defendant is found guilty is not a capital offense, the jury trying such cause shall not fix the punishment of the defendant."

Now, that won't do; that won't do. Under the present law there are a number of crimes for which the jury does fix the punishment—murder, treason, rape and I think one other—and we have passed a bill here which perhaps will be made a law this session, including manslaughter. Now, then, if this bill passes and the man is over 26 years of age and he commits rape, or is guilty of treason, or commits manslaughter, why the jury does fix the punishment, but if he is under 26 years of age, even if it is only two or three days, the jury does not fix the punishment, unless it is a hanging offense, unless it is a capital offense, namely, murder. Now, that won't do. That is taking away from the court and jury as they have it today a large part of the punishment in the criminal case, and it is larging amount to the discretion of the Parole Board. Now, I am making no attack upon the parole system. I am not friendly to it; I never have been particularly friendly to it for the reason that I believe the court and the jury that hear the case, hear the trial, hear the witnesses, are far more capable of fixing the punishment and determining the punishment than is a body of men that don't know a thing about it except what they read in cold print. Very often the appearance of the witness on the stand, his demeanor, his hearing; and the defendant, his bearing, is worth more than all that he says in determin-

ing the matter. Now, I can understand why it should be provided if they were under 16 years of age; that is a child; I am willing to let it go at that. But when you get up to 26, or 25, or 24, or 21, or 20, or 19, you have not got a child; you have got a man, and if he has committed rape; if he has committed manslaughter; if he is guilty of treason, he is a criminal, a full-fledged criminal, just as much as if he was 40, and this won't do to fix that limit to take away from the court and jury up to 26, in those cases, and for that reason I cannot vote for this bill in its present condition.

Mr. PURDUNN (Clark). The reason that this bill was prepared was to give to the young fellow who was under 26 years of age and who had committed his first offense, a chance to go to the reformatory instead of the penitentiary. That is the essence of the whole thing. Now, this system or this law, if enacted, would put the State of Illinois on the same plane as New York, Pennsylvania, New Jersey, Ohio, Indiana, Connecticut, California and perhaps other states that I cannot recollect, but most of the laws in other states provide that first offenders shall be sent to a reformatory between the ages of 16 and 30. This bill limits it to 26. Now, in Ohio, they have two reformatories, one from 16 to 30, and the other from 10 to 16. There is an institution provided in this State at St. Charles to take care of all those under the age of 16. I think it is along the lines of reform and the treating of criminals, if there is any reform to be had, and I tried for a number of years while I was a member of the reformatory board to get this law passed. Now, at Joliet, they have 1,800 to 1,900 prisoners. At Chester they have 1,200 to 1,300, and among those is a large number of young men who have committed their first offense. If you will avail yourselves of this law the first offender may get the advantage of being sent to a reformatory instead of a penitentiary. Now, you gentlemen who have some pity in this matter that you expressed this morning, you have an opportunity to aid the young man, the man who commits his first offense. If he is 22 years old, under the present law he has to go to the penitentiary. This bill raises the age to 26. It does away with the law committing offenders under 16 years of age to the Illinois State Reformatory, which is proper and right, they should not be there.

Now, gentlemen, this commission was appointed by the Governor and was composed of some good legal talent that drew this bill. I was not a member of the commission, but I have confidence that the commission who drew up the bill knew how to draw it up, and it meets with the approval of the late Doctor Henderson and all those who have ever been engaged in looking up these matters and I hope the bill will pass.

Mr. DUDGEON (Grundy). I would like to ask what is the average age at the reformatory now?

Mr. PURDUNN (Clark). I don't know exactly, Mr. Dudgeon, what the age limit is, but I presume around 19 or 20.

Mr. DUDGEON (Grundy). What was the age of the first inmate when you were trustee?

Mr. PURDUNN (Clark). The first inmate was 36 years; he had come back a number of times; he was a colored man who had been sent out, and sent out, and been tried on parole, and had violated and had returned. It was the fact that he had kept being returned there on account of his age. It is true, Mr. Dudgeon, that under the present law these young fellows occasionally misrepresent their age.

Mr. DUDGEON (Grundy). Yes, oftener than they tell the truth about it.

Mr. PURDUNN (Clark). But the court may determine when they say they are under 21 whether to send them to the reformatory.

Mr. DUDGEON (Grundy). You know it is a fact that boys have gone there representing to be under 20 years of age, under 22 years of age, that were 30, don't you?

Mr. PURDUNN (Clark). There is no way, Mr. Dudgeon, when they testify in court that they are under 21 of disproving it, and they have to send them there; that is true. The jury finds them guilty and recommends the reformatory sentence.

Mr. COOPER (Wayne). Mr. Speaker and gentlemen of the House, my idea of this bill is this: If you are going to have a reformatory for young criminals, which is the only theory upon which they can be divided from

any other, so that they may not be associated with those older in crime, I cannot see why this bill should pass. If you are going to raise the limit to 26, why not just raise the limit up and make it an ordinary penitentiary and put the young offenders wherever you may have room for them, no matter whether it is a reformatory or a penitentiary. If it is not to be a reformatory for the purpose of reforming the young criminals and keeping them away from those who are deeper dyed in crime, if you are not going to do that, abolish the name reformatory and call it a penitentiary, as it would be when you put those older in years of crime together with these boys.

Mr. WILSON (Adams). Mr. Speaker and gentlemen of the House, I want to say a word, gentlemen, in regard to this bill. It happens that along in the month of March or April I was in the city of Pontiac and was entertained over night by the superintendent of the reformatory there, and I became considerably interested in the institution. Judge Graves, the superintendent of that institution, took a good deal of care and attention to show me over the institution, and he went into the merits of this particular bill. At the time that I went there, I was not familiar with this proposed legislation, but it seems to me, gentlemen, that this is a meritorious piece of legislation. In the first place there are a good many young men of 21, 22, 23 and 24 years of age who are not really criminals. They get into crime through misery, or misadventure and sometimes commit offenses which are felonies, yet they are first offenders. They are such that they should not be committed to the penitentiary. It is well known that if a man goes to the penitentiary there is a blot upon his name, a blot upon his escutcheon, if you please, that can never be eradicated, and a great many of these men are such that they may be reformed. Now, there is mighty little reformation done at the penitentiary, but if any of you have been to this institution you will know it is a good deal like a military school. After you get in there you would not imagine if you did not go in that it was a reformatory at all, or that any one was kept there against their will. These young fellows go out in military uniform and they exercise in company, and by platoon before breakfast; they get the blood circulating, they go into breakfast; then after breakfast there is some more exercise, I think; then they go in to the schools. Part of them work in the morning, and part are in school in the morning. Those who are in the shops in the morning are in the school in the afternoon, and I want to tell you, gentlemen, that this is a humanitarian school, and I am informed—I would not have to be informed, being there and seeing this institution as I did, I really would not need to be informed—but that is the fact that penologists generally in the country universally have endorsed this sort of thing, and throughout the length and breadth of the State it is the disposition of those who have to do with this sort of thing that the young man up to 25 or 26 years of age who is a first offender should be given another chance, and that he should be permitted to go to this school where he will get education, and I want to tell you that it is the lack of education and the lack of opportunity in life that makes a criminal of a good many of these young men, and I have seen them work, and I have seen their handiwork and seen the pride they take in the work they have done. They become printers and moulders and basket makers; they do all sorts of work, and I tell you, my friends, for the sake of the young man who has committed his first offense I want to say that he should not be committed to the penitentiary but should be committed to this institution where he should have another chance for his life.

Mr. McCORMICK (Cook). Mr. Speaker, I shall vote against this bill very reluctantly, as I have no doubt other members will, but it seems to me that this House is unable to determine at this time that we should send these older young men, I think they call them, to the same institution with the boys. If it is not wise that they should be sent to the regular penitentiary, then we should send them to a new institution to be created. A little while ago under the influence of the argument of my friend from Cook, I voted in support of the bill to release "lifers." That I think was a considerable step on the part of many of us, but this is a step far in advance of that, and I do not believe it wise that this bill should pass this House at this time.

Mr. BROWNE (LaSalle). Mr. Speaker, now in the first place if this is a humanitarian proposition pure and simple it is not needed. Section 500 A

of the present Probation Act provides that all courts having criminal and quasi-criminal jurisdiction shall have power to deal in the manner hereinafter provided with all offenders whether adult or juvenile brought within the jurisdiction of said courts respectively for any of the offenses hereinafter specified. It names the offenses. Now this Act provides practical immunity for all criminals up to the age of 26 years unless in case of murder. It provides for keeping a man as a boy until he is 26 years old, and excusing him for all manner of crime, simply because of his age. Now if this bill just said all first offenders instead of fixing the age at 16 to 26, making it all first offenders whether they be 6, 16, 26 or 46, there would be some semblance of sanity to it.

Mr. WILSON (Adams). Line 12, section 12, ought to cover that.

Mr. BROWNE (LaSalle). Now, it doesn't cover anybody except those from 16 to 26, and I want to say to you that the most hardened criminals in the State of Illinois today are not over 26 years old, some of them. I want to say to you that the car-barn bandits, Neidemeier, Marx and the other two, none of them were over twenty-six of age, and it was not their first crime. If you will go down the records, and down the list you will find today that men put on trial for these damnable offenses in the courts, these worst offenses are men less than 26 years of age, or not to exceed 26 years of age, and this bill provides for babying them, for sending them to a reformatory because they are not competent and because they are not responsible. Well, if you do that, gentlemen, and I believe I am a humanitarian, if there is one here, if I could abolish, I would abolish capital punishment, I would go that far, I don't believe in the taking of human lives, a good many men ought to be hung, but nobody ever constituted you and me and the rest of us with the authority to take human life, even if somebody deserved having it taken,—I go that far but if you are going to go on with this kind of stuff, if you are going to go on with a lot of this tom-foolery, and this mockery stuff, you are going to turn lose in the State of Illinois crime rampant. You are going to fix it so that your homes wont be safe, your women folks wont be safe, your own lives and property wont be safe. You are simply propagating a disrespect for law and disrespect for punishment; you are fixing it so that the criminal classes will laugh at you. Humanity is going too far in a thing of this kind; it is letting the reins lose for the few to the destruction of the many and this bill ought not to pass.

Mr. PURDUNN (Clark). Mr. Speaker, I do not think that anybody will charge me with being a reformer, but I tell you I have had twelve years experience in connection with this institution, and I hope that the gentlemen present will give me some credit for having sense enough to have picked up something with relation to that institution. I am certainly, if I am able to talk on any question, I would be on an institution with which I was connected for twelve years. Now, gentlemen, this bill simply provides for first offenders; no second offenders can be sent there. If it is a bad law why isn't it bad in New York, in Pennsylvania, in Massachusetts, Connecticut, California, Indiana and other states?

Mr. BROWNE (LaSalle). Why don't you include all first offenders then, irrespective of age?

Mr. PURDUNN (Clark). Because that institution is not an institution for lifers, or twenty year termers under this provision. It is simply for first offenders, and young fellows who have not become hardened criminals.

Mr. BROWNE (LaSalle). May I ask you a question? Which do you regard the biggest criminal, the fellow of 24 or 25 that goes out and takes some little girl and ravishes her and leaves her a bleeding wreck over in the thicket, or some man 45 years of age that gets in a quarrel with some friend of his and in a frenzy kills him, which do you regard the worst criminal?

Mr. PURDUNN (Clark). I am not defending any class of criminals here. Any crime sounds just the same to me, and I am not defending any, and I don't want it understood that way, but I do say to you that along the lines of legislation nowadays that if you want to give the young man a chance as you talked about these men, why don't you give him a chance now, here is a chance for you to give the first offender a chance for his life.

Now I heard that discussed this morning as to giving a man a chance. If we don't give a young man a chance, why, where are you? It is under the discretion of the court as to whether he be sent to the reformatory anyhow.

Mr. GRAHAM (Mercer). Mr. Speaker and gentlemen of the House, I had a little practical experience along this line in my county for eight years, and I think I know something about the situation in regard to a juvenile criminal. Toward the last of my public service I got in such a frame of mind that I would not send a young fellow to the reformatory because of the general situation of affairs down there. It was almost making a boy a criminal by sending him there, because the older fellows taught him crime and devilment. You are trying to raise the limit to 26 here; send not boys there, but men to teach these young fellows more devilment and more crime.

Mr. BROWNE (LaSalle). Isn't it true that for years Pontiac has been known from one of Illinois to another as a school of crime?

Mr. GRAHAM (Mercer). There is not a prosecutor that has ever been in there that wanted to send any boy there.

Mr. PURDUNN (Clark). I am not holding any brief for the reformatory; I lost my job there, but I ask you in all fairness, Mr. Graham, if a boy between 10 and 16 years should go to a reformatory? And that is your present law.

Mr. GRAHAM (Mercer). You are sending boys 16 now, if you change the law you will have them associating with men of 26.

(Roll called.)

Mr. HRUBY (Cook). I move the further consideration of this bill be postponed.

(Rising vote taken, motion prevailed.)

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up Senate Bill 388 on the order of third reading.

This is a bill for the appointment of commissioners for the purpose of the construction and erection of a monument to the memory of former Governor Richard J. Oglesby of Illinois, in Lincoln Park, Chicago, or other public park that the commissioners may choose and the bill carries an appropriation of \$25,000 therefor.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 101 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. MERRITT (Sangamon). Mr. Speaker, I desire to call up Senate Bill 450 on the order of third reading.

This bill simply repeals the old charter, and affects only Jacksonville; it incorporates the city of Jacksonville and puts its schools under the old general school law. That is all there is to the bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 105 and the "nays" are one. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up Senate Bill 208 on the order of third reading.

This is a bill for the appropriation of \$5,000 to a board of commissioners for the construction and erection of a monument to the memory of former Governor Thomas Carlin of Illinois, at Carrollton, Greene County. The Forty-eighth General Assembly appropriated \$5,000 for this purpose but it wasn't sufficient to carry out the purpose of the act, and this \$5,000 will be sufficient to build a suitable monument down there.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 103 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. FIELDSTACK (Cook). Mr. Speaker, I desire to call up Senate Bill 353 on the order of third reading.

Mr. SMEJKAL (Cook). Mr. Speaker, this is an act to legalize certain elections held under and by virtue of an act to provide for the organization of park districts, and this bill was introduced to remedy the following defects:

First—A certificate of action was issued by the judge of the County Court in place of the election commissioners.

Second—Pasters were used on the ballots by the voters contrary to the ballot law of 1891.

Third—Territory within the city of Chicago was organized into a park district notwithstanding the fact that the city of Chicago had been given power to create parks. All of these defects were raised in quo warranto proceedings brought against the district this spring. Judge McGoorty decided in favor of the district. That decision has never been appealed and the district is still open to attack on account of these defects, either by quo warranto or injunction. It costs the district \$3,500 to defend the proceedings. This is a small park district and it makes it almost prohibitive; they can't stand the expense.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 110 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). Mr. Speaker, I move we take a recess until 8 o'clock tonight.

(Motion prevailed.)

Whereupon the House recessed until 8 o'clock p. m. same day, June 17, 1915.

Eight o'clock p. m., reconvened.

The Speaker in the chair.

Whereupon, the House proceeded upon the order of Senate bills on second reading and Senate Bills Nos. 195, 51, 446, and 346, were taken up, read a second time, and ordered engrossed and to a third reading.

Mr. J. W. RYAN (Cook). I desire to call up Senate Bill No. 295 on the order of second reading.

The Committee on Municipalities presented the following amendment and recommended its adoption:

AMENDMENT No. 1.

Amend Senate Bill No. 295 in House, by striking out the word "lands" appearing in line 13 of section 2 on page 2 of the printed bill and insert in lieu thereof the words "or artificially make land within or bordering upon any inland lake lying wholly within such city or village."

Mr. FRANKHAUSER (Cook). I want to move that those amendments be laid on the table. This is a bill that there has been considerable controversy over and the bill that came from the Senate was thoroughly threshed out over there and it comes here now as it has been agreed to by the city. I have not had an opportunity to examine the amendments. This bill involves a good deal, it means a good deal for the city of Chicago.

Mr. WILSON (Cook). May I answer the gentleman. The city was represented in the committee last evening and at that time said that they would prefer that the amendments be not added to this bill, but today I was told by one of the representatives of the city that they were satisfied with these amendments.

Mr. FRANKHAUSER (Cook). Well then I am laboring under a misapprehension.

Mr. WILSON (Cook). I would not tell you that unless it was good information. They told me today that they are satisfied with these amendments.

Mr. FRANKHAUSER (Cook). I understood that I was speaking for a representative of the city and that the bill as it came from the Senate was satisfactory, but that these amendments that will be offered here are not satisfactory to the city.

Mr. WILSON (Cook). I was on the sub-committee, chairman of the sub-committee that investigated this Calumet proposition.

Mr. FRANKHAUSER (Cook). What does this amendment do?

Mr. WILSON (Cook). This amendment takes out that 300 feet that they had around the lake and they could not build a harbor with that in.

Mr. FRANKHAUSER (Cook). Well, my understanding was that 300 foot limit there was for the purpose of leasing that for manufacturing purposes.

Mr. WILSON (Cook). All right; but even for manufacturing purposes you could not give them a lease for 99 years.

Mr. FRANKHOUSER (Cook). Now, Mr. Wilson, I will say this, that I don't want to represent here that I am speaking for the city, and if I am not, why I don't want to offer any further objection.

Mr. WILSON (Cook). I was told by the assistant corporation counsel today that they were satisfied with the amendment.

(Amendment adopted.)

The Committee on Municipalities offered Amendments Nos. 2 and 3 and recommended their adoption:

AMENDMENT No. 2.

Amend Senate Bill No. 295 in House by striking out all of line 17 on page 3 of the printed bill after the word "years" and strike out all of lines 18, 19, 20 and the first nine words of line 21 all on said page three of said printed bill.

AMENDMENT No. 3.

Amend Senate Bill No. 295 in House, by striking out the "period" appearing at the end of line 28 on page 3 of the printed bill and insert in lieu thereof a "comma" and add thereto after said comma the following words: "and that the restrictions in section 3 contained, with respect to leasing of the capacity of any utility shall apply to leasing of such lands."

(Amendments adopted.)

THE SPEAKER. Are there any further amendments; if not, the bill is ordered engrossed and to a third reading.

Mr. MEENTS (Iroquois). I desire to call up Senate Bill No. 142 on the order of third reading.

Mr. Speaker and gentlemen of the House, the bill explains itself. It simply allows farmers to name their farms and report that name to the county seat and no other farmer can use the name after it has been reported to the county seat.

(Roll called.)

Mr. McCORMICK (Cook). (On roll call.) I hope that all the members of this House will vote "aye" on this bill to make more imperishable than ever the name of Dudgeon from Dudgeon's Grove on the Mazon River. I vote "aye."

(Roll call continued.)

Mr. McGLOON (Cook). (On roll call.) Inasmuch as the honorable gentleman from Cook, Mr. McCormick, has appealed for everybody to vote for this bill, and inasmuch as this bill will give the honorable gentleman, Mr. Dudgeon, considerable fame, I want to be recorded as voting "aye" on this bill.

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 95 and the "nays" 1; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. FOSTER (Schuyler). I desire to call up Senate Bill No. 78 on the order of second reading.

THE SPEAKER. Are there any amendments? If not, the bill is ordered engrossed and to a third reading.

Mr. IGOE (Cook). I desire to call up Senate Bill No. 184 on the order of third reading.

Mr. Speaker and gentlemen, this bill and the bill which follows it put the office of the county treasurer of Cook County on a business basis.

Mr. BROWNE (LaSalle). Does what?

Mr. IGOE (Cook). No. 184 fixes the salary of the county treasurer at \$9,960, it must be less than \$10,000. Now, these bills have both been before the present county treasurer and they have been approved by the preceding

county treasurer, and they do not in any way affect the status of the office during the time the present incumbent will hold it. It does not apply to any other county than Cook County.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 109 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. IGOE (Cook). I desire to call up Senate Bill No. 185 on the order of third reading.

Mr. Speaker and gentlemen, this is a companion bill of the bill which was just passed, and it places the office of the county treasurer upon a business basis. It provides for the selection of depositories, it provides for the proper giving of a bond, and in other ways it agrees with the manner in which the office of the city treasurer is conducted and that office is satisfactory in every respect. This bill has the approval of all concerned.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 114 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GARDNER (Cook). I desire to call up Senate Bill No. 391 on the order of third reading.

Mr. Speaker and gentlemen, this is an amendment to the law in relation to mortgages on real and personal property. The only amendment that it makes is to provide for the acknowledgment by the mortgagor by the person duly authorized by another to act as his attorney in fact.

(Roll called.)

Mr. HOLADAY (Vermilion). Just a word in reference to this bill. Some of the gentlemen have a wrong impression of this bill. It is not the same bill that was before the Judiciary Committee. This bill provides that the power of attorney must be on the instrument itself and no other instrument can be acknowledged by the attorney in fact except that one particular instrument.

Mr. GRAHAM (Mercer). Where do you find that? What difference does that make? I don't think you will find that, Mr. Holaday.

Mr. HOLADAY (Vermilion). In line 23 on the second page, "and acknowledge the execution of the within instrument."

Mr. GRAHAM (Mercer). You can make just as many mortgages under this as you see fit.

Mr. HOLADAY (Vermilion). No, that is the power of attorney. The point you refer to is the power of attorney and not the instrument.

Mr. DAVIS (Knox). Does this apply to chattel mortgages?

Mr. HOLADAY (Vermilion). One particular mortgage, and the power of attorney to make it acknowledged by attorney in fact, one particular mortgage.

Mr. DAVIS (Knox). That alters the whole system.

(Roll call continued.)

THE SPEAKER. On this question the "ayes" are 77 and the "nays" 33; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. LYON (Sangamon). I desire to call up Senate Bill No. 239 on the order of third reading.

Mr. Speaker and gentlemen, I am informed that there is no law now on the statute book by which you can prosecute a person who fraudulently pretends to be blind, or deaf or dumb. All the states around Illinois have a law of this sort and Illinois has become the dumping ground for all those who pretend to be blind or deaf or dumb and who are not. This bill is to enable you to prosecute the men who fraudulently pretend to be blind, deaf, or dumb and who solicit alms in that way.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 89 and the "nays" 1; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. PIERSON (Cook). I desire to call up Senate Bill No. 300 on the order of third reading.

Mr. Speaker, this is the narcotic bill. This is an administration measure in the interest of the Department of Pharmacy. It is acceptable to the wagon men. That matter has all been adjusted and there is no controversy on that matter at all, and this proposition is to conform the laws of Illinois with the Federal law.

This House seemed to think that the so-called wagon men are opposed to this bill, but it is not true. The wagon men's representative has been before the Senate Committee on Judiciary and this matter has been adjusted and there is no controversy.

Mr. HOLADAY (Vermilion). When this Bill No. 300 was introduced in the Senate, the wagon men has some objection to it. It was there amended. When the bill was heard before the committee, ex-Senator Crookshank, who is attorney for the W. H. Hawley Company, sent me a letter saying that they had no objection to this bill in the form that it was passed by the Senate. Mr. Hebbler, of Bloomington, appeared before the committee and in the open session of the committee at the time of the hearing stated that the wagon men were satisfied with it, and I also have a letter from one other remedy company, the Watkins Company, saying that they are not opposing the bill. It was reported out of the Judiciary Committee as an agreed bill.

Mr. WOOD (Wayne). I desire to ask the gentleman from Cook a question. Do you think the wagon men can sell under this bill?

Mr. PIERSON (Cook). They can sell, certainly they can sell. The stuff they could sell don't contain these forbidden things any more.

(Roll called.)

Mr. BURRET (Champaign). (On roll call.) I think that possibly there is some misapprehension about this bill. This is merely to conform to the present Federal Anti-Narcotic Law. Now, I want to say to the gentlemen to have no fear of this bill so far as the wagon men are concerned, but the importance of this bill to the citizens of the State of Illinois at large is tremendous. If you knew the amount of the opium habit that has been uncovered by the Harrison Act in the State during the last three months you would be astounded. Since this law went into effect I happened to be in Jacksonville visiting the asylum and found there that over 100 people had been sent from Cook County to be treated for the opium habit and this bill prohibits physicians from writing prescriptions for these people in numbers. They come to the physician and ask him to write them probably a half dozen prescriptions and this is to prevent the physician from doing that. It is a good bill, it is not in any way a bill that will interfere with the wagon men and it is a bill that ought to pass.

(Roll call continued.)

Mr. BUXTON (Macon). (On roll call.) I would like to explain my vote. Some of the gentlemen seem to think that the law is applicable to other things. It simply conforms the present law to the Harrison Drug Act whereby you can not write your prescription only as it becomes necessary, you can not write them by the dozen. It is simply a law that will prevent people from gathering up large quantities of opium, morphine and kindred substances and that is the main object of this bill. I vote "aye."

(Roll call continued.)

Mr. LIPSHULCH (Cook). Mr. Speaker and gentlemen of the House, the hour is now late and I am not going to keep you much longer. I would like to say a few words in behalf of this bill.

Gentlemen, I am surprised that such action is taken by the members of the House when a bill of so great importance is before them. No bill introduced in this session has been as important as this bill, and yet it seems to me the members pay the least attention to this bill. Gentlemen, if you had seen the cases that I have seen, the suffering that *the* condition that has brought about this bill has caused, you would soon see the far-reaching effect that a bill of this kind will have for the public. This bill is in one way absolutely unnecessary, because it only adds to the bill already enacted by the Federal Government. It gives the power of the Pharmaceutical Board of the State of Illinois the right to reach out their arm and protect the public who have become addicted and who might become addicted to this terrible affliction. It gives them the power to go in and supervise the sale

thereof. It gives them the power to prevent any man from vending such articles as contain opium or its derivatives. It is a bill that ought to receive the hearty enthusiasm of every honest, law-abiding citizen, especially those men who have children; they, too, may become afflicted with this terrible condition. They should not forget that the adolescent period is the most prolific in that harvest of victims. I am surprised at the gentleman from Adams who is supposed to be the tower of honesty and steadfastness of purpose. I am surprised to hear him make the enquiry as to whether it would affect manufacturers of his district; and Mr. Wood from Wayne, who is so ambitiously solicitous over the perpetuity of the wagon man who maliciously—in his ignorance—peddles habit-forming drugs under the mask of simple cure-alls. Gentlemen, I would expect that reform wing in the House to stand against anybody—even though it affected every man in their districts—who would plead for leniency in that direction. I can think of no expression or form of language that would adequately describe my disgust for the men who dares not vote for clean sport and yet would hesitate to support a measure that proposes to save your boy and mine, your girl and mine, from a condition of mental slavery to which death is a thousand times preferable, because a few voters who are wagon men might be prohibited from collecting death toll from amongst the flower age of your community. Consistency—what a mockery! I hope the House will vote “aye” on this bill. I vote “aye.”

(Roll call concluded.)

THE SPEAKER. On this question the “ayes” are 114 and the “nays” 2; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. ROE (Fayette). I desire to call up Senate Bill No. 439 on the order of third reading, known as the Fish and Game Bill.

This is what is known as the Fish and Game Bill. We discussed it the other night on second reading.

Mr. MITCHELL (Cook). I would like to know what this bill does so that I may vote intelligently on this measure.

(Roll called.)

Mr. FOSTER (Schuyler). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to say by way of preface, that I am not going to make any speech on this proposition tonight nor try to in view of the conditions prevailing here this evening. It would be very difficult for anyone to get a hearing on this proposition. I want to venture this prophecy that this bill when it becomes a law will prove to be the most unsatisfactory, the most unpopular bill ever passed by the Illinois Legislature. Now, gentlemen, I am not saying that to be theatrical, I am simply venturing that prediction. I hope it is not true. I vote “no,” Mr. Speaker.

(Roll call continued.)

Mr. MITCHELL (Cook). (On roll call.) I would like to explain my vote. I would like to vote for this bill if I knew what it provided for. I venture to say that I don’t believe one-third of the members of this House know what the bill provides for. Therefore, not knowing, I vote “no.”

(Roll call concluded.)

THE SPEAKER. On this question the “ayes” are 113 and the “nays” 7; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. BRINKMAN (Cook). I desire to call up Senate Bill No. 309 on the order of third reading.

Mr. BROWNE (LaSalle). This bill provides that any map, plat or subdivision of any block, lot or sub-lot or any part thereof or any piece or parcel of land, not being within any city, village or incorporated town, in which any dedication of land for highways, streets or alleys shall be made, shall be submitted to the county board or to some officer to be designated by such county board for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county or have any validity until it shall have been so approved.

Now, gentlemen, I don’t believe you want to see that kind of a law on the statute books of the State of Illinois. It is a restriction that is unnecessary. I can readily see how a plat or a map of a sub-division or of lots or

streets in a city should be submitted to a city council as the law provides. There are reasons why, because there you are living under a different atmosphere, financially and otherwise. You are living under different laws, rules and regulations and everything must be according to system and outside of a city those reasons do not exist and it is not being asked for by the boards of supervisors and it is not being asked for by the people outside of the city. There is no cry from down the State for the passage of this bill, and I say to you now, gentlemen, that you are making a mistake and this bill ought to be beaten.

Mr. BRINKMAN (Cook). Mr. Speaker and gentlemen of the House, this bill gives to county boards the power to require the approval of plats of subdivisions of land lying outside of cities, villages and incorporated towns. It is precisely the same power that is given to city councils and village trustees as to lands in cities and villages, except that the operation of this bill is confined to subdivisions wherein streets and alleys are dedicated.

Under the present law there is no control whatever over subdivisions outside of cities, villages and incorporated towns and the result is that in territory adjacent to cities and villages subdivisions are made, the streets and alleys of which are laid out without any reference to the streets and alleys of the nearby city or village. When such territory becomes annexed, you then have streets which are out of line with those of the city or village. In one instance in Chicago an important section line street with a street car line, Lawrence Avenue ends abruptly at Sixtieth Avenue, the city limits. To extend that car line through a new subdivision recently laid out just outside the limits, it will be necessary to condemn land for that purpose. Instances could be multiplied.

Subdivisions would welcome some control which would prevent these mistakes being made. It would be to their interest as well as that of the public. This is shown by the fact that the real estate men themselves want it. Action to secure the results aimed at in this bill was unanimously voted at a regular meeting of the Chicago Real Estate Board. The bill is endorsed by the Cook County Real Estate Board, the City Club, the county commissioners of Cook County and the Department of Public Works of the City of Chicago.

The bill does not *direct* the county board to make these requirements. *It only gives them the power to do so if the circumstances require.*

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, it does require it and it makes every plat or subdivision invalid unless it gets such approval. And that's the words of the bill. And furthermore, in Cook County all these matters are submitted to the various boards of highway commissioners in the several towns. It is simply taking it from them and putting it in the hands of another. We don't want it down-State.

Mr. SCHUBERTH (Cook). What does the county board know about the laying out of a subdivision?

Mr. BRINKMAN (Cook). Why, they have a map department.

Mr. SCHUBERTH (Cook). Well, why not submit it to the map department?

Mr. BRINKMAN (Cook). They get their information from the map department.

Mr. BROWNE (LaSalle). I would like to suggest to the gentleman from Cook that there is not a county in this State that has a map and plat department.

Mr. BRINKMAN (Cook). Well, they ought to have.

Mr. BROWNE (LaSalle). Yes, and they ought to have several things and they haven't got them.

(Roll called.)

Mr. DE YOUNG (Cook). (On roll call.) I am afraid that this bill is not receiving the attention that it should. When this bill was in the House before some criticism was made. Now, the only purpose of this bill as I read it is to require the approval and if as the gentleman from LaSalle construes it, that approval is mandatory, I believe it should be mandatory. I believe the one purpose which this bill is calculated to serve will be affected by making it mandatory. There is now no requirement that the town board shall approve, although as a practical matter the recorders of the several

counties require the approval of such plats by local authorities. There has not been sufficient system in that respect. Many cities have found on annexing territory that the street lines are not uniform, that there are jogs in them, and certainly if there is one thing looking to the future and not to the immediate present, our streets and our highways should be on parallel lines. There is now no way in the law that compels the paying of any attention to straight streets and highways. That is the defect which this bill seeks to cure.

This, gentlemen, is a good bill, it is a bill that I think ought to receive your support and ought to be enacted into law, for I am certain that after generations, even in our own time, it will be grateful that we have put some limitation upon the indiscriminate laying out of streets and highways without any regard for the interests of the public. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 81 and the "nays" 26; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. ROE (Fayette). I desire to call up Senate Bill No. 274 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill has amended the present law, section 8 of the Township Park Act only. The present law is that under section 8 you can levy what is known as the one mill tax. Under this amendment it permits a levy of a three mill tax in the township. Now, the object of this amendment is that down through the State where we are organizing what is known as township parks and trying to beautify them for purposes of holding chautauquas, high school meets and picnics, or any other matters that we may hold in township parks. It is apparent that under the law as it stands at the present time that the funds are not available under the one mill tax and it is a matter in which the principal tax payers themselves are interested. It is a matter that they pay for themselves, and they ask no contribution from the State. They pay it themselves and it is a matter in which the townships in the country, the township parks are interested. It has no application except down the State.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 103 and the "nays" 2; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. EPSTEIN (Cook). I desire to call up Senate Bill No. 157 on the order of second reading.

Mr. LYLE (Cook). I object.

Mr. EPSTEIN (Cook). I move to suspend the rules under Rule 12.

Mr. Speaker, this bill is what is known as the revised boxing bill that was passed in the Senate about ten days ago. Most of you, gentlemen, are familiar with this bill. It is similar to a bill that came within a few votes of being passed by this House about two weeks ago. This bill in its present form has a referendum attached to it and the petition of one-half of one per cent of the people residing in the city must be obtained before the city, town or village has the right to adopt this Act. This bill is a meritorious bill and I hope that this bill will be given the proper consideration by the members of this House and that you will vote to suspend the rules so that this bill will be able to go to third reading.

Mr. WILSON (Adams). I will say, gentlemen of the House, that the art of self-defense is a manly thing. It once in a while stands a man in good stead to be able to take care of himself.

Mr. GARESCHE (Madison). A point of order, Mr. Speaker. The gentleman is speaking to the bill and not to the motion.

THE SPEAKER. That point has been raised before and the chair has refused to rule on it.

Mr. WILSON (Adams). If the gentleman from Madison will listen close to what I say he will see I am speaking to the point. Now, this bill, that is, House Bill 820, was tried out in the House. It had its day in court, and I think, as has been suggested, it had two days and the bill was defeated. It only got 72 votes, and it seems to me, gentlemen, in the dying days of the session it ought not to come up and take the time of this House. The gen-

tleman from Cook speaks of this bill as being revised. I have a faint suspicion which I think will be demonstrated when we get on that that this bill is in a moribund condition.

Mr. BROWNE (LaSalle). I want to use that word some day.

Mr. WILSON (Adams). Now, gentlemen, we don't want to take up the time of the House with this bill, and I think, gentlemen, that it has had its day in court, and another thing, we have had a pretty good session here. We have had a man elected speaker under not the most favorable auspices, but who has absolutely given a good account of himself, who has been square on all disputes. I would like to have the administration of the present speaker of this House go down into history without any bad legislation being enacted, and I will tell you, my friends, it has been my pleasure, as I said before perhaps in regard to this bill, during the time that I have been here to have seen no bad legislation put upon the books, and I want to say that this bill is simply nothing more or less than a prize fight bill.

If this bill were put upon the statute books, especially as it has been amended by the Senate, which makes it worse than it was, then we would have a lot of little prize fight organizations all over the State of Illinois. Do you imagine, gentlemen, that if this bill were enacted into law that it would ever be attempted to have this submitted to a vote in the city of Chicago? Not at all, but this would be submitted in some little hamlet on the outside of the city of Chicago, or the fight interests, the sporting interests of the State of Illinois with its hangers on could readily create a prize fight town, a new town, a model and up-to-date prize fight town, absolutely controlled by the prize fighting interests of the State of Illinois and in that way without the protection of the police of the city of Chicago or any other place, there could be a prize fight town there, there could be another near some other center; to illustrate, we may say one near Quincy, or near Peoria, or East St. Louis, or Cairo, or Danville, outside of any of the large towns and being near enough where it could be patronized. And not forgetting Springfield, also, and they could absolutely, it would be a small enough proposition, and they could have a circuit of prize fights all over the State of Illinois here just as we have a base ball circuit and the prize fighters and the pugs could go from one town to another. In addition, this commission under this bill might be maintained for the particular purpose of sustaining one prize fight town in one place. Now, gentlemen, I appeal to you in the good name of the State and in the good name of this House and for the future reputation of the Forty-ninth General Assembly that you vote "no" on the proposition under Rule 12 of advancing this bill.

(Roll called for the suspension of rules.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I ask leave to explain my vote. I do not believe anyone will accuse the gentleman from Adams (Wilson) of not being cute. There might be other things they might lay to his door, but cuteness belongs to him in no small degree.

Now, in addition to the several arguments that he advances here on the bill, he now brings forth an argument that you should not approve of this bill because you are going to mar the record of the speaker, and the reason he does that is to throw out a little something to somebody—a little sort of a tip that they must not vote for this motion because they might spoil the record of the speaker.

Now, I come from a district in this State that compares favorably, so far as intelligence is concerned, with any other district in the State; I come from one of the so-called silk stocking districts in Chicago. I live within two blocks of the University of Chicago, and when I hear men say, "I can't vote for that bill, it is going to spoil my record; I can't vote for that bill because of the district in which I live," I want to laugh at them, and if they tell it to me to my face, I do laugh at them, because there is not a man in Chicago representing any district up there who could not afford to vote for this bill if he wanted to. It has the approval of all the real men with red blood in their veins, and it also has the approval of some of the largest newspapers in this country, and it has the approval of some of the greatest dailies published in the city of Chicago.

Now, the opposition to this bill is all bunk—pure, simple bunk; but he

states my friend Perkins (Logan) will get up and make another speech tonight, and that will be published in all the anti-saloon districts in the State; that he will get up here and tear his hair and swing his arms, for fear this thing might happen to Illinois. If they took a fair vote in this House tonight there would be eighty per cent of the members here voting to support this bill. Who opposes it? I would like to see one of them get up here and tell where they had ever seen one of the boxing bouts that are now held in this country in different states under legally organized boards. If they get up and say they have seen one, I defy any one of them to show me, or to tell anyone present wherein the sport today that they have witnessed, is at all offensive to any man, woman or child who might witness it.

I have seen boxing bouts without the provisions of these new laws and I have seen boxing bouts within the provisions of the new laws, and wherever they have a boxing commission, whether it be in Wisconsin or New York, you will see there a sport that is elevating; you will see there a sport that is clean; you will see there an intelligent audience; you will see there not only the men, but you will see the women, and you will not witness a vulgar incident during the entire night.

Go up here to Milwaukee, just north of Chicago, and you will there be led, not to some ramshackle building to look at a boxing bout in that city, but there you will be led to the municipal auditorium, and there where they hold the grand events held in that city they also hold their boxing bouts. There the bouts are regulated, and there the people conduct themselves as you would see them conduct themselves in any theater in any part of this State. There is nothing offensive or degrading about it, and any man or woman who has seen a boxing bout when it is properly conducted, would want to see one again.

Now, you folks are taking an unfair advantage of the people who are interested in this bill. All through this session they have sat here and they have voted for your bills and for my bills, and now this is their bill, and whether you defeat this bill or not gentlemen, on this final roll call, for goodness sake be fair, be men, be big enough to let them get this bill up where you have got a chance to record your vote for or against it—be fair and be men. I vote "aye." (Applause.)

(Roll call continued.)

Mr. JACKSON (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to say that I have supported every motion that has come before this House in regard to giving a bill an opportunity to have a roll call, and to be consistent I must do the same thing with this bill.

I want to say that I don't find the harm in boxing, sometimes referred to as prize-fighting, that Mr. Wilson (Adams) and some of the other members of this House assume to find in it. Now I have a shining light in my own home; I have a young man, a son that is 19 years of age. When he was in high school he belonged to the foot-ball team there; he played on that foot-ball team two years. In the two years that he played on that foot-ball team they brought him home three times, twice with an arm broken and once with a broken shoulder. We took him out of that foot-ball team because his mother thought it was too vicious a game; she thought that it might perhaps take him to some foreign land and she would be minus a son; and we encouraged that young man to join the Y. M. C. A. on Wabash Avenue—the one that Mr. Rosenwald gave \$20,000 toward so that it might be erected—and we encouraged that young man to join the Y. M. C. A., and the first sport, as you call it, that he took up in the Y. M. C. A. was boxing—and I want to tell you that this young man has one of the most beautiful physiques that you could look upon today, and I am satisfied that boxing has done him no harm. It will do no harm to the State of Illinois, and the idea that the State of Illinois is going into business with the fight promoters is simply building some kind of a mountain; they will want to have moving pictures brought into it next. I vote "aye." (Applause.)

Mr. GRAHAM (Mercer). Mr. Speaker, may I ask the gentleman a question?

Mr. JACKSON (Cook). Yes, sir.

Mr. GRAHAM (Mercer). How would you like to have that boy box for money in the ring?

Mr. JACKSON (Cook). Well, if he made enough money out of it I would be satisfied. (Laughter.)

(Roll call continued.)

Mr. LIPSHULCH (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I am going to keep you only about five minutes. I would like to know how it is that only yesterday when I called up bill No. 67 here purporting to do away with the legal taking of human life that the gentlemen who now holler wouldn't vote for it. It is significant, gentlemen, that the men now who are trying to prevent the young men from learning how to protect themselves, and from perhaps in the future being able to defend their mother or their sister—I say it is significant for these gentlemen to sit here and claim that this is a dangerous bill. I would like to know why it is that these very same gentlemen have advocated that the abolition of capital punishment must not take place in the State of Illinois, and yet they are not in favor of training the young men of this country to take care of themselves. Only yesterday the gentleman from Adams and his followers demanded blood—human flesh blood—and now they stand appaled at the prospect of an occasional nose-bleed. Is it because it is not enough blood?—I suspect them—don't you?

I tell you gentlemen, I don't want to influence your votes here one way or the other; I am not vain enough to think I can, but I would like to understand where the consistency comes in of these gentlemen, if they really mean to be reformers and to aid the good and the welfare of the State of Illinois. Why then, have they refused to stand up like men? If they were honorable about it, 94 per cent of them in the House have pledged their honor that they would vote to bring up my bill, but they sat down like a lot of cowards, and now they won't allow a bill advocating courageous and manly sport to be supported in this State. I would like to know how that shows their consistency. I vote "aye."

(Roll call continued.)

Mr. McGLOON (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I meant to say a word in behalf of the boxing bill when it was called up here last week. I want to inform the members on the other side of the House who refer to this measure as a prize-fighting measure, that prize-fighting and boxing are altogether two different things. A prize-fighter is not a boxer; he is usually a hanger-on in some saloon and fights with chairs and things of that sort. A boxer is a man well trained and who keeps himself in good physical condition; he is generally a man of good moral living; otherwise he couldn't be a success at that business, and if this line of sport was introduced in the different gymnasiums in the different schools, we would have less criminal blood in the young men of this country.

I believe it would be better to teach athletics in the school gymnasium and keep the boys there than to have them going to pool rooms after hours. Most every boy likes to box. This sport is conducted in a clean manner in all the civilized countries of Europe. I have never seen the man that followed the boxing game who did not keep himself in clean physical condition; a boxer always follows a clean life, otherwise he would not be a success at the business. I vote "aye."

(Roll call continued.)

Mr. MURPHY (Perry). (On roll call.) Mr. Speaker and gentlemen of the House, it has rather pleased me to notice the change of sentiment and change of heart in some of the members during our first term here.

I remember that during our long deadlock here, Mr. Wilson (Adams), did not at that time think enough of our worthy speaker to give him any consideration here, but at this late time of day he comes in and praises and eulogizes the gentleman who presides over this Assembly. I believe he was as mistaken in his judgment in regard to our speaker as he is badly mistaken in his judgment of the boxing bill.

Gentlemen, I believe that if some of these vast amounts of money that are being expended in the interest and in the cause of prohibition, were spent for good, clean athletic sports, that we would have a different type of manhood in this country in the future. (Applause.)

I want to say to you gentlemen that the young man that takes boxing lessons has got an ambition; he has got to live a clean, moral life, and has

got to be temperate in his habits; he has got to retire early at night and rise early in the morning and live temperately in every sense of the word. Therefore, gentlemen, how are you going to improve your manhood by breaking off these boxing contests because it may be a bad incentive to the young men? I say therefore, gentlemen, that if this is followed up, that eventually the cause of prohibition will be wiped out; you won't need it. I vote "aye." (Applause.)

(Roll call continued.)

Mr. SANTRY (Cook). (On roll call.) Mr. Speaker and gentlemen of the House. I don't think there is any need of explaining my vote. You gentlemen of course all know what this bill is and my sentiments in regard to it. I wish to vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 71 and the "nays" are 52, and the motion is lost. (Applause.)

Mr. DEVINE (Lee). Mr. Speaker, I desire to call up Senate Bill 349 on the order of third reading.

Gentlemen, this bill is an amendment to the act which was passed two years ago allowing public ownership of public utilities, and this amendment includes water plants. That is the only addition to the bill. It allows the cities to own and operate their own water plants.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 104 and the "nays" are one. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. HICKS (Winnebago). Mr. Speaker, I desire to call up for Mr. Campbell (Rock Island), Senate Bill 7 on the order of third reading.

Mr. Speaker and gentlemen, just a word in explanation of this bill. This raises the pay of assessors in townships of 25,000 population or more. In townships of 15,000 population or more the assessor now has a maximum salary of \$1,000. This act raises that salary from \$1,000 to a minimum of \$1,500 with a maximum of \$2,500 in some townships of this State. In the township in which I live there are 50,000 people and our assessor has to look after the assessing of all those different people, and for that work he gets the sum of \$1,000 only and this is not enough. Under this bill he is raised to \$1,500.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 91 and the "nays" are 16. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. SCHUBERTH (Cook). I desire to call up Senate Bill 407 on the order of third reading.

Mr. Speaker and gentlemen of the House, the purpose of this bill is to give to the casualty and insurance companies of the State of Illinois the same right that you give to foreign companies organized outside of the State of Illinois. That is the only thing this bill does.

(Roll called.)

Mr. DE YOUNG (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, this bill ought to have careful consideration and support of the amendment. Under the law as it stands today a foreign insurance company authorized to do a casualty and surety business can come into this State and do both kinds of business without the deposit of any securities whatever. Under the law of Illinois a corporation authorized to do a surety business can do a surety business, or vice versa; it must be two separate organizations with the deposit of securities in this State by each. In other words, there now results from the incongruous state of the law a discrimination against local or domestic corporations in favor of foreign corporations. Hence you find that in these lines foreign corporations do practically all the business in this State. The Insurance Superintendent in this State unqualifiedly approves this bill. It has had very careful attention, was drawn there, has the approval of the attorneys for the department and only puts local companies upon the same plane with foreign insurance companies, and even then foreign companies may do a business here without the deposit of any securities whatever. The deposit of securities by local companies is still required.

This is a bill, gentlemen, which I think ought to have your unanimous support. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 97 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. STANFIELD (Edgar). I desire to call up Senate Bill 107 on the order of third reading.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House, I think that this is a good bill as it is now amended. It provides a method for the discontinuance of a township high school when it has ceased to be desirable to the community to keep it going. The majority of legal voters of the district must present a petition and there must be an election held on it for that purpose for and against the proposition. I think this is a good bill and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" 2; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to call up Senate Bill 467 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill raises the maximum compensation to be paid to aldermen in cities and trustees in villages. The maximum is now three dollars and this bill says it may be raised to ten dollars. In villages it raises from one and a half dollars to three dollars.

(Roll called.)

THE SPEAKER. Further consideration will be postponed.

Mr. O'ROURKE (Cook). I desire to call up Senate Bill 132 on the order of second reading.

(VOICES. I object.)

THE SPEAKER. Objections are heard.

Mr. O'ROURKE (Cook). I demand a roll call.

Mr. BROWNE (LaSalle). Division of the House.

Mr. O'ROURKE (Cook). I desire to have a roll call under Rule 12, suspending the rules for the purpose of considering this bill.

Mr. IGOE (Cook). Before this goes to a roll call it is only fair to explain what this bill is. It is a civil service reform bill. All you folks who have been preaching civil service, here is your chance.

(Roll called on suspension of the rules.)

Mr. IGOE (Cook). Mr. Speaker, I am going to raise the point that this roll call shows no quorum as soon as this roll call is finished.

THE SPEAKER. Proceed with the roll call.

(Roll call continued.)

Mr. O'ROURKE (Cook). (On roll call.) Mr. Speaker, this bill is for efficiency. This bill is one of the best civil service bills that was ever introduced in this House, and I have voted with the republicans in a republican administration for a republican bill with a blanket wide open. This has a so-called blanket. It is a blanket and it is not a blanket. This blanket simply retains in the service all of the republicans that have been working in an efficient manner for the last fifteen years under the Sanitary District. The hypocrisy of the republicans making a four-flush up in that room about civil service, and then when it is put flat-footed to them, on the square, in this House they are acting, not like men, but like a lot of dummies. You haven't even got the guts to say yes or no. You are afraid to say so and I want to say that I hope that every instrument at law that wants to give credit to men that are consistent and who are willing and will do the right thing, will simply look at the laughing faces of a lot of hypocrites over on that side of the House; and I vote "aye."

(Motion lost.)

Mr. IGOE (Cook). Mr. Speaker, I now move that a quorum be produced.

THE SPEAKER. The gentleman from Cook (Igoe) asks that a quorum be produced.

Mr. IGOE (Cook). I want a roll called on the quorum.

THE SPEAKER. The gentleman from Cook (Igoe) asks for a roll call, and the clerk will call the roll.

(Roll called.)

Mr. BUTLER (Sangamon). Mr. Speaker, I move you that if there is no quorum here the sergeant-at-arms be instructed to bring them in.

THE SPEAKER. The clerk will call the roll of the absentees.

(Roll call of absentees.)

THE SPEAKER. Mr. Igoe is present.

Mr. IGOE (Cook). I would like to know by what right you call me present.

THE SPEAKER. You are present, because you are addressing me now.

Mr. IGOE (Cook). Now wait a minute. If you are not going to have this count right let's find it out now. I want to address the speaker. You keep the roll call quiet.

THE SPEAKER. Proceed with the roll call. The gentleman will have a chance to raise his point.

Mr. IGOE (Cook). I raise the question of point of order. I rise to a point of order. Now wait a minute.

THE SPEAKER. Now the gentleman isn't going to lose any of his rights.

Mr. IGOE (Cook). When I rise to a point of order I want recognition.

(Roll call concluded.)

Mr. IGOE (Cook). I want to know under what rules these men are present when they do not respond to their names.

THE SPEAKER. A motion was made to advance a bill. Objections were raised. The gentleman under Rule 12 of the House asked that we proceed to the order of second reading for the purpose of considering this bill. A roll call was had. Under Rule 12 it was necessary to have 77 affirmative votes. Thirty-two answered "aye" and eight "nay." The gentleman from Cook (Igoe) rose again as to producing a quorum and a quorum of the House is produced, as shown by the records of the House. If any member here can challenge a name that is read now is the time to do so.

Mr. WILSON (Cook). Point of order. On this roll call when this bill was being voted on there were forty members answered to their names. Every other man that sat in his seat, to make that quorum, must be recorded "no." No other way. In former days one night on a pure food bill the members that sat in their seats and did not vote on roll call were recorded "no."

Mr. HILTON. They were recorded "present and not voting."

Mr. WILSON (Cook). No, you can't call this next roll call on that same roll call. It don't make any difference if you had 150 members now; you didn't have those members on the roll call.

THE SPEAKER. The roll hasn't been called on that question. The clerk has called the roll on the motion and the motion was lost. The gentleman from Cook (Igoe) asked that quorum be produced and the roll call was had to produce a quorum.

Mr. IGOE (Cook). Mr. Speaker, just to show we are fair we will stay here and keep the quorum.

THE SPEAKER. Thank you.

Mr. BROWN (Cook). I desire to call up Senate Bill 345.

This Senate Bill 345 as amended in the House is a bill for the purpose of securing the block adjacent to the Capitol building on the south for a centennial memorial building.

It was a part of the original plan that a part of this property should be obtained to extend to the State grounds. The good people of Springfield at one time gave a bond to purchase same, but when the deal was about to be closed it was then discovered that Ninian Edwards would not sell and there were some hitch in the title owing to some minor heirs and their release could not be obtained.

Nevin Edwards was a near relative of the deceased Governor and a brother-in-law of Abraham Lincoln. This was the place where our beloved President Lincoln's wife parted this life and this, if nothing else, would be good reason for securing this property for the State as a worthy memorial.

The property on the southwest corner is owned by the school board and

can be acquired, as its usefulness for school purposes has passed and the old buildings have been removed.

Gentlemen, in the closing hours of this session, the Forty-ninth General Assembly can place no crown on her brow more fitting than to add this star to the good things passed, and I hope, gentlemen, that you will live to see this a memorial of your vote on this bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that all Senate bills on the order of first and second readings on the calendar, and all Senate bills in committee, lie upon the table.

(Motion prevailed.)

THE SPEAKER. I am pleased to state that every Senate bill that was requested has been advanced.

Mr. LYON (Sangamon). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 101.

WHEREAS, Major James A. Connolly, of Springfield, Sangamon County, Illinois, departed this life on December 15, 1914; and,

WHEREAS, The said Major James A. Connolly was twice a member of this House, twice a Representative in Congress, for years a United States District Attorney, three years an officer of the One Hundred Twenty-third Volunteers during the Civil War, and in 1910 and 1911 department commander of the Grand Army of the Republic of Illinois; therefore, be it

Resolved, That we recognize in his death, the taking away of one who in youth and manhood, in peace and in war, in public and professional life, without adventitious aid relied solely upon his own merit, his ability and pluck, to win his way to the front as a public citizen, a lawyer, prosecutor, soldier and statesman. He was a man loved, honored and respected by all. His life was an example of honest, loyal, courageous endeavor to live up to the best of life's opportunities; his death a distinct loss to his friends, his associates, the community, the State and the Nation; and, be it further

Resolved, That this preamble and resolution be spread upon the Journal; that a suitably engrossed copy thereof be forwarded to the relatives of the deceased, and as a further mark of respect to his memory, that this House do now adjourn until 10:00 o'clock a. m. tomorrow.

Resolution unanimously adopted, and the House adjourned until 10:00 a. m., Friday, June 18, 1915.

FRIDAY, JUNE 18, 1915.

10:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Perkins (Logan), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. PERKINS (Logan). I move that the House concur in Senate amendments to House Bill No. 663.

THE SPEAKER. I would like to say to the members that we must move very rapidly today. The clerk informs me that it is up to the House how many roll calls we will have.

Mr. BROWNE (LaSalle). I don't believe some of the members of the House understand what has been done to the bill over in the Senate. Now, I introduced an amendment here and it was passed almost unanimously, providing that the State's attorney in the particular county shall have control over prosecutions that shall be within his dominion, and you don't want anything else than that. Now, in the Senate they have taken that amendment out so that it is left to some jackanapes attorney to come down and over-ride the State's attorney.

Mr. PERKINS (Logan). It leaves the law just as it is, and it does not take away anything from the State's attorney. Your amendment was tendered to hinder the department. It does not take anything away from the State's attorney that he has now.

Mr. BROWNE (LaSalle). They came to me and asked me to consent to take my amendment out. They don't want the State's attorney to have authority, they don't want him to have control.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 70 and the "nays" 17, and the House refuses to concur in the Senate amendments.

THE SPEAKER. Now, gentlemen, you will either stand up and vote on these measures as they come up or they will be beaten. We can't stand here all day and vote on these measures. The members will vote on the first roll call or the bills will be beaten.

Mr. SMEJKAL (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 102.

Resolved, by the House of Representatives. That the Clerk of the House be, and is hereby assigned the use of the rooms of his office in the Capitol Building until the meeting of the Fiftieth General Assembly, and that he be requested to answer and respond to requests made upon him for information by the members of the Forty-ninth General Assembly; and, be it further

Resolved, That the Secretary of State is hereby authorized and directed not to allow the use of any of the office rooms of the Clerk of the House for any purpose, unless agreed to by the above indicated officer, and is also directed not to allow the removal of any of the furniture, typewriting machines or office equipment from said office, and that he also be requested to furnish janitor service for said office, when required.

(Resolution adopted.)

Mr. SMEJKAL (Cook). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 100.

Resolved, That the Speaker appoint a committee consisting of seven (7) members of this House, to make a thorough and complete investigation (within this State) of the problem of the municipal regulation and of the development of local public utilities that the committee shall have full power and authority to employ counsel and such other assistants as it may deem wise and expedient in pursuit of this investigation and to determine the compensation of such counsel and assistants; that the said committee shall be, and they are hereby empowered to summon such witnesses, administer oaths and to call for such books, papers and documents as may be necessary in carrying out the said investigation; that the committee and the members thereof shall be allowed necessary and actual expenses incurred in pursuit of the investigation, to be paid out of any appropriation made therefor by the General Assembly, upon vouchers properly itemized, signed and approved by the chairman and secretary of the committee; and that said committee shall promptly report its finding and recommendations to the Fiftieth General Assembly of the State of Illinois.

(Resolution adopted.)

Mr. SMEJKAL (Cook). I offer the following resolution and move its adoption:

SENATE JOINT RESOLUTION No. 35.

WHEREAS, The State of Illinois has found it necessary to appropriate \$1,079,183.64 to reimburse farmers and stock men for the stock killed for the recent so-called epidemic of foot and mouth disease; and,

WHEREAS, The United States Department of Agriculture reported that the epidemic of foot and mouth disease of 1909, in this country was "started from some calves used to propagate vaccine virus" for smallpox; and,

WHEREAS, The same department of agriculture reported that "the outbreak of foot and mouth disease in 1902-3 probably had a similar origin;" and,

WHEREAS, Practically one-half ($\frac{1}{2}$) of all the foot and mouth disease in the Nation was confined within the borders of the State of Illinois, and believing that it is better to prevent than to cure, and cheaper and more far-sighted to take such steps toward precautionary and educational measures than to suffer injurious losses in the future; and,

WHEREAS, A difference of opinion seems to prevail as to the cause of the outbreak of the so-called foot and mouth disease epidemic of 1915; therefore, be it

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That a committee of five Senators to be appointed by the Senate, and five Representatives to be appointed by the Speaker, be appointed to investigate and inquire into the causes of the recent epidemic of the foot and mouth disease and all and any matters in connection therewith with a view of taking such steps as are necessary to prevent and avoid further outbreak or repetitions thereof; and, be it further

Resolved, That said committee be, and hereby is specially authorized and empowered to summon before said committee, as witnesses, any and all persons who may, in the judgment of the committee be possessed of any information deemed valuable by said committee, this to include the power to summon by subpoena *duces tecum* all books, documents and papers desired as evidence by said committee; and said committee shall have and it hereby has the same power or powers possessed by the General Assembly to enforce its orders and to compel attendance of witnesses and the production of books, documents and papers; and, be it further

Resolved, That the said committee shall have the power to employ assistants; and, be it further

Resolved, That the said committee shall continue its inquiry and investigation and report its recommendations together with any bill or bills to the Fiftieth General Assembly, and that the said committee shall receive no compensation, but shall be paid its actual expenses, and that an appropriation be made for the sum of ten thousand dollars (\$10,000.00) to meet the actual expenses of the said committee, as well as such assistants as may

be necessarily employed by it, and that an appropriation in said sum be made by the General Assembly, and that all expenses necessarily incurred shall be paid on vouchers certified to by the chairman of the said committee.

(Resolution adopted.)

Mr. SMEJKAL (Cook). Senate Joint Resolution No. 29 was ordered to lie on the speaker's table on May 27. I now ask that that resolution be taken up and I move its adoption:

SENATE JOINT RESOLUTION No. 29.

WHEREAS, Heretofore a commission was appointed to codify the building laws of the State of Illinois; and,

WHEREAS, Said commission completed its labor and made its report; and,

WHEREAS, Result of such labor is embraced in a bill known as Senate Bill No. 371; and,

WHEREAS, Numerous objections have been raised to many of the provisions of said bill, making it desirable that said bill be revised so as to make it possible that it may meet all reasonable demands before being enacted into law; therefore, be it

Resolved, That a committee of three Senators and three members of the House of Representatives be forthwith appointed by the Executive Committee of the Senate and the Speaker of the House of Representatives, respectively, to revise said Senate Bill No. 371, so as to obviate all reasonable objections to the same, or to prepare and submit a new bill covering the same subject matter to the next General Assembly; and that the expenses of said committee not to exceed three thousand dollars, be paid out of the contingent funds of the Senate and House of Representatives, or out of any appropriation made therefor, on vouchers properly signed and approved by the chairman of said committee and the president of the Senate or the Speaker of the House of Representatives and filed with the Auditor of Public Accounts.

(Resolution adopted.)

Mr. DAHLBERG (Cook). I move that the House concur in Senate amendments to House Bill No. 937.

Mr. MERRITT (Sangamon). Now, Mr. Speaker, I desire to say one word in reference to this amendment. It changes the manner of appointing the Civil Service Commission in cities with the commission form of government. They propose to take the power away from the mayor and put it in the hands of the commissioners, that is the crux of that amendment, and I hope the House will vote it down. This is a fight between four Republicans here in the city of Springfield. The mayor is a Republican and the three commissioners that want this power are Republicans. It is a fight in the Republican family.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 83 and the "nays" 14, and the House concurs in the Senate amendment.

Mr. LANTZ (Woodford). I move that the House concur in Senate amendments to House Bill No. 562.

Mr. PROVINE (Christian). Will the gentleman explain what this amendment does?

Mr. LANTZ (Woodford). The amendments here simply provide that the owner and the State shall agree on the value of the animals up to the limits that the House provided for if they can. If they cannot it goes to a committee of three, one appointed by the owner, one by the State, the third to be selected by these two. It does not change the limit at all.

(Roll called.)

Mr. COOPER (Wayne). (On roll call.) I want to explain my vote. This method changes the rule for arriving at the value of the stock killed by these diseases or by the officers of the law where they have the disease. This bill was thoroughly whipped out on the floor of this House after full and complete discussion. After a full and complete discussion of the method of arriving at the value of this property the House arrived at a conclusion and adopted this bill. The Senate has changed it and we have not the means

nor the time to take this up again. We can't make up our minds just at this time from a cursory reading of this thing as to whether it is right or not because we don't know what this change is. I vote "no."

(Roll call continued.)

Mr. HOUSTON (McDonough). (On roll call.) I think that a number of the members do not understand this amendment. Now, I am informed that this amendment affects only the manner of the appraisement and that only in the way of making the appraisement to be arrived at quicker, and I know in the case of a contagious disease in a community this is a very great point to be attained, and I believe that the amendment is a good amendment. It ought to be adopted and not endanger this entire bill because it is a very important bill. I vote "aye."

Mr. KANE (Saline). This amendment that is made to this bill leaves the matter entirely with the Board of Live Stock Commissioners. It is not a question of them agreeing, and if they can't agree, then having an appraisement made. This amendment cuts out everything pertaining to an appraisement and leaves it all with the Live Stock Commissioners. It makes the Live Stock Commissioners the one authority, and under such rules as they may prescribe will fix the value of these animals. I don't think that is proper. I fought for this bill to get it into shape to have an appraisement and I think this should not be adopted.

Mr. PROVINE (Christian). I think this is a bad bill if it is that way. It makes nugatory all the work that has been done by the House.

Mr. ELLIS (Kane). I move as a substitute for the motion of the gentleman from Woodford (Lantz) that the House non-concur in the Senate amendments to this bill.

(Motion prevailed.)

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up Senate Bill 495 on the order of third reading.

This bill provides for an appropriation to pay for the construction of the swine building at the State Fair Grounds.

Mr. PURDUNN (Clark). Mr. Speaker and Gentlemen: I have received information within the last day or two that in the contracts that were let for the construction of the swine building at the State Fair Grounds, that it was specified the building was to be fireproof, and they have constructed a building with a tar roof and with wooden partitions and wooden posts, and there is nothing fireproof about it excepting the concrete floor, and the board refused to pay the bill. This is one of the bills that is coming in for the construction of that building.

THE SPEAKER. On this question the "yeas" are 95 and the "nays" are 5. The bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. KANE (Saline). Mr. Speaker, I move that the vote by which the House non-concurred in the Senate amendments to House Bill 562 be reconsidered.

I feel that in justice to the members and to the parties concerned in this matter, that we should make a brief explanation in the matter. There are two amendments. The first amendment strikes out all the matters we set up and instead of that in that same amendment supplied another amendment in lieu thereof in another place. In the amendment the way it is now, the owner of the stock appoints one commissioner, the livestock board appoints one, and those two appoint a third, and this does not provide for an oath like the other, and I want to say that this is an amendment in which the House should concur.

Mr. LANTZ (Woodford). Mr. Speaker, that is just exactly as I stated it before.

(Motion to reconsider vote prevailed.)

Mr. PROVINE (Christian). Mr. Speaker, I move that the House concur in the Senate amendments.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 100 and the "nays" are none, and the House concurs in the Senate amendments to House Bill 562.

Mr. SMEJKAL (Cook). Mr. Speaker, I move that the House concur in Senate amendment to House Bill 359.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 81 and the "nays" are 7, and the House concurs in the Senate amendment to House Bill 359.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up Senate Bill 425 on the order of third reading. This is an Act making an appropriation for the relief of Hannah Bruce, mother of Ethel Bruce, who was injured in one of the Chicago public schools. It appropriates \$2,600.

Mr. PROVINE (Christian). Mr. Speaker, I would like the chairman of the Appropriations Committee to explain this bill and why it is proper.

Mr. SMEJKAL (Cook). I can explain only that it was brought up in committee and after thorough consideration by the committee this appropriation was recommended.

Mr. PROVINE (Christian). As I understand, this was an injury received in a public school somewhere in this State.

Mr. SMEJKAL (Cook). That is true.

Mr. PROVINE (Christian). Is this going to establish a precedent that the Legislature must pay for injuries received by people in the public schools?

Mr. WILSON (Cook). Mr. Speaker and Gentlemen: This is the case of where this girl was injured in the gymnasium after the father had sent a letter stating that the child should not be allowed or be put into those strenuous stunts that they have in the gymnasium; that she wasn't able to stand it, and notwithstanding that they had her go through these exercises and while she was swinging on a rope, she fell on the floor and another girl fell on top of her and injured her spine. For months and months she was laid up in the house with the attendance of physicians and surgeons. The secretary of the Board of Education was here and explained the case thoroughly. I don't know whether that was in the Senate or not, but the Senate passed the bill without a dissenting vote. Now, the case came before the Appropriations Committee and was thoroughly discussed and was reported out, and, I believe, without a dissenting vote.

Mr. PROVINE (Christian). I am not questioning the fact that there was an injury, or the circumstances connected with it, but I see no reason why the State should pay for this.

Mr. BROWNE (LaSalle). Mr. Speaker and Gentlemen: This is a case that won't happen again in a hundred years. It happens to be the daughter of one of the members on the floor of this House. The little girl's back was broken and a new spine, or part of a new spine, was made for her from a portion of the shin bone. This money is needed to pay the physicians and surgeons who attended her. The father is a poor man and cannot pay the bills, and he happens to be a man on the floor of this House. I say that is the reason it is an exceptional case; otherwise it would not be.

Mr. KANE (Saline). What is the difference between this case and a hundred others? I want to say that I have a son who got his collar bone broken twice in a foot ball game, and I didn't ask the State to pay for it.

Mr. BROWNE (LaSalle). Because you are able to take care of him yourself.

Mr. PROVINE (Christian). If this bill becomes a law there will be no reason to prevent claimants coming in here and presenting bills for injuries to their children received in games like foot ball, and so forth.

Mr. FOSTER (Schuyler). Mr. Speaker, may I answer the gentleman? If you will permit me, there is a vast difference because those boys all go into the game of their free will and volition, but this little girl was forced to take these exercises against her own protest, and over the written protest of her father, and it seems to me that the State of Illinois, standing behind the Board of Education of the city of Chicago, which is de facto an arm or agent of the State of Illinois, as I understand it, should be held responsible for making her take these exercises which she was physically incapable of taking.

Mr. PROVINE (Christian). It has been admitted that the school board has no legal right to pay money out for that purpose, and there is no warrant of law for the State to do it either.

Mr. LIPSHULCH (Cook). Mr. Speaker, I understand that the school board does not have the right in themselves, but that they are State agents and in this way it would make the State liable. The State is responsible for the school board who are State agents.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen of the House: It seems to me that there are times, even in the doings and happenings of the House of Representatives, or the Illinois Legislature, more properly speaking, when we can afford to do away with, for the time being, with those tight-drawn rules that generally govern our conduct, and which should govern our conduct as representatives of the State. I believe this to be one of those times. Here is a little girl that has been pitifully injured. She was injured as has been stated, while attending a school, a school which is under the protection and which has behind it as a public school the great government of the State of Illinois of which you and I are an humble part.

Now then this injury was a grievous one, one from which she will not recover, but by reason of the excellence of the physicians and surgeons in their work this little girl was brought back to apparent health and strength and to a continuance of life. For those services somebody has to pay. The father happens to be a poor man. I have always felt that there are times in the history of life and of this world when we can afford to throw away the rigid, tight-drawn rules and let humanity and the heart and the soul control and rule. This is a case in which it means much—it means everything to this father. He is owing about \$800 to the surgeons who performed the services for his little daughter. She is as dear to him, and perhaps more so in her present condition as your children are to you. She means as much to him in his life as your little ones do in your own home. Now then, he is obligated for that debt and he doesn't want to go home and say to the surgeons, "I can't pay you for your services; I can't pay up." He works for his living, and every minute's work means bread for himself and his family. I say to you all that you can afford to shut your eyes this once during this one legislative assembly, you can afford to shut your eyes to the rules and give this appropriation to this little girl, and when you go home and see your own little ones, and when they come to you and kiss you and put their arms around your neck, you can say to yourself, "I don't know how many mistakes I have made in the Legislature but I hope the God of Human Nature will forgive me, for what I did in that one case. I vote "aye." (Applause.)

(Roll call continued.)

Mr. McCORMICK (Cook). (On roll call.) Mr. Speaker and gentlemen: I was not in the House when this bill was called, but as near as I can determine this little girl was confided to the care of an agent of the people and came to harm at their hands, and I think it behooves the people to make reparation for that harm. I vote "aye." (Applause.)

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 113 and the "nays" 1; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). Mr. Speaker, I move that the House non-concur in Senate amendments to House Bill 248.

Mr. IGOE (Cook). The amendment is that the Senate has added \$1,500 to the appropriation.

Mr. SMEJKAL (Cook). This is for the relief of William Voris. The matter was submitted to the Industrial Board of Chicago and they recommended \$3,500, and the committee concurred in that view. Now the Senate has come back with the recommendation that \$1,500 additional should be appropriated for this young man's mother.

This young man was employed on the Illinois and Michigan Canal and his hand got caught in the band saw, or circuler saw, from which injuries he died. He was living with his mother, and I move that we non-concur in the amendment. In view of the fact that this had been submitted to the State agency, and that the Committee on Appropriations simply concurred in the award made by the State of \$3,500.

Mr. IGOE (Cook). Mr. Speaker and gentlemen of the House: This is a

claim for death of a man named Voris who was employed on the Illinois and Michigan Canal at Joliet and through the negligence of the people working on that canal he received an injury from some instrument which he was using, which resulted in his death. He left a widowed mother and he was where when they are in there they have to, one-half of them, inhale the air agencies. The family of the dead boy took this case up with the Industrial Board of the State, and that board has no more jurisdiction over this matter than the man in the moon, but being poor people and ill advised and not knowing what they were doing they went to that board and received a finding of \$3,500, which is the limit under that law. Now the finding wasn't worth the paper it was written on, because you could not enforce it, and it didn't amount to a snap of the finger. The board didn't have any jurisdiction and this matter had no place there.

Now here is an Act asking for \$10,000. The bill was called up here and sent to the Committee on Appropriations and they reported it out with the recommendation of \$3,500. It went over to the Senate and they cut that \$10,000 in two; they made it \$5,000.

Now won't you folks kindly be consistent? You have appropriated a thousand dollars here for broken collar bones; you have appropriated two or three thousand dollars for other minor injuries; you have appropriated amounts greatly in excess of this for injuries which were only temporary; and that soon passed away. Now here is a case that is one of the most serious that could come before this Legislature. Here is a widow; her son is gone; he was killed by this State through its agents, and through the negligence of those agents, and now, why practice economy upon that widow? It was all right to vote the judges of Illinois an increase in their salaries. Nobody shouted "economy" then; it was all right to vote other increases and nobody shouted "economy." It was all right to build some roads, and nobody shouted "economy" then, but the only talk of economy that we find in this House occurs when some claim comes in for an appropriation for some poor people, and at other times when they want to take a crack at certain individuals of this House.

I think it is only fair for the House to concur in the amendment made by the Senate, and I move to lay the motion of the gentleman from Cook (Smejkal) upon the table.

THE SPEAKER. The gentleman from Cook (Smejkal) moves that the House non-concur in the Senate amendment, and the gentleman from Cook (Igoe) moves to lay that motion on the table.

Mr. BURRES (Champaign). I happened to be on the Appropriation Committee that passed on a number of these claims and I am familiar with several of them. The bill has recently been passed, in which the gentleman came before the Appropriation Committee and it seemed to be satisfactorily adjusted. Other men accepted what they were given and now they go to the other side and ask for something more to be put on. I believe that after we have gone over this matter carefully, as we did, and tried to adjust them in good faith, I intend to support the Appropriation Committee from this time on, regardless of any of these amendments.

Mr. IGOE (Cook). He just agreed to an amendment that was made to another claim, isn't that true, Mr. Smejkal?

Mr. SMEJKAL (Cook). Yes, that is true.

Mr. IGOE (Cook). There wasn't anything wrong with that. That was all right.

(Motion prevailed.)

Mr. IGOE (Cook). I ask for a roll call.

THE SPEAKER. These matters go to a conference.

Mr. IGOE (Cook). The other one didn't.

THE SPEAKER. Will a division do?

Mr. IGOE (Cook). No, a division won't do.

THE SPEAKER. The clerk will call the roll.

(Roll called on non-concurrence in Senate amendment.)

Mr. KANE (Saline). Mr. Speaker and gentlemen of the House: I desire not only to explain my vote on this proposition, but to correct the gentleman from Chicago, Cook County (Igoe), when he says that we pass

all these great amounts; that there has been no cry for economy. I want to say that the gentleman from Cook (Igoe) is himself posing, setting himself up as the greatest economist and economizer in this House in one particular, in regard to the Southern Illinois Normal, where this State has a building for young men and young women that is a disgrace to the State; where when they are in there they have to, one-half of them, inhale the air while the other half exhale; they can't all breathe at the same time; a building in the auditorium that is a disgrace. And who is the prime leader in economizing? It is a place that is not even fit for hogs to assemble in. Now, he comes up and says there is no question of economizing. The gentleman should be consistent a little bit, and I hope that in the end he may be. I vote "aye."

Mr. IGOE (Cook). I presume you refer to the Normal School?

Mr. KANE (Saline). I do.

Mr. IGOE (Cook). I will ask Mr. Smejkal if it is not true that three members of that conference signed up to agree with you before I signed my name?

Mr. SMEJKAL (Cook). Yes.

(Roll call continued.)

Mr. SCHUBERTH (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I want to say a word on this bill. I introduced this bill in the House. I don't know what the chairman of the Appropriations Committee has got against me, or the speaker of this House, but I want to say this, that I have not been dealt with in a fair way. Several bills that I have introduced here, through the efforts of the speaker and the chairman of the Appropriations Committee their passage has been impaired.

THE SPEAKER. I would like to ask the gentleman if he means to impugn the speaker with affecting this bill. I never knew until he spoke who introduced the bill. Didn't I call a bill for you, 407?

Mr. SCHUBERTH (Cook). Yes.

THE SPEAKER. Then state the truth to this House.

Mr. SCHUBERTH (Cook). That bill I was not so much interested in. I had a bill, Mr. Speaker, that was in the interests of the people of the city of Chicago, that was vital to them, that meant much to the people of Chicago, and I could not get a chance to have it advanced—No. 413, on the Torrens System, if you please. I sent Mr. Curran to you and you told Mr. Curran, "You keep out of that and leave it alone." Now, I want to be fair. I have tried to be right with the members of this House and the speaker of this House. I have never asked an unfair thing here, but here is a bill, or a claim. This lady lives in my district and because she did not know of the Court of Claims, where she should have gone, and they no doubt would have given her the full amount, she went before the Industrial Board. They had no jurisdiction to go beyond \$3,500. This boy was injured through the negligence of the State to provide proper safeguards, and he received an injury and then contracted lock-jaw, and died. Now, this boy was her only support, and to say to the members of this House that \$3,500 is just, I say no. Dr. Burres stated that that matter had been taken up with the Appropriations Committee. He had a claim for \$3,500 and they cut that a thousand dollars. This they cut 66⅔ per cent.

Mr. BURRES (Champaign). It was not \$3,500; it was \$1,500.

Mr. SCHUBERTH (Cook). I want to be fair. I have no interest in this, but this lady lives in my district. I believe she is entitled to that amount, of \$5,000, and I ask the members here to give me their vote on that proposition. I vote "no."

THE SPEAKER. I wish to state to the House that I am more than surprised at the statement made by the member from Cook (Schubert). The chair had no idea who introduced the bill; didn't know what the claim was until it was called up; had no interest in it; never was spoken to here by the man from Cook (Schubert) or the chairman of the committee regarding it. The gentleman asked to have House Bill 407 called on two occasions and I recognized him. I never knew he called such a bill as 413, and I will ask Mr. Curran now if he ever asked me to advance a bill, 413, for Mr. Schubert?

Mr. CURRAN (Cook). I never asked you, Mr. Speaker, to advance the

bill. I asked you about 413, but I never asked you to advance it; I asked what the bill was.

THE SPEAKER. And I did not know today what the bill was. I am sorry a gentleman should get up and make such false statements on this floor, because I assure you I have nothing but the kindest feelings for him and I am sorry he should think I had anything to do with this claim. He, like every other member, has importuned me probably not once but a hundred times on bills on this calendar, and I am sure I cannot carry from day to day all their requests. I have tried to do the best I could.

Proceed with the roll call.

(Roll call continued.)

Mr. WOOD (Wayne). (On roll call.) Mr. Speaker and gentlemen of the House, I believe it is due the chairman of the Appropriation Committee and the committee to state to this House that I had a bill for \$3,500. They cut it to \$2,000. I accepted it readily, because I realize the burden they were under. I vote "aye."

(Roll call concluded.)

Mr. SMITH (Cook). Mr. Speaker and gentlemen of the House, I did intend to vote "no" on this bill, but it seems to be the case that different members of this House are selfish respecting anything they have any particular interest in. Now I have not been interested personally in any bill that has come up before this House, and I don't think that any man has a right to attack the speaker or any member of this House, and for that reason, Mr. Speaker, I wish to be recorded as voting "aye."

THE SPEAKER. On this question the "yeas" are 72 and the "nays" 35. The motion is adopted and the House refuses to concur in the Senate amendment.

HOUSE RESOLUTION No. 103.

WHEREAS, Hon. H. L. Sheldon, a member of the Forty-fifth and Forty-sixth General Assemblies, from the Thirty-fifth Senatorial District, departed this life January 22, 1915, at Los Angeles, California, after a prolonged illness; and,

WHEREAS, He was a faithful and efficient member, honest and courteous in all his personal business and political life, and respected by all who knew him; therefore, be it

Resolved, That we extend to his family our sincere sympathy in their loss, assuring them of our appreciation of the valuable services that he rendered the State; and, be it further

Resolved, That this resolution be entered upon the Journal; that an engrossed copy thereof be forwarded by the Clerk to his wife, and that as a further mark of respect to his memory, that the House do now take a recess until 2:00 o'clock p. m.

Two o'clock p. m., re-convened.

The Speaker in the chair.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 24 on the order of third reading.

This is a bill with reference to free employment offices.

(Roll called.)

Mr. MADSEN (Cook). (On roll call.) I don't know whether all the members understand this bill or not. This is a bill drawn by the late Professor Henderson of Chicago in conjunction with a good many citizens of Chicago who are trying to do something to ameliorate the unemployment problem. I believe that all the members in this House ought to vote for this bill. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 78 and the "nays" nothing; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. FRANZ (Stephenson). Mr. Speaker, I rise to a point of order, and also a question of personal privilege in regard to the vote upon House Bill No. 957. Last Wednesday I had occasion to be called out of the chamber

about 3:15, and since then I have been informed I was recorded as having voted "aye" on that bill. I didn't vote.

THE SPEAKER. Let the record show that Mr. Franz did not vote on House Bill No. 957. The clerk tells me the record has been corrected, the question having been raised at the time.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 154 on the order of third reading.

Mr. MITCHELL (Cook). The chairman of the Appropriations Committee is not here. This states that it is \$1,000 for the Committee of Unemployment. What is this committee, does the Speaker know?

THE SPEAKER. It is a committee to be appointed by the Governor on unemployment.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 86 and the "nays" 4; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 400 on the order of third reading.

Mr. PURDUNN (Clark). Is Lincoln Park clearly a part of the State Government?

THE SPEAKER. The commission is appointed by the Governor.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 78 and the "nays" 8; the bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BURNS (Cook). I desire to call up Senate Bill No. 25 on the order of third reading.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" nothing; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. IGOE (Cook). I desire to call up Senate Bill No. 314 on the order of third reading.

Mr. Speaker, this is a bill that amends the law with relation to the practice of dentistry, and the substance of the amendments is that it merely reads into the law what has been the practice for several years. It is approved by the dental schools, by the dental societies, and by the dental board.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 89 and the "nays" nothing; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I ask unanimous consent to consider at this time Senate Joint Resolution No. 22, for the reason that it has to be considered in the Omnibus Bill.

(Resolution read.)

Mr. SMEJKAL (Cook). I move that the House concur in the resolution (Motion prevailed.)

Mr. SMEJKAL (Cook). I move that the House now concur in Senate amendments to House Bill No. 989. I will ask the clerk to—

THE SPEAKER. Before we proceed any further may I implore the members of the House to stop acting as children. We have had enough of child's play to last for one session. Now let's be men and go to work. We have only a few more hours and every man is anxious to have his bill considered and we cannot do it unless we have order.

Mr. BURNS (Cook). This amendment to House Bill 989 adds the names of the five clerks that served in the Thirty-fourth District in the election contests. Their names were omitted through error, though they have already been paid.

Mr. SMEJKAL (Cook). The amount as passed by the House was \$21,512.20, and the Senate amends by rearranging the names and making the total amount read \$21,816.00. It is just as Mr. Burns has stated.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" none; and the House concurs in Senate amendments to House Bill 989.

Mr. HOLADAY (Vermilion). I desire to call up Senate Bill No. 10 on the order of third reading.

Mr. Speaker and gentlemen, this is a bill that makes it a misdemeanor to discharge a firearm on a public highway, making the exception, of course, of an officer of the law when necessary.

Mr. PURDUNN (Clark). What do you say this bill does?

Mr. HOLADAY (Vermilion). It prohibits the discharge of a firearm on a public highway, people driving along in buggies and shooting through the fences, hunting along the public highway.

Mr. ROE (Fayette). That means that a man walking along the highway cannot shoot any game or anything of the kind.

(Roll called.)

Mr. BROWNE (LaSalle). I think it is a curtailment of the personal liberties of the average rabbit shooter and I am against it. I vote "no."

Mr. FOSTER (Schuyler). Well, they can't shoot them half the year now.

Mr. EPSTEIN (Cook). I want to ask the gentleman a question. Does this bill apply to firearms only?

Mr. HOLADAY (Vermilion). Yes, sir.

(Roll call continued.)

Mr. FOSTER (Schuyler). (On roll call.) Mr. Speaker and gentlemen of the House, I hope I will be able to make all of you hear. I would like your attention just for a moment, while I call your attention to the fact that I consider this simply an extenuation of the idiocy of the thing that was passed last evening and upon a question, Mr. Speaker, of personal privilege I desire to read the following lines to this House. May I proceed. (Leave.)

An angler and an anglerette
 Were fishing in a slough;
 The reason they were there was this:
 They'd nothing else to do.
 A fisherman with trammel net
 Came by and caught a bass,
 The anglerette burst into tears
 That this should come to pass.
 "It were a howling shame," quoth he,
 "To take that fish away from me."
 The fellow with the trammel net
 Then caught a carp or two,
 Some catfish and a buffalo,
 And vanished up the slough.
 He kept the bass and sold the rest,
 And bought some flour and meat—
 For fishing folk like other folk,
 Must needs have things to eat.
 The angler cried, "It gives me pain
 That fish should be a source of gain."
 Then up they rose and thus they spake:
 "Here is the thing we'll do—
 We've got the reels, we've got the spoons,
 We'll take the river, too."
 They met some other kindred souls
 And framed a compromise—
 The kind that hawks with chickens make,
 And spiders make with flies.
 They said it was a dandy bill,
 But lots of folks are doubting still.

Now, Mr. Speaker, I desired to read this into the record because it expresses my sentiments on the bill that was passed last evening, and it seems to me that this is pertinent to the same. I vote "no."

(Roll call continued.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House, I would like to suggest to the members of this House that our

public highways upon which our children go to school, upon which the people go to church, go to town, haul their produce from their farms to the towns, is a sporting ground and a place for hunting and the shooting of firearms. You should amend this bill to provide that all pedestrians and all vehicles should only at certain hours have any right to travel upon the highways; you should fix the hour at which people should travel upon the highways if you are going to allow it to be occupied by hunters. I do know all down through the State that people pass along the highways, pretending to be going somewhere, and they hunt along the highway and they will shoot what happens there, whether it is a chicken or a turkey, or anything. Now, I want to say that this is not a question of fish and game; it is not a question of sport; it is not a question of merely having the privilege to hunt, but it is a question of whether or not we may be protected along the highways of this State where the children are. They go by themselves, the neighbors send their children to school. They send them to their neighbors upon the highway, and I do know that while they are traveling upon the highway hunters are shooting along the highway with but very little regard for those children, and I do know that upon the highways down in my section of the State that people have been shot by people hunting along the highways. Now, I say, if you are going to pass this bill you should amend it and provide that the hunters should have two-thirds of the time, I think that would be sufficient, and the people the other third. Amend it and divide up the time for the use of the public highways. I vote "aye."

(Roll call continued.)

Mr. SCHOLLES (Peoria). One of the things that the American citizen is proud of, one of the things that have made the American nation one of the greatest nations of the world is the marksmanship of its citizens, but step by step, we are putting on the statute books the laws that are bringing the citizens into the same class as those of the nations of Europe. Still I am not in favor of this law, because you are taking from the American boys the right to hunt upon the highways and the byways of this State of Illinois a privilege which was enjoyed by many of you. And I want to say to you that this talk about shooting the children on the way to school is all "bunk." But you say, on the other hand, we are trying to keep out the foreigner. We have provided in the Game and Fish Law that provision that will keep out that very man. Now, for instance, your boy and your neighbor's boy are out on the road hunting, going down along the hedge, one on the inside and one on the outside, and you are going to say to the boy on the outside that he has committed a crime, that he is violating the law and can be punished. I want to say to you, gentlemen, you are destroying a thing that makes for great good for this country. I say, let us keep up the honorable record that the American boy has made as a soldier by his marksmanship and vote down this bill. I vote "no."

(Roll call continued.)

Mr. VURSELL (Marion). (On roll call.) I believe that this is a bill that ought to pass this House. I disagree with my seat mate, the gentleman from Peoria (Scholles). Every man who lives down the State, who lives outside of the big cities, knows that the hunters along the highways are a menace, not only to the pedestrians, but to the women folks who happen to drive the horses or mules, or whatsoever they may be, to the nearby towns. We have all seen ladies getting down and holding the frightened horses while some one thoughtlessly have discharged firearms along the public highway. Men and children have been shot in this very manner.

(VOICES. Where?)

Mr. VURSELL (Marion). Representative Standfield's boy, the Republican member who sits in the row behind me, his boy was shot in that way and he will tell you so. I vote "aye" on this bill.

(Roll call continued.)

Mr. HUSTON (McDonough). (On roll call.) Since listening to some of the sentiments of the gentleman from Peoria with reference to marksmanship, I vote "aye."

(Roll call concluded.)

Mr. FOSTER (Schuyler). If this bill is within gunshot of passing, I want to ask for a verification of the roll.

THE SPEAKER. On this question the "yeas" are 66 and the "nays" 61; the bill having failed to receive a constitutional majority, is declared lost.

Mr. WEBER (Cook). I move that the House refuse to recede from its amendments to Senate Bill No. 80 and ask for a conference committee.

Mr. FOSTER (Schuyler). I move as a substitute for that motion that the House do recede from its amendments to Senate Bill No. 80.

Mr. WEBER (Cook). I move that the motion of the gentleman from Schuyler (Foster) lie upon the table.

Mr. BURNS (Cook). Now, that the House may know what this amendment is, I want to say that when this bill was in the House, Representative Thon (Cook) made this amendment, and had it placed on Senate Bill No. 80. I distinctly remember what the Representative said when he offered this amendment. It was no attempt on his part to in any way interfere with the soldiers of the Civil War. This bill, Senate Bill No. 80, amends the same section exactly which gives preference to the soldiers of the Civil War. This bill amends that section in the Civil Service Law which says that persons who were engaged in the military and naval service of the United States during the War of '61, '62, '63, '64 and '65, and who were honorably discharged therefrom, shall be preferred for appointment to civil service office. Now, this is the section of the Civil Service Law which this amendment, and this amendment which was placed on here with the intention of affecting only the veterans of the Spanish War, also affects the veterans of the Civil War, and it makes them be citizens of the State of Illinois at the time of enlistment in the Civil War, but how many today will you find that will have this preference under this amendment? If you are going to take away from the Civil War veterans that little remedy they have, it would be a discredit to the Legislature of the State of Illinois, and this motion to table should be lost or this House of Representatives should recede from the amendment because it was never the intent either of this Legislature or of the gentleman who proposed this amendment that it was to affect in any way soldiers of the Civil War, and it certainly does, and if you leave it in there you have taken away from them that preferment, and which I believe every man on the floor of this House believes they are entitled to.

Mr. McCORMICK (Cook). I was largely instrumental in having this amendment incorporated in the bill and the gentleman from Cook (Mr. Burns) is right, the restriction as regards residents was never intended to apply to Civil War veterans, and it clearly does.

Mr. O'ROURKE (Cook). I would like to call the attention of the House to the point of how many of the veterans of the Civil War will be affected by this in taking examinations. They are all along in years, and are not taking any kind of examination, and it will not affect one per cent of the veterans of the Civil War who reside in Illinois. This thought raised by the gentleman from Cook, about affecting the veterans of the Civil War, is simply put in there for effect. There are no veterans of the Civil War taking examinations.

Mr. KESSINGER (Kane). This amendment to bar Spanish-American War veterans who did not enlist from this State is wrong anyway. If a man that fought in that war and enlisted in another State wants to come and bring his family and become a citizen of this State we ought to give him the same preference as any other man that enlisted to fight in that war, and this amendment ought to be beaten and we want a roll call on it.

Mr. WILSON (Adams). Is this to restore the bill to the shape that it was when the House voted upon it?

Mr. BUTLER (Sangamon). I think that the House should recede from this amendment, for this reason, and I would like to call particular attention to this. If the gentleman from Cook who is always asking for order will sit down and quit talking, I may be able to continue.

Mr. Speaker, I am against civil service, but if there is one thing that would help it is this, and for this reason, this amendment will cut out in round figures 700 citizens of Illinois who in their patriotism, and not having a chance to enlist in Illinois went to other states and enlisted in order that they might go to the front. They are citizens of Illinois, they went to another state and enlisted in order that they might serve their country. They

are back here now, and if you don't recede from this amendment it will cut out any one of them. I don't know that any one of them want to, but it will cut out any one of them that want to engage in any civil service employment in this State, and therefore, I think that the House should recede from its amendment.

(Rising vote taken, motion to table lost.)

Rising vote taken motion to recede prevails, and the House recede from its amendments to Senate Bill No. 80.

Mr. BURNS (Cook). I move that the House concur in Senate amendments to House Bill 152.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 120 and the "nays" nothing; and the House concurs in Senate amendments to House Bill 152.

THE SPEAKER. The clerk will call the roll on receding from House amendments to Senate Bill No. 80, which action is necessary according to the rules.

(Roll called.)

Mr. O'ROURKE (Cook). (On roll call.) Mr. Speaker, I want to explain my vote. Now this statement to this bill was placed upon it by this House. It provides that only men that enlisted for the Spanish-American War from the State of Illinois will have the preference. The preference they have is that if they get 70 per cent on a civil service examination and the citizen outside gets 98 per cent, they have a preference over the citizen. Now then in putting this amendment in it cut out the Lieutenant-Governor of the State of Illinois who joined a regiment in Michigan, joined from Kalamazoo, Michigan, and he wants to come under the provisions of this Act so that he will have the benefit of it and the result is you are throwing the bars down to every Spanish-American War veteran in the country where there is only two states in the Union where they have a civil service that a similar provision prevails, and I vote "no."

(Roll call continued.)

Mr. WEBER (Cook). (On roll call.) I believe that this amendment ought not to carry, in other words we should not recede from the amendment. I don't believe that we ought to throw the bars down and let everybody come in and take civil service examination and on a grade of 70 supercede another citizen who has equal rights and who may make a grade of ninety or ninety-five. I do not believe that it is fair, and I furthermore believe that by doing so, that by letting everybody come and take an examination who is a Spanish War veteran and who makes a grade of seventy is a serious crippling of the civil service efficiency. The idea of civil service is for efficiency. That is the reason it was instituted and this law seriously cripples that feature. Furthermore, I don't believe that the Spanish War veterans will regard this as a compensation for the work that they have done. I don't believe that anybody who entered the war did so because they expected remuneration and financial gain. They didn't expect that. They enlisted because of the patriotism that they felt for the country. They were actuated by higher motives than compensation, and I don't believe that it is the intent of the Spanish War veterans that they should be so compensated. I don't think that this is fair. I think that this measure if this amendment is receded from will very seriously cripple our civil service. I think we ought to vote down to recede from it and I vote "no."

THE SPEAKER. On this question the "yeas" are 91 and the "nays" 8; and the House recedes from its amendment to Senate Bill No. 80.

Mr. SMEJKAL (Cook). I move that the House concur in Senate amendments to House Bill No. 116.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 96 and the "nays" 2; and the House concurs in Senate amendments to House Bill No. 116.

Mr. RAY (Vermilion). Mr. Speaker, I desire to call up Senate Bill 374 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is an amendment to an Act entitled, "An Act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association;" it provides that real estate securities shall be accompanied by an

abstract of title of the property in question or a guaranteed title thereof or a certificate under the Torrens system. That is all this bill does, and it is a good bill and should pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 96 and the "nays" are none; the bill having received the necessary constitutional majority, it is declared passed, and the clerk will report the title of the bill.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I desire to call up Senate Bill 39 on the order of third reading.

This is a bill that fixes the statute in regard to the pay of collectors, to make it correspond with the decision of the Supreme Court to put a limit on it between which the board of town auditors can fix the fee of the collector.

(Roll called.)

Mr. PURDUNN (Clark). (On roll call.) Mr. Shurtleff, I want to inquire if it is a mistake in this bill where it says it is the maximum amount of \$200?

Mr. SHURTLEFF (McHenry). This bill is Senator Pervier's bill in the Senate, and it fixes simply a minimum amount, because the Supreme Court held that as it now stands, giving the board of town auditors the power to fix the collector's fee the entire range, it was unconstitutional, but they did hold that if there was some limit placed upon it, so that the board did not have the power to go from nothing up, as the courts had legislated it might be good, and in view of that this bill was drafted and introduced by Senator Pervier, and I think the State's attorney in his county drew it and that it would comply with the ruling of the Supreme Court.

Mr. PURDUNN (Clark). The reason I called attention to it is because it says the maximum amount shall not be less than \$200. That is a peculiar wording.

Mr. SHURTLEFF (McHenry). That simply provides that the maximum amount in counties of the first class shall not be less than \$200. That would mean that the board of town auditors in fixing the amount could not make it less than \$200.

Mr. PURDUNN (Clark). It doesn't say "minimum," it says "maximum."

Mr. SHURTLEFF (McHenry). I think it does say "maximum."

Mr. PURDUNN (Clark). Well, I just called attention to it; it is the peculiar wording of the bill, and I wanted to show you that I didn't understand it.

Mr. SHURTLEFF (McHenry). It is just the way they drew it and it is drawn to comply with the technical decision of the Supreme Court so that the board of town auditors can fix it, and must legislate within some limit, and not have the broad fields of from nothing up to \$1,500.

Mr. PURDUNN (Clark). Well, then, that word "maximum" should not be in there.

Mr. SHURTLEFF (McHenry). Well, it really means "minimum." They have drawn it technically, to get inside of this decision of the Supreme Court, and the sense of it is "minimum," when you read it.

Mr. PURDUNN (Clark). Well, that is the right definition.

Mr. O'ROURKE (Cook). It goes on—says in counties of the third class it shall not be less than \$750.

Mr. SHURTLEFF (McHenry). But there is a maximum in the bill, there is the present law of the maximum, that all over \$1,500 shall be paid into the county treasury in counties of the third class.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 92 and the "nays" are 6; the bill having received the necessary constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. WILLIAMSON (Champaign). Mr. Speaker, I desire to call up Senate Bill No. 182 on the order of third reading.

Mr. Speaker and gentlemen of the House: This is the School Sanitation Bill. It is the bill that the roll was being called on two years ago when we adjourned, and provides additional duties for the Superintendent of Instruction, that he, with the advice of the State Fire Marshal and the Superintendent of the State Board of Health may specify the requirements of the school buildings in regard to sanitation and protection from fire.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Mr. Speaker and gentlemen: I regard this as a very bad bill. It takes and places in the hands of the Superintendent of Schools the say-so and the determinative voice as to all buildings and repairs, as to heating, lighting, and everything connected with the building. Now, that should be left to the Board of Education; that should be left to the trustees. They as a rule are business men and used to handling business affairs, and they are practical men in that line of work and in that line of procedure. The average superintendent of schools is a theorist; he is an instructor; he is not a practical business man, and furthermore the idea of taking this thing from a body of men and placing it in the hands of one, is absolutely wrong and contrary to American principles, and it would redound, not to the good, but would result in bad. It is wrong, and this bill is founded upon a wrong principle, and it ought to be beaten, and I vote "no."

(Roll call continued.)

Mr. BURREN (Champaign). (On roll call.) Mr. Speaker and gentlemen of the House, this is a bad bill in that it does not go far enough. If there is anybody who is neglectful as a body in the country school districts it is the board of school trustees; they will not attend to their duties until they are forced to it.

I want to call the attention of this House to a condition that exists in my own county and which exists all over the county, where we had a teacher who had tuberculosis and was expectorating all the time on the floor and exposing thirty-five to forty children every day to tuberculosis. Nobody interfered with her, because no one considered they had the power. Now, this bill does not go far enough.

Mr. CURREN (Pulaski). May I ask a question? Do you think Mrs. Young is able to handle the public schools of Chicago?

Mr. BURREN (Champaign). No. I am speaking of the country schools.

Mr. CURREN (Pulaski). I think a board of education should take care of that.

Mr. BURREN (Champaign). They won't do it.

(Roll call continued.)

Mr. COOPER (Wayne). (On roll call.) Mr. Speaker and gentlemen of the House, I just want to call your attention, before you vote, to the provisions of this bill. Section 13 of the Act makes it the duty of the State Superintendent of Public Instruction to prepare, with the advice of the State Board of Health, the State Architect and the State Fire Marshal, for school specifications, for the heating, requirements, the ventilating, and lighting and water supply, and toilets, and protection against fire, which will preserve the health and the safety of the children, and the enforcement of that has cast upon the board, or the superintendent of schools of the respective counties an additional burden. I don't believe it is fair for a man here in Springfield whose time is taken up with the general work of his department to have to fix the plans and specifications for all of these schools. There are country school districts all over our State that are hardly able now to comply with the law as it is, and if you leave it to the State Superintendent of Public Instruction to make those requirements they cannot be made and it probably will be made such a burden that the respective school districts of the State out in the country will not be able to comply with them, and it will thereby cause a burden upon every school district in the State. It strikes me, gentlemen, that enough of a blow has been struck at the country school districts of the State of Illinois by the passage of the Teachers' Pension Fund, which is a direct blow at every school in Illinois, and now to place in the hands of the State Superintendent of Public Instruction the power to require all of these things, it would cast a burden on the schools of Illinois so that they will not be able to comply with the law. They are hardly able now with the income from the taxing power and the State distributive fund, they are hardly able to comply with the requirements of the law, and I believe that this is giving a power that ought not to be granted, and I bespeak of you in behalf of the country schools of Illinois that you will beat this bill. I vote "no."

Mr. O'ROURKE (Cook). Will you answer a question? Do you believe that the sanitation and health of the children ought to be considered in this sense?

Mr. COOPER (Wayne). I believe that the health and safety of the children ought to be cared for, but I believe this: that the fathers and mothers in that district by whom the boards of education and boards of school trustees are elected are interested more in the children in their respective districts than the State Superintendent of Public Instruction, and if you take away from the fathers and mothers and the local school board the right to say how their children should be treated, you are making of the school law of this State a laughing stock. It looks as though you think they take no care of their own.

Mr. O'ROURKE (Cook). This is simply a check on the trustees and I know of my own knowledge that a great many trustees are careless as to the sanitation, particularly of the school houses of the rural districts in Cook County.

Mr. COOPER (Wayne). That may be true of your school districts, but you have your boards of education and they are interested directly in the children of the school because they constitute the fathers of the children in the school. I vote "no."

(Roll call continued.)

Mr. DRAKE (Clark). (On roll call.) Mr. Speaker and gentlemen of the House, I want to read to you just exactly what this bill says, that the State Superintendent of Public Instruction shall prepare specifications for sanitary school buildings. Now he doesn't do this alone, but he has the assistance of, first, the State Board of Health; second, he has the assistance of the State Architect; and third, he has the assistance of the State Fire Marshal. Now is that a bad body of men to prepare plans and build the country school houses of the State of Illinois.

Now, let us see just for a moment, what is a sanitary school house? It is one that is properly heated, properly lighted, properly ventilated and properly seated. Now is there any objection to making the school house comply with those requirements? What is it for? For your children, all over the State of Illinois. I vote "aye." (Applause.)

(Roll call continued.)

Mr. HUBBARD (Greene). (On roll call.) Mr. Speaker and gentlemen, I believe that this is a very important measure. I am sorry I cannot feel with my friend from Wayne (Cooper). You all know that you have had experience or know something about the construction of schools, that they have been constructed with no idea of sanitation or requirement for protection against fire. You all know also that it is absolutely essential now to the health of the children that these buildings should be constructed in a different way than they have been constructed. It is a sin against our school children. There are some school houses where the children have to be eight or nine months at a time, and they live in houses that you yourself would not live in. Now this is not going to work a hardship on any board of directors, any board of directors would be glad to have the advice and the plans supplied to them that will give them a building that will meet the requirements of the present day needs of education. I sincerely hope that this bill will become a law. It will help and relieve the conditions throughout the entire State and in a few years you will find that we will not have a little school house standing by the wayside, but we will have a house of education that we will all be proud of that we will not be ashamed to send our children to, and I vote "aye." (Applause.)

(Roll call continued.)

Mr. KASSERMAN (Jasper). (On roll call.) Mr. Speaker and gentlemen, I wish to explain my vote. I find in section 15 that the county superintendent is given to inspect all the school houses that are already built and I find under section 35 of this bill that the county superintendent can direct the local board of directors of the school trustees to change their school building and make them or require them to do what should be done, and if they refuse to do it, section 35 gives them the power to withhold the amount from the distributive fund for that school district or that territory, and

I think this power is clear beyond anything that ought to be given to the county superintendents office in connection with the State Architect and State Fire Marshal. I therefore vote "no."

(Roll call continued.)

Mr. PACE (McDonough). (On roll call.) Mr. Speaker and gentlemen of the House, in my judgement no architectural structure in Illinois has as little attention paid to it as the average country school down in this State. This bill, gentlemen, provides that the State Superintendent of Public Instruction along with the State Architect, the State Board of Health and the State Fire Marshal can so arrange the plans for the school houses of Illinois as to better protect the health and the lives of the children of this State.

Gentlemen, during the last few weeks, you and I have provided for the eradication of the hoof and mouth disease in the State of Illinois. We have provided for the men and women of Illinois by saying that the law shall prohibit them from working more than so many hours a day in order to protect their health, but I will say to you that hundreds of thousands of children of Illinois are appealing to the Legislature today to protect their health from the filthy and disgraceful school houses that are found in every county from Cairo to Galena in this State. They ought to be built better, gentlemen, and the State Superintendent of Illinois along with the county superintendent of each county are the proper ones to give the advice to the board of directors, and the board of education so that those school houses may be erected in a manner so that those children who spend the majority of their waking hours in the day in them, that they may not send them to the dirty, dingy disreputable places that they are spending their time in at the present time. Though, gentlemen, I have not a child to send to the public schools of Illinois, yet it is the best tax money that I ever spent and for one member of this Legislature, I vote "aye." (Applause.)

(Roll call continued.)

Mr. THOMASON (Clay). (On roll call.) Mr. Speaker and gentlemen of the House, I feel that this is an important bill. There are a great many boards of directors that are elected, that do not give the time and attention to school matters that they should. They work without remuneration and they are as a consequence all neglectful of school buildings.

Some two years ago, in my own county, in a small country school district they decided to build a school house, and over the protest of the county superintendent of schools they insisted upon and did build a concrete building for a country school. It cost them altogether about twice as much as they figured it would when they began and about twice as much as a frame building would have cost them. Today the building is damp and insanitary, and they are worried about it. Their money is spent and they don't know how they are going to correct the mistake. If they had listened to some counsel by the county superintendent they would have avoided this trouble and in that instance they could get the assistance of the county superintendent. This bill provides that the plans and specifications originate with the home board and are submitted to the superintendent for approval.

Now, you are afraid that the superintendent is going to do something radical. You are bound in all instances to trust your officers, and he is one of the officers who takes an interest in all school matters and all school plans, and I think there is no danger in trusting these matters to him. I vote "aye." (Applause.)

(Roll call continued.)

Mr. WOOD (Wayne). (On roll call.) Mr. Speaker and gentlemen of the House, from listening to the speeches, some of them that have been made we would be led to believe that the fathers in several parts of the State are very ignorant and that they are incapable to build houses in which to raise their families, and that they are not capable to erect school houses, and yet I want to make the statement that a brighter-eyed, a steadier-handed, or a swifter-footed lot of children cannot be found in the State of Illinois than come from those district schools, even in their insanitary conditions, according to your statements.

There is one other exception that I would take to this bill: In districts under 100,000 population it takes the State Architect, the State Fire Marshal and the county superintendent of schools to build a school house, but if you

chance to live in a larger district, I suppose that on account of the multiplicity of numbers, men became wiser, and the superintendent of schools may build a house himself or direct the building of a house. I am asking you, gentlemen, why a superintendent of schools will be sufficient to build a school house in a district of over 100,000 population when it takes the State Architect, State Fire Marshal, and the superintendent of schools and the board of directors, and the district superintendent—it seems to me to be unreasonable, and I vote “no.”

(Roll call concluded.)

THE SPEAKER. On this question the “yeas” are 110, and the “nays” are 18; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. GARESCHE (Madison). Mr. Speaker, I desire to call up Senate Bill 106 on the order of third reading.

Mr. Speaker and gentlemen, this bill is known as the County Superintendents’ Expense Bill. As it was originally drawn up it made it mandatory on the county board to pay the expenses of the county superintendent. It has been amended now, and it is optional with the county board as to whether or not they shall pay those expenses. Any county which is not in good financial condition need not pay those expenses unless they so desire.

(Roll called.)

THE SPEAKER. On this question the “yeas” are 96 and the “nays” are 7; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. ROTHSCCHILD (Cook). I desire to call up Senate Bill 326 on the order of third reading. Mr. Speaker and gentlemen, this bill gives about three acres of land to the city of Chicago for the purpose of laying out bathing beaches and erecting bathing pavilions. I believe you are all familiar with this bill, and I think it ought to pass.

(Roll called.)

THE SPEAKER. On this question the “yeas” are 108 and the “nays” 1; the bill having received the necessary constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. HAMLIN (Cook). I desire to call up Senate Bill No. 327 on the order of third reading.

This bill authorizes park commissioners to grant or convey or release lands or rights to any city or village.

(Roll called.)

THE SPEAKER. On this question the “yeas” are 108 and the “nays” none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. THOMASON (Clay). I desire to call up Senate Bill No. 139 on the order of third reading.

This bill provides that owners of public stallions shall have a lien on the animal served, determines the duties of the recorder of deeds in respect to this act and so forth.

(Roll called.)

THE SPEAKER. On this question the “yeas” are 114 and the “nays” none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. WILSON (Cook). I desire to call up Senate Bill No. 256 on the order of third reading.

Mr. Speaker and gentlemen of the House, this bill amends the Tax Title Act in regard to property which is sold to a tax buyer. Should he hold it and get a deed and not pay any more taxes then the property is forfeited to the State of Illinois and in so doing if he allows it to be forfeited for perhaps five, ten or fifteen years, take for instance in the county of Cook, there is perhaps two and three million dollars worth of forfeited property on the books. Gentlemen, this will do away with that and make the tax buyer pay the taxes for seven years.

Mr. SHURTLEFF (McHenry). I ask unanimous consent to make a report from the Conference Committee on House Bill No. 885.

THE SPEAKER. Conference report is received and ordered printed. Proceed with the roll call.

THE SPEAKER. On this question the "yeas" are 114 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. WILSON (Cook). I desire to call up Senate Bill No. 465 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is another tax bill. It provides that where a new subdivision is cut up into lots that the taxes and assessments shall first have been paid. The idea is that many people buy a lot in a new subdivision where there has been a tax deed; they don't know anything about it and the property perhaps has been forfeited and this is to do away with that and to provide that the taxes shall be paid before a new subdivision is opened. It is a good bill and ought to pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 106 and the "nays" none; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. CURRAN (Cook). I desire to call up Senate Bill No. 382 on the order of third reading.

This is known as the moving picture bill. It provides that a censor shall be appointed to report on moving pictures. It is a good bill and ought to pass.

(Roll called.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House, I believe there is some misapprehension in regard to the purpose of this bill and what remedies are provided under the bill.

The remark has just been made to me that the State would not censure any of the films that were censured by the National Censure Board. Now there is no such thing as an official National Censure Board. The only thing there is in the way of a National Censure Board is simply that the largest film companies, for advertising purposes, advertise that their films are censored, and they are their own censor board.

Now I want to call your attention to a letter that you have all got. In this letter it says this: "and let Chicago continue to censure for the State." Now I want to give you an experience I had. I hold in my hand a list of a number of plays that were censured in the city of Chicago; that are not permitted to be shown in the city of Chicago. One of them is "Princess Romanoff." In the whole play two scenes are censured and cannot be shown to the children and the young ladies and young men, or old men either, in the city of Chicago, and I want to say to you that, speaking upon the authority of my friend Thomason, and accidentally I happened to be with him, we saw that play, "The Princess Romanoff," in the city of Springfield just a night or two ago and those scenes that are cut out of the play in the city of Chicago were shown in the city of Springfield. Chicago does not censure for the State.

Now I just want to whisper to you what those scenes were. A beautiful young married lady with a beautiful smiling baby was infatuated with Prince Romanoff. Her husband was away. She sent him a letter. She said that he will be out tonight; not home tonight. Come at twelve o'clock. And that scene showed the meeting of those parties in the bed room that night, and such scenes as that are imposed all over the State, and I say I want to call your attention to this as an object lesson to what we need. Where those plays are shown all over this State and where more people, more children, more girls, more boys are attending these than any other amusement in the State of Illinois, in fact than all others put together, there should evidently be some checks put upon that proposition. We have no censorship outside of the city of Chicago. We have neither so far as a legitimate censorship is concerned. Neither have we any censorship. I vote "aye."

(Roll call continued.)

Mr. LYLE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, at some time or other Illinois will have to have censorship, a State board of censorship for moving pictures. This does not prevent the city of Chicago from censoring the pictures after the State Board have censored them. While there are some reasons why I might not vote for this bill, yet

considering the fact that there should be at some time or other, and there will be, a State censorship board, I am going to vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 95 and the "nays" 16; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. TAYLOR (Hardin). I desire to call up Senate Bill 51 on the order of third reading.

This is a bill to amend the Act regulating the manufacture and transportation and use of explosives. It provides that no explosives shall be manufactured within any incorporated city or village unless the city or village is created and organized since the erection of such explosive manufactory.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 121 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GORMAN (Peoria). I desire to call up Senate Bill 195 on the order of third reading.

Mr. Speaker and gentlemen of the House, just a word in regard to this bill. This bill only applies to Chicago and it is amending the present Pension Bill. It is an amendment bill and it has the provision that all pension bills have, the provision of a three year limit, the length of time which they shall run. Senator Denvir has been very kind in support of all House bills in the Senate and this bill should receive a unanimous vote. It only applies to Chicago.

Mr. BROWNE (LaSalle). The gentleman from Peoria (Gorman) has been intrusted with a duty in this House by one of the Senators, and he has promised to perform that duty and give a speech, and he is not doing it, and I suggest he do it before this roll call.

Mr. GORMAN (Peoria). I am willing to do anything, and this is a speech prepared by Senator Denvir.

Senate Bill 195 was introduced in the Senate by Senator John T. Denvir, who complied with every request made by Senator Hull by putting in the three year clause. Senator Denvir has aided all House bills and in consequence of which this bill should receive the unanimous vote of this House.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 91 and the "nays" 7; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SHURTLEFF (McHenry). I would like to make a report from the Conference Committee on Senate Bill 109. I have not the report in writing, but will make it verbally:

"The committee consisting of Mr. Thomas Curran, Mr. Fahy, Mr. Atwood, and Mr. Merritt, met with the Senate Conference Committee last evening, and I will say in behalf of this Conference Committee on the part of the House that it was at all times unanimous in what it did before the Senate Conference Committee. The House part of the committee at no time insisted upon the amendment as adopted by the House, but did ask to have it modified and presented to the conference an amendment to the bill as follows:

"Amend Senate Bill No. 109, by striking out the period at the end of line 17 of the printed bill and inserting in lieu thereof a semi-colon, and adding the following:

"*And, provided*, that it shall be the duty of every railroad company, steam boat company and other incorporated common carriers of passengers by rail or water, in the State of Illinois, to furnish free transportation to the Governor of the State, his secretary, the Lieutenant Governor, the Secretary of State, the Attorney General, the State Auditor, the State Treasurer, the Superintendent of Public Instruction, the members of the State Board of Equalization and the members of the General Assembly, while necessarily required to travel on account of business of the State, such transportation to be furnished and provided upon a uniform and regular form, the form to be prescribed by the State Public Utilities Commission."

The House part of this committee not only proposed but asked to recede from House Amendment No. 2 to this bill, and asked to substitute the

amendment as I have read. Part of the Conference Committee, the minority on the part of the Senate were willing to do this, but the majority refused to do it. The matter has been pending ever since last evening. I have learned this afternoon, not by a meeting, but in a way that I deem authoritative, that one of the members on the part of the Senate that did not agree last night would be willing at this time to agree on the amendment as adopted by the House, but would not agree to an amendment that made the transportation mandatory. The Conference Committee on the part of the Senate has reported back to the Senate that the two Conference Committees cannot agree and on behalf of the Committee of the House I report to this House and my report is unanimous on the part of the House members that it is impossible for the conferees to agree upon this subject and we ask to be discharged.

THE SPEAKER. The Senate has reported to the House that they cannot agree.

Mr. SHURTLEFF (McHenry). Mr. Speaker, I would like to ask on behalf of this committee that my remarks may be incorporated in the House Journal.

THE SPEAKER. The order is made that the remarks of the gentleman from McHenry (Shurtleff) be incorporated in the Journal.

Mr. BROWNE (LaSalle). Mr. Speaker, may I ask the gentleman a question? Now, Mr. Gentleman from McHenry, in your opinion do you think that the House ought to recede from its amendment that it made providing for transportation of members of the General Assembly and pass this bill as it originally came from the Senate giving to newspapers the right of exchanging their space for transportation?

Mr. SHURTLEFF (McHenry). In answer to the question of the gentleman from LaSalle (Browne) I desire to state that I could only answer that on behalf of myself, and if it goes to a roll call. I would not care to give any advice to any other member of this House.

I would like to state further that the conferees on the part of the House have used every endeavor and gone to every limit to get the conferees on the part of the Senate to agree to some kind of an amendment to this bill or clause to it by which the members of the General Assembly and other State officers could legally and fairly be furnished with transportation, but we have failed.

Mr. KESSINGER (Kane). This is the last day of the session and we have been working all winter on the bill, and now, gentlemen, we have not been able to get our passes, either making it optional or compulsory, and I don't think that the members of this House will want to forbid the country newspapers getting something they can trade their advertising for just because we have fallen down on our end of it, so I move that the House recede from the amendment, and I will ask for a roll call, Mr. Speaker.

Mr. BROWNE (LaSalle). As a substitute motion I move you that the Conference Committee appointed by the speaker to consider this matter be continued with instructions from the House to do the best under the circumstances that is possible and report to the House at the earliest possible opportunity.

THE SPEAKER. The Senate have reported to the House that they have failed to agree and that discharges the Conference Committee. Either House can ask for a new Conference Committee, and the Conference Committee must be of a different make-up.

Mr. BROWNE (LaSalle). Does it mean it must necessarily be of a different make-up?

THE SPEAKER. Yes, it must be changed. Changing one member would change it.

Mr. BROWNE (LaSalle). Well, then, Mr. Speaker, as a substitute motion I move you that the House appoint a new Conference Committee to confer with the Senate in this matter with instructions to do the best possible under the circumstances, and to report to this House at the earliest possible moment.

Now, Mr. Speaker, the reason I made my motion was because I feel that there is a prospect of agreement from what I have heard and I feel that this same sub-committee, or especially the majority of them, could

accomplish this if given authority to—that is, they could accomplish something that would be acceptable to the House, at least they ought to have full authority to proceed.

THE SPEAKER. The gentleman from Kane (Kessinger) moves that the House recede on this amendment to Senate Bill No. 109 and the gentleman from LaSalle (Browne) moves as a substitute that the House request a new conference on this bill.

Mr. SHURTLEFF (McHenry). Mr. Speaker, can I just say a word? I don't know what has been said as to the present committee, but for reasons that I do not care to go into particularly here and growing out of the last conference, if my name was considered to go on another Conference Committee I should have to decline. I want that understood in putting this motion. I feel that I have at least done my share. I have gone to the end of the road to get a settlement, and if one is possible I know that some other gentleman is better able to secure it than I would be.

Mr. WEBER (Cook). Has the Conference Committee of the House been discharged?

THE SPEAKER. This report discharges the committee.

Mr. KESSINGER (Kane). Mr. Speaker, until we find out just what the House will do on a motion to recede I move to lay the substitute motion of the gentleman from LaSalle (Browne) on the table.

Mr. BROWNE (LaSalle). After you recede, what is the use of a Conference Committee?

THE SPEAKER. The gentleman from Kane (Kessinger) moves that the substitute motion of the gentleman from LaSalle (Browne) lie upon the table.

(Rising vote taken; motion to table lost.)

THE SPEAKER. The gentleman from LaSalle (Browne) moves that the House ask for a new conference on Senate Bill No. 109.

(Rising vote taken; motion prevailed.)

THE SPEAKER. A conference will be requested.

Mr. BROWNE (LaSalle). I suggest, Mr. Speaker, that if it were possible, consonant and consistent with your duties that you ought to be a member of that Conference Committee, at least for a part of the time.

THE SPEAKER. It would be entirely improper.

Mr. SMEJKAL (Cook). I desire to offer a report of the Conference Committee on municipalities.

THE SPEAKER. The report of the Conference Committee will be printed.

Mr. CURREN (Pulaski). I move that the House take a recess until 8:00 o'clock p. m.

Motion prevailed, and the House recessed.

Eight o'clock p. m., re-convened.

The Speaker in the chair.

Mr. BURNS (Cook). I desire to call up Senate Bill No. 394 on the order of third reading.

Mr. GRAHAM (Mercer). I would like to ask the gentleman from Cook what changes this makes in the present law?

Mr. BURNS (Cook). Mr. Speaker and gentlemen of the House, this is to make perpetual the lien against property for special assessments. It is now only for five years. It seems unfair to have people owning property side by side and have part of them pay the special assessment and the other part not and still enjoy the improvement and the other fellow pay for it. In the various cities of the State the same thing occurs, possibly, as it does in Chicago. Now, during the year 1899 and previous years Chicago acquired special assessment tax certificates in the amount of \$195,337.09. The city of Chicago obtained after five years the tax title which when taken to the Supreme Court the lawyers all know the opinion that is rendered in regard to its title. This is to compel people to pay their special assessment, or until it is paid a lien will stand against their property.

(Roll called).

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, I only hope that you that are voting "aye" know what you are voting on.

This bill gives in cases of special assessment on property a perpetuity to the judgment that is rendered on that assessment. It makes it a lien for life, it has no length of life, it never dies except by payment. That is what this means and you gentlemen that the other day passed through the bill of the gentleman from Kane (Ellis) whereby you killed a mortgage lien at the end of twenty years because it would be cumbersome, because it would cost a little to get abstracts of title under those circumstances. I would like to know what you think about this. There is a lot of consistency between those two positions, you know. This is the only thing known in the history of Illinois where a judgment or a lien is perpetual. You are doing that and you are putting it on real estate where you have got to get your abstracts and you will have to pay all these expenses. I just merely suggested that because it is a beautiful piece of consistency. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 97 and the "nays" 6; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. WILSON (Adams). I desire to call up Senate Bill No. 131 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is a bill introduced by Senator Hull, of Chicago, and amends the Art Commission Bill in some few small particulars in regard to the appointment and constitution of the board and some of the powers of the board.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 111 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. BURRES (Champaign). I desire to call up Senate Bill No. 137 on the order of third reading.

Mr. Speaker, this bill provides for specifying by ordinance that local improvements may be paid for in twenty years instead of ten, in order that small villages may pay for their bonds in twenty years instead of ten, there is nothing mandatory about it. They must pass ordinances before it can be effective.

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, this bill provides for twenty year assessments on special improvement matters and after the first two assessments you can't pay in a lump sum. You have got to let it string along and pay your interest. After the second assessment you can't pay the lump sum no matter if you have got the money to pay it. It is a bankers' bill. No matter how much money you have, you can't pay off the assessment and end the interest. You have got to go along for those eighteen years and pay the interest. That may be a good deal better for some but it is not a good thing for the property owner.

Mr. BURRES (Champaign). There are many small villages who will not pay unless they can have twenty years.

Mr. BROWNE (LaSalle). Well, that may be, but if I had the money I would rather pay it at the end of the first year or the second year and get rid of that interest. This is in the interest of the contractor and the fellow that buys bonds.

Mr. BURRES (Champaign). The interest is fixed the same as any other bond at three, four, or five per cent or whatever it may be.

(Roll called.)

Mr. DEVINE (Lee). (On roll call.) I agree with the views that the gentleman from LaSalle (Browne) has expressed in everything except one remark that he made. He said that this was a contractors' and a bankers' bill. It is not a contractors' bill for the reason that a contractor wants to turn his bonds into money as quickly as possible. Under the ten years' system his bonds are worth ninety-five cents on a dollar, but if for twenty years they will be worth ninety cents on the dollar and after all the taxpayers have to pay the assessments and it is in the interest of the taxpayer and the property owner to defeat this bill. They will say to these taxpayers, "why you have got twenty years to pay this assessment, let's extend these improvements on if we pass this." It will be a hardship and a loss of money. I vote "no."

(Roll call continued.)

Mr. RAY (Vermilion). (On roll call.) This bill as originally drafted and before amendment was a good bill and it was a good bill for the small investor where improvements are going in around his property, but as the gentleman from LaSalle has said, the amendment striking out certain lines of the bill absolutely makes this bill bad and it ought to be defeated. I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 14 and the "nays" 78; the bill having failed to receive a constitutional majority, is declared lost.

Mr. PIERSON (Cook). I desire to call up Senate Bill No. 203 on the order of third reading.

Mr. MADSEN (Cook). Mr. Speaker and gentlemen of the House, I would like to have your attention for just a few minutes. I suppose that a good many of you gentlemen know the labor movement in Chicago chiefly through the newspapers. Now, I consider this bill an insult to the labor movement of the city of Chicago. I have been a member of a labor organization in Chicago for more than twenty years. I have held office for a number of years in an organization and I know the labor movement from experience. Before I came down to this Legislature I had heard a lot about the Legislature through the newspapers, but I have had my mind changed since I have been here. If you knew anything about the labor movement in Chicago you would not take the stories that you read in the Chicago Record-Herald. I think the literature that has been circulated in connection with this bill is an insult to every honest labor man in the city of Chicago, and I don't believe the bill is worth anything as it stands, and I do believe it is an insult upon the labor movement. It was brought down here by the people who have always opposed organized labor in all they tried to do. It was backed up by the people that have been trying to insult the labor movement for the past year. I think it is an insult to the labor movement and ought to be defeated.

Mr. PIERSON (Cook). Just a word in reply. Last week I asked John A. Walker about this bill, and he needs no introduction to you men. He endorsed this bill in this way, he said the evil that is sought to be reached by this bill ought to be reached but there ought to be in it a provision to reach the other party too. I said that can't be done in one bill, both the guilty parties can't be reached in one bill. I say to you that honest labor does stand for this bill. It is offered to try to rid ourselves of an oppression that has destroyed more than \$25,000 worth of plate glass during the past year for the purpose of extorting money to call off the men.

Mr. MADSEN (Cook). Now, if you agree with your proposition that both men should be reached, why not let this bill go and bring the other bill up two years from now and let them both go together.

Mr. PIERSON (Cook). Because it is opportune now to do what this bill does.

Mr. MADSEN (Cook). Well, you are not on the square, that is all there is to it.

Mr. PIERSON (Cook). I object to your language.

(Roll called.)

Mr. MADSEN (Cook). (On roll call.) I don't like to take any more of your time but in as much as the statement has been made here that organized labor is in favor of this bill and mention has been made of Mr. Walker, I would like to call your attention to the fact that the News-Letter of the Illinois Federation of Labor, and it is an expression of the opinion of organized labor of the entire State of Illinois, opposes this bill strongly. I would like to read to you a few lines of what is being said by the News-Letter of the Illinois Federation of Labor. It says here: "The Senate has passed a bill (S. B. 203) singling out the officials of trade unions as a class against which it is necessary to enact a special law upon the subject of extortion. The bill in question is an example of the prejudice in certain quarters against trade unions. If it is necessary to enact more drastic laws on the subject of extortion than those that are already on the statute books in the State of Illinois, then such laws should be general in their nature. There is no reason why the representatives of organized labor should be singled out

as worse than any other class of citizens. As a matter of fact, the court records of Illinois give ample proof that there is no necessity for any such law as that contemplated by Senate Bill 203.

"The bill was probably introduced and acted upon because of certain newspaper charges or insinuations that contractors in Chicago had suffered because some men in official positions in some of the unions had extorted money from them. If these charges were true, why were the men against whom they were made not arrested? If they had been guilty of such acts they would be no more exempt from the present law than any other citizen. The officials of the labor organizations of Illinois do not care how strict and drastic the extortion laws are made, but they should apply to real extortion and should be general in their nature, and not confined to trade unions." I believe that its logic is good logic. We should not go to work and legislate against a certain class of people merely because they happen to be working men and belong to a labor union. I vote "no."

(Roll call continued.)

Mr. F. J. RYAN (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, this is a bad bill, it is a bill that is aimed to crush out entirely the rights of any laboring man in the State of Illinois. It is true indeed that some labor leaders have done wrong and ought to be punished for it, but that is no reason why every man that works for a living should be punished for the wrongs of a leader. If this bill passes no man who works for a living with the pick or shovel, or with any tools can breathe the free air of liberty, he can't even ask for his pay after he earns it. I hope the men of this House will be honest enough and candid enough to vote down this bill. I vote "no."

Mr. PIERSON (Cook). I move that further consideration of this bill be postponed.

(Motion prevailed.)

Hon. Edward J. Smejkal presiding.

THE TEMPORARY SPEAKER. Gentlemen of the House, the hour has arrived that comes with every session, and to me has been assigned the pleasurable task of presiding over your festivities tonight. We are about in the closing hours of the session, and while we have come here and made close friendships, the time has come where we have got to separate and go back to our regular callings in life, and at this time I am going to recognize the gentleman from McHenry, Mr. Shurtleff. (Applause.)

Mr. SHURTLEFF (McHenry). Mr. Speaker, it is with a great deal of pleasure that I address the chair upon this occasion, the last night of the session.

When we met here in the early part of the year we came here, Republicans upon this side, at the end of a warfare of party strife, and through years in which there had been dissensions in our party upon this side of the aisle; it is likewise true that our friends upon the other side came here after having differences in their own party, so that the meeting of this General Assembly, in some matters, unforeseen perhaps, and yet we may see them more easily now, were not as they had been in some of the former years.

A body of the representatives of the people is something that is peculiar and of its own kind; it is *sui generis*, as the lawyers would say; it is first a conglomerate mass of different ideas and individual thoughts and ideas running in various and different directions, and the only way it can be brought to accomplish anything for the good of the people is first by organizing the body, electing a speaker and commencing that process, not necessarily of appointing committees, but of what we call organization—getting the ideas, getting the thoughts running into a common channel and working along a direct line.

The office of speaker is a peculiar office. He speaks for the House. His voice is the voice of the House and he is a good speaker that goes through a session and has the wisdom, the forethought and the judgment to speak the voice and the idea of the House correctly and justly. It is the office in a parliamentary body to which is brought all of the ambitions, all of the thoughts, all of the little troubles of the individual members of the collective mass, and he is a good speaker that can collect them, that can place them

together and can keep his membership going through a session, working along a line for the benefit of the State and in harmony with themselves.

I speak tonight, and I think I speak for the entire membership of this body, that we are at the close of a session that has been guided by a strong arm; that has had at its helm an honest man, and a man who in wisdom has seen the bent of the direction of the common thought of this assembly and has been able to bring the ship to port, accomplishing things where practically I might say that we might admit that any other man in this body would have failed. He has been just; he has been generous; he has been true—true, my friends, in every sense of the word, to every member of this body, and to every confidence that has been placed in his care, and I know I speak for every member of this body when I say for what he has done we love him, we cherish him and we look longingly for his advancement and riches in everything that is good in the future.

It has been the custom in this body from time immemorial for the membership of the body to join in handing over some little token—something that means to him—not in intrinsic value, not in what it may have cost, but in the very fact that it is our gift, our offering tonight of what we think, of what we feel, and all of you that love the speaker of this House. (Applause.) And, Mr. Speaker, when you go out from this body, we say to you tonight, and to your family and to all your friends, there is in this little token, in this picture, in what it is, the form, the likeness of what we have all looked at through the entire session—in what we have confidence and in what we love. (Applause.)

(Whereupon an oil painting of the speaker was presented.)

(Song by quartette.)

Shanahan, Shanahan,
Is the boy,
From Chicago, Illinois,
Shanahan, Shanahan,
He's the best Speaker in the Land.

Mr. SHURTLEFF (Continuing). And we ask you, Mr. Speaker, to accept it from our hands, with our very best wishes and our highest esteem and our deepest love. (Continuous applause.)

THE SPEAKER. Mr. Speaker, Mr. Shurtleff, members of the General Assembly and ladies and gentlemen: After all these years it seems natural to come back to the old desk once more. I hardly know what to say to the membership of this House at this time; words cannot express what is in my heart, but I assure you all that I appreciate this beautiful gift and shall remember it as long as time exists for me.

When this session of the General Assembly convened and candidates were mentioned for the speakership of this House, I had but one candidate all the time, not on account of my friendship for him, but because I thought he was the greatest speaker that Illinois ever had (Applause) and I was unyieldingly for him, from the first to the last. Everyone knew of the mix-up—everyone knows now that it was almost impossible to get either the Democrats or the Republicans of this House to agree upon a speaker, and after weeks and weeks of strife I was elected speaker of this House—thrown into a place I had no desire for—taken from a place I much preferred to hold. I never cared to be speaker of this House on account of temperament, and I am afraid that many times during this session I have displayed that temper, but I assure you, gentlemen, it was only for the time being.

In accepting the position of speaker of the House, I said to the membership that I was going to do the best I could and that I was going to treat every member as fairly as I knew how. That has been uppermost in my mind during all these weeks, and now, in closing, I hope that the membership of this House feels that I have been fair and honest and just. I have tried to do the best I could. Every man will make mistakes. I know I have made mistakes, but I assure you, gentlemen, I have tried to do the best I could. I have but the kindest feelings for every member of this House—every member of the House on both sides of the aisle have aided me in every way, and I assure you I appreciate their kindness. I have tried to extend every courtesy to all the members, irrespective of party and irrespective of faction, and irrespective of whether they may be “wet” or “dry,”

and I hope in the closing hours that any feeling that any of the members of this House may have against the speaker, because he might not have been able to extend some courtesy, some appointment, or some committee-ship, may and will fade away.

One of the things that has troubled me during all this session is the friction that came over the appointment of committees. I assure you that I deplore the fact of being unable to agree with some of my friends on the other side of the aisle and I deplore the fact that I could not have agreed with my friend, Mr. Browne, from LaSalle, whom I have served with for so many years, and even though we could not agree, I have tried to extend to him every courtesy that I knew how, because I always remembered that we had served fourteen years in this House as friends, and that the question of the committees in this House should not separate friendships of long years standing. I assure all the members of this House that in parting and in going away tonight it is my hope that you may all meet with that success that you deserve, and I hope to see all the members that desire to return, come back to the Fiftieth General Assembly—and especially these new members who came here and served so well. No man can serve the State well or justly in one term of service. The man who returns the second time or the third time does eminently better, does a hundredfold more service for the State, than the man who comes here and drops away after one term, and in closing I can only say to you that I wish you Godspeed. (Applause.)

THE TEMPORARY SPEAKER. I will call on Mr. Gorman next.

Mr. GORMAN (Peoria). Mr. Speaker, it is with some embarrassment on my part that I assume to follow the able gentlemen who have preceded me on this occasion, and I notice that it is getting to be quite a practice among the great men, among the great speakers, in order that they will not be misquoted, that the little or much that they may have to say that they make note of the same, and in order that I might not be misquoted on this memorable occasion by the press, I have prepared and will now give you my little token relative to the guest for this evening:

The habit of dispatch which the several days just past have fastened upon us will permit no prolixity in the discharge of my humble but much appreciated part in this hour's proceedings.

I am honored in the opportunity to participate in paying deserved tribute to our highly respected speaker.

That I occupy a place on this side of the House and am chosen to express the kindly sentiments of this side of the House upon this occasion is a signal honor and a duty which I would wish to perform in a manner better than I feel myself qualified to do.

It adds to my sincere desire to discharge my present duty satisfactorily, that I have known David E. Shanahan intimately for many years and that for many years I have been closely associated with him.

But, Speaker Shanahan is intimately known to all of us and to all public spirited men and women of Illinois who have in any manner directed their attention to public affairs in Illinois during the last quarter of a century.

Far be it from me to intimate that our honored speaker is old, for he is yet in the bloom of youth and the prime of usefulness, but in spite of that fact, the public records show that he began to faithfully serve the public as early as 1885 when he represented the great town of South Chicago upon his county board.

Mr. Shanahan's distinguished services to the State of Illinois began with his election to this branch of the Legislature in 1894. He has since that time been ten times re-chosen as the representative of his populous district.

When the gavel falls upon this session of the Forty-ninth General Assembly, David E. Shanahan will have rounded out twenty years of service on this floor.

The term of service of our honored speaker in itself is a strong recommendation but the character of his services is the criticism by which his name shall long be honored and remembered. No single public action has taken place in Illinois in the last twenty years in which David E. Shanahan did not play an important part. I would not be understood as desiring to fasten responsibility upon Speaker Shanahan for all the iniquities that the republican party has committed in that length of time. I wish to be under-

stood as saying that in every movement for the public welfare David E. Shanahan has contributed of his energy and ability.

To be an active, honored and trusted member of this House for twenty years is a great honor but David E. Shanahan was that and more. At every session of the General Assembly of Illinois since his election to this House in 1894, he has been a member of that most important of committees, the Committee on Appropriations and chairman of that committee during several sessions, and he has also served on several of the other important committees. He was chairman of the Insurance Committee, the Committee on Municipal Corporations and for a time, to the sorrow of the members on this side of the House, was chairman of the Republican Steering Committee. In whatever capacity he served however, his services were carried on with the highest degree of efficiency.

I need not say in this presence that Speaker Shanahan has added great distinction to his public career by the manner in which he has discharged the duties of speaker of this House. Speaking for this side of the House, I can say that his aptness of interpretation, his facility in the performance of his duties, his absolute fairness added to his notable singleness of purpose to carry on satisfactorily the State's business, made him during the whole session an admirable presiding officer.

From all parts of this House and from the public and the press I feel justified in voicing the sentiment that Speaker Shanahan has proven an unqualified success.

To his associates and intimates he has not alone demonstrated his qualifications and the capacity for the discharge of the trust, which at the beginning of this session we reposed in him, but has forever endeared himself to us and has established an enduring place in the affections of every member of this House.

In conclusion, Mr. Speaker, let me express especially, the appreciation of the democratic members of this House for your strict impartiality and uniform courtesy throughout the session. (Applause.)

THE TEMPORARY SPEAKER. The gentleman from Cook, Mr. Hamlin.

Mr. HAMLIN (Cook). Mr. Chairman, members of the Forty-ninth General Assembly, ladies and gentlemen, I don't know of any particular reason why I have been called upon to make a few remarks, except probably on account of the fact that I was a member of the committee which was selected to purchase the portrait. As the members of this House well know, I have never been accused of being an orator or an after-dinner speaker.

This occasion very vividly recalls to my mind a thing which happened while I was at college. Then as now, I was selected as a member of a committee to procure a picture of one of our favorite professors. After we had performed our duties, we went to him and told him what we had done. In his characteristic, witty way, he responded: "Thanks; they always do sardines up in oil." (Laughter.)

Now I am satisfied that Mr. Shanahan has not arrived at the sardine stage, especially when I remember at the last Governor's reception he was there in line with Miss Dunne, and I think that some of our jovial young bachelors here in the House had better be careful or they may have some of their conquests usurped. (Laughter.)

Turning aside now from the levity to the serious side; we have reached the parting of the ways. If we are to judge the future by the past, some of us will not come back to this House again as members. I want to say that of the many mistakes which I have made while I have been here, one of the most glaring of them all is the one that I made when I failed to vote for Mr. Shanahan as speaker. (Applause.) He has been fair; he has given us all a square deal; he has been conscientious. If we went to him, he had a patient ear; he has tried to please us all and he has ironed out all of our difficulties, and when I think of his twenty-two years of service in this House, and of his excellent record as our speaker at this session, I am indeed proud to know that I have such a man for a friend, and I believe that if the people of the State of Illinois knew this man as I know him and appreciated him as I do, and if they were also mindful of the fact that in every one of his deeds and in every one of his acts he has always had in mind, first, last and always, the benefit and the welfare of the people of this State; that if they knew these things, and if perchance they ever decided

again that they ever wanted a republican Governor, that they would demand that he be their choice. (Applause.)

THE TEMPORARY SPEAKER. The gentleman from Christian, Mr. Richardson.

Mr. RICHARDSON (Christian). Mr. Speaker and gentlemen of the Forty-ninth General Assembly, it affords me the greatest of pleasure tonight to be honored with a chance to say just a few words in the last hours of the greatest session that I think Illinois has ever seen in my experience. While we have made a great many mistakes, as humanity always does, and we perhaps made them in the organization of this House, we had a great many good men who were candidates for speaker, and of course it was very difficult to get rid of them all,—I want to say to you gentlemen here tonight that I was not for Mr. Shanahan, as the gentleman on the other side has said, but I will say another thing, after the matter was all cleared away, Mr. Shanahan sent word to me to come in, and he said, "John, what do you want?" I said, "Mr. Shanahan, I was not for you for speaker." "Well," he said, "you have always treated me right and I want you to have good appointments." I want to say tonight, gentlemen of his House, that I have never, in the nine sessions that I have been here, seen a man that has been more fair, more honest and more conscientious than our speaker has been this session, and I think, when we leave here in a few more hours to go home to our various walks in life, when the door is closed here, that we will say that there has been some of the most righteous legislation in this Forty-ninth General Assembly that Illinois has ever seen. Of course we have perhaps made some mistakes in the laws that we have enacted here, but I want to say I feel that this is the greatest session that I have ever seen in Illinois, and I want to thank you all for the courtesies shown me. While we have made mistakes, and done things that should not have been done, when we go home, I think we will feel that we have all been an honor to our people.

I thank you for the honor bestowed upon me, and thinking and believing that Mr. Shanahan has done more good perhaps than any other man would have done, I will close. (Applause.)

THE TEMPORARY SPEAKER. The gentleman from Sangamon, Mr. Butler. (Applause.)

Mr. BUTLER (Sangamon). Mr. Speaker, and gentlemen of the Assembly, the remarks of my friend who preceded me, on the republican side, Mr. Hamlin, referring to that part of our Speaker's life that deals with the bachelor question reminds me of what was said by a very eloquent man at one time. He said to a man who asked him from whence he came: "The nobility of my family begins with me; that of yours ends with you. (Laughter.)

I am informed the Speaker has a noble family to be proud of, and I implore him that he may so conduct himself in the near future that his posterity may point with pride to David E. Shanahan, the one-time Speaker of the State of Illinois. (Laughter and applause.)

During the long continued deadlock, during which we tried to produce a speaker, I heard the gentleman say many times that he was for his friend and nothing could shake him. He said, "Gentlemen, the time for me has gone by; don't think of me for this position; don't work for me for this place;" and he said these words, which I remember,, "I, in the past, have watched for it by day and longed for it at night, but," he said, "it is not for me to be speaker of the House. Those words made a deep and engraved impression on my mind, and I said right then and there if there was a way to bring about the election of David E. Shanahan for speaker of the House, I was going to help bring it about.

Mr. Speaker and gentlemen, we have heard the praises and the compliments passed on the speaker here tonight, and they ring true, and they are the facts, and now, in the closing hours of this Assembly, I wish to say that I hope that the gates of peace and plenty will be ever open to thee and thine. May no sorrows disturb your days, nor griefs disturb your nights; may the pillow of peace ever kiss thy cheek and the pleasures of imagination attend thy dreams, and when length of life shall make thee tired of earth's joys, and the curtain of death gently closes round the last sleep of thy mortal

existence, may angels attend thy couch and take care that the expiring lamp of life receives no rude blast to hasten its extinction, and in those twilight days your outward perceptions will grow weak, your thoughts will turn to the bright past, and we want you to recollect these gay scenes and this brilliant throng, and we want you to remember that with this picture, which is in oil, goes the heartfelt thanks to a servant and patriot and statesman of Illinois, and we can say, "Well done, good and faithful servant." (Applause.)

THE TEMPORARY SPEAKER. The gentleman from Cook, Mr. De-Young.

Mr. DE YOUNG (Cook). Mr. Speaker, colleagues and ladies and gentlemen, the office of the clerk of the House of Representatives in the General Assembly is not a conspicuous one; the performance of its duties attracts little attention and no applause. It is, however, an office of the utmost importance to prepare the record of the proceedings of the popular House of the General Assembly, which is a part of the government, and perhaps the most powerful of the three branches of the legislative department, possessing as it does all the powers not inhibited by the Federal and State Constitutions, and is permitted to deliberate upon an infinite variety of subjects, and especially so in the State of Illinois, for Illinois is an imperial commonwealth. Her extensive area, the fertility of her soil, her infinite resources, both natural and acquired, the industry and patriotism of her citizens make her a state—even a commonwealth, without a parallel. The Legislature then, or the body that legislates upon the concerns of such a people is a body of transcendent importance. The record of its proceedings imports verity and the performance of the duties of that office require not only skill, executive ability of a high order, and uniform courtesy, but it requires integrity second to the performance required in no other office.

About twenty years ago there came into this presence a young man, unassuming but industrious and faithful. He performed the duties of assistant clerk, not conspicuously, but with the utmost fidelity. With the progress of the years he saw this legislative body deliberate upon the concerns of this great people; with the progress of the years, an experience that was great in the beginning, became more and more extensive, and through all those years he was a support to each successive speaker, and finally, about three sessions ago, he was elevated to the position of chief clerk.

I am one of those who have served in this body only one term and I am not vain enough to think that I was called upon to speak in his behalf or for him, as a personal compliment. It is a compliment to those who have served a first term here, and that compliment is made plain, for surely those who served with Mr. McCann in the earlier days and who served with him during the earlier sessions need not express their appreciation of his conspicuous service in this body. Those who came here only with the beginning of the Forty-ninth General Assembly seize this opportunity of expressing their appreciation of his great service, with an ability that has no parallel in a place of its kind, with a courtesy always uniform, no matter how trying the position, with an industry that I have never witnessed a precedent for, for even into the early hours of the morning he worked, and worked faithfully to perform the duties of this office. Surely, here is a man that is entitled to an expression of esteem, of respect and of appreciation of those who served with him; and it is my pleasure to present to him now from those in whose behalf he has served, from the members of the Forty-ninth General Assembly, a pin, set with emeralds, sapphires and diamonds, and we hope that you will appreciate it through the years that will come. (Applause.)

(Presenting Mr. McCann with pin.)

But, Mr. Speaker, not only those with whom he served, not only those in whose behalf he labored and worked so diligently, so industriously and with such fidelity, but those who worked under him, the employees of his office, and the expression of their esteem, their respect and their admiration is perhaps more significant than that from the members of this Assembly. Where do you find a man put in the trying position that Mr. McCann has occupied who would receive a tribute from those who served under him, as he does now, and it now becomes my pleasure to hand him this bag from those who worked under him, and this goes as a slight token of their appre-

ciation. May you accept these, and may you take them, as I say, as an infinitesimal token of the appreciation which your employees hold you in, and whatever the years may bring to you and to us, may you remember that the greatest token that is yours, the greatest appreciation that can be expressed, is that all of us, who will soon depart to the different parts of this State, will carry of you the highest respect, and the most happy recollections of the conspicuous service which you have rendered.

I am certain, gentlemen, that if the service that was rendered with the fidelity that Mr. McCann has shown in this case, found its presence in other places, in more conspicuous places, there would be a patriotism unexcelled, and I am sure the safety and the endurance of the Republic would never be questioned. (Applause.)

THE TEMPORARY SPEAKER. A few remarks by Mr. McCann, outside of the record.

Mr. McCANN. Mr. Chairman, Mr. DeYoung, and friends. I realize that at this time it is difficult for me to find words with which to express to you adequately the feelings of my heart. I thank you generously for this token of confidence and I assure you that our associations from the beginning of this session have been most pleasant to me, and cordial in every respect. I prize highly, gentlemen, the friendship of the men who have made up this, as well as the preceding General Assemblies. I have tried to serve you to the fullest of my capacity. How well I have succeeded, you must be the judge. I count every man of this House as my personal friend (Applause) whether he sits upon the democratic side, the republican side, the progressive side (Laughter) or the socialist side, for you have always been very kind to me, and I have always appreciated the support and encouragement that you have accorded me and shall always hold as a precious memory the friendships that I have cultivated and gained in this session.

I cannot close without expressing my grateful appreciation to those of my office, who have made it possible for me to render to you the efficient service that I hope we have given. Without their loyalty, co-operation and support, I could have accomplished little, and I want to thank them and say to you that I hold them all in the highest esteem.

I again thank you sincerely for this token of your confidence. (Applause.)

THE TEMPORARY SPEAKER. The gentleman from Bureau, Mr. Morras. (Applause.)

(Whereupon Mr. Morras succeeded Mr. Smejkal as temporary speaker.)

THE TEMPORARY SPEAKER. The House will be in order. (Laughter and applause.)

We will now have pleasure in taking part in a most deserving and creditable act. I recognize Mr. Garesche, of Madison. (Applause.)

Mr. GARESCHE (Madison). Mr. Speaker and gentlemen of this assembly, I feel somewhat timid and reluctant to carry out that part of this evening's festivities that has been assigned to me after listening to the brilliant orations, from galaxy of orators from our friends upon the republican side, but I will try and make up in the little speech that I am about to make—what I lack in oratorical ability I will try to make up by speaking the sentiments that I have and the sentiments that I am about to express of those on the democratic side in behalf of one of our democratic members.

We have heard this evening the speeches and the talks made in honor of our speaker and while we democrats have taken part in these festivities with our whole hearts and with our whole souls, yet we feel that we on this side have a man who, by his work; by his untiring zeal, and by his indefatigable labors, has given a good account, not only of himself, but of our party. I refer now to a man whom we are about to present with a token of our esteem and our respect; I refer to a man whom the majority of the democrats have seen fit to designate as our minority leader, I refer to Mr. Browne, of LaSalle. (Applause.)

To indulge in fulsome or extravagant praise of the qualities of Mr. Browne would, I believe, be distasteful to him, but I can not let this evening pass without making a few brief remarks about the character and the ability of the man whom we call our minority leader. There has been some criticism directed towards the legislative function of this State in what is known as the minority representation, but I have never considered that considera-

tion was well-merited. I think that a good, strong, virile, energetic minority serves as a curb upon a party that might become too much intoxicated with their power and forget really the true functions for which they were sent here in their legislative capacity; a good, strong minority serves as that curb, and in order to have that minority working effectively, we must have a strong minority leader, and I voice the sentiments, I believe, of the entire membership of this House when I say that in Mr. Browne we have that leader.

Now, the token which we present to Mr. Browne will serve for a twofold purpose. (Applause.) Upon the front side we have engraved an acknowledgment of his minority leadership, and in this minority leadership I believe that those who have in the debates in this House tested the quality and the temper of his steel will acknowledge, as well as his friends, that he is a towering strength in debate; will acknowledge the keenness that he possesses as the logician and will acknowledge the brilliancy which he has as an orator. And upon the reverse side of the loving cup we have inscribed in letters of gold the names of those whom, by his friendship and by their love and respect for him, want to be endeared forever in his memory.

And in conclusion, gentlemen, I desire to say that our fondest hope is that the first that will be drunk from this cup, whether it be drunk with the juice of the grape or whether it be drunk with the clear crystal water from the cool woodland shaded pool—I say that our fondest wish is that that toast shall be—the wish of the members of the party—you and yours, Mr. Browne, we wish that in your future life that you have yet to live that your cup of happiness will be ever flowing to the brim and that you will, when you depart from this chamber, when this session is over, that you will take with you the kind and sincere and heartfelt sentiments that I have only too poorly on my part expressed, that is in the hearts of those who desire you to take this little souvenir back to your home as a lasting memento of this session of the Forty-ninth General Assembly. (Applause.)

THE TEMPORARY SPEAKER. I now take pleasure in calling upon the “man of the hour,” Lee O’Neil Browne. (Applause.)

Mr. BROWNE (LaSalle). Mr. Chairman, fellow members of the House, and my many friends and acquaintances, I don’t know how I am going to even attempt an expression of the feelings that have been flooding through my soul and my heart in the last few moments. It is one of those times in a man’s life, when he feels, to use the vulgar parlance “all broke up.” He is a little in the condition,—if you will pardon an interlude of that kind,—of a man that went to an experience meeting of the Salvation Army. Nature hadn’t been very kind to him. He was humped backed, cross eyed, and had a hair lip; he had a few other things that had happened to him that I do not now recollect. But after various people had been called upon to express their feelings and state what had been done to them in life by the great Creator, one of the good sisters went over to him and said, “can’t you tell us what the Lord has done for you?” He looked at her a moment and got up and said, “Brothers and sisters, to tell you the truth He almost ruined me.” (Applause.)

I am afraid that this evening in the last half hour, judging from my own feelings and the tumult within me, that so far as being able to give expression to anything, that that is about what my friends have done to me tonight; they have almost ruined me temporarily.

A little over four months ago, or rather over five months ago, we met here in this hall where so many Legislatures or Houses of Representatives have met before, for the purpose of organizing into the Forty-ninth General Assembly. People came as representatives, you gentlemen, from all corners and parts of the State of Illinois to participate and do your part towards bringing about the best ends and the best interests, serving the best interest of the State of Illinois. It became necessary to choose and to elect a speaker of this House, the presiding officer who should preside over the destinies of this House and guide it and regulate it and hold the reins of legislation and the reins of procedure in this House. At that time, whether wisely or unwisely, my name was presented and I became a candidate for speaker. If anybody had asked me why I could not have told them. If anybody should

ask me now why I did I could not tell them. But nevertheless that was the fact, and there were other candidates. At that time there gathered round and about me a body of gentlemen from this side of the House consisting of something like thirty-eight or thirty-nine members. They gathered around me as my friends, as my supporters, as my adherents; they constituted my then army; they constituted my hopes of success, if I had any in the contest. That contest went on for approximately two months, weary week after weary week dragging its weary length along without result, without accomplishment, without anything save soul-sorrow, soul-fag, that the mind wearied in it, but all through those weary days and all through those weary weeks those men, those friends of mine, clung to me, stood by me,—practically all of them,—without question, without argument, perhaps without reason. (Applause.) They only wanted to know that I still wanted them to be with me and they were there without counting the cost and without asking any reason. It is very easy to be with somebody in success; that doesn't cost anything. It is very easy to be a friend in the time of sunshine and when there are no clouds. That doesn't cost anything. It is very easy to be faithful to somebody that is winning; it is very easy to be an adherent of success. The world loves success and loves a winner, but it is not everybody that has got the heart, the soul, the body, the mind, and the back bone to stand faithfully to a standard and to a man during weeks of that kind, irrespective of the prospect of success; irrespective of anything only friendship for the man. That does not come every day nor from everybody. Is it any wonder that I am moved tonight as I have been by this token from those men who stood by me during all the days and weeks asking no question, only wanting to know whether I still wanted them to stand and they did stand until the last moment, until, finally, I said to them, without any indication on their part, without any faltering, I said to them, "we will end this; we will end this now; we will cross the line and we will terminate this struggle for good or ill," and they would have been with me yet, I believe, had I not done that. Again I say, is it any wonder that I am moved by this token from those same men and that I say to them now that I give to them a depth of affection, love and of feeling that men rarely give to each other. It is born of your conduct, of your fealty and of your faithfulness it is born in the womb of friendship and love on your part and it has begotten that from me at this time. Friendship is all there is in this world,—friendship and love, that is all, and love is only an intensified form of friendship. Eliminate that and you haven't got anything; you have only the sands of the desert with never a cooling draught of water to quench the parched tongue or the blistering throat; you have nothing; you haven't a sweet smile; you haven't a pleasant look or a warm handshake, you have nothing but weariness and woe and misery. Eliminate that from life and you would not live and I would not live, it would not be worth while. You would simply seek oblivion and rest from the intolerable and the unbearable.

Friendship! friendship! give me that and you can have all the rest, because without it all you have got is mere dross and amounts to nothing; and when I did go across that aisle and take with me thirty-seven democrats as my particular following, I think, I say now, without any fear of contradiction, that I did more to put in that chair yonder the man that has presided over the destinies of this House as speaker than did anybody else or any combination of anybodys' else. I did that at that time; I didn't falter about it; those with me didn't falter about it, and the speaker of this House was elected by democrats,—not republicans. Thirty-one republicans out of the eighty was the roll call. I had known him for a great many years; I had served with him here upon the floor of this House; we had served hand in hand and shoulder to shoulder all through the years, and just before the primary at which he was last elected I received from him a written appeal to head off and stop in a certain quarter a movement that would have been inimical, perhaps, to his welfare, and I answered the roll call and I did stop it through my personal friendship with those parties.

Now whether or not the gentleman who has seen fit here this evening to refer to me personally,—else I should not have done so now,—whether or not he gave to me and mine the gratitude that was coming to me and mine; whether or not he appreciated what I and mine did; whether or not he showed in his actions toward me and mine that he was as big as me and

mine, I will let the world judge, and it is perfectly immaterial now one way or another; it has come and it has gone; the world swings on in its orbit; this Assembly is about over; other Assemblies will come and will go. Perhaps some of us will be here; perhaps some of us will not. So I say that that is absolutely immaterial at this time to all of us save those that are personally concerned as actors in the little drama, or comedy, whichever you please to call it, and I pass it by in that way, merely mentioning it in passing because it was called to my attention by the gentleman himself.

To all of you members of this House, irrespective of politics, I want to say, at this closing hour, at this time when we come to the parting of the ways, to all of you members of this House, on that side as well as this, who have given to me during this session,—and that means most all of you,—the glad hand of friendship and the smile of cordiality and the friendly feeling, I want to say that I am going away from this House tonight with the kindest feeling in my heart for you and each one of you.

I have enjoyed this session in that way and that way only. It has been a hard session; it has been a brutal session; it has been a session replete with misery and woe and hard work, and tiresome and tiring endeavor, but through it all has run for me that feeling of friendship that I have felt from that side of the House as well as this, and I am going away from here numbering among my friends a great many, thank God, who came here not my friends, and expecting to find the thorns in the bush. I have been glad for that reason to meet you, to get acquainted with you and for you and I to know each other better, to work in the same vineyard, for the same cause and for the same people and for the good and the best ends of Illinois, and I hope that it will not be the last time that you and I will meet and clasp hands and will know each other in a common cause in this world. In parting with you tonight I want to say to each and every one of you “Godspeed” and may all the blessings that you are entitled to and a lot more come to you and to yours and may the sunshine pour into your lives, and your souls and your hearts until you feel as I do tonight that life is worth living and the world is full of sunshine for the man that really wants it and really tries to find it.

To you my friends on this side with whom I have been more closely associated I can only say that I hope tonight will not be the parting for us or any of us; I hope we will meet often, not only beyond these walls but within them again; I hope we will meet here in another General Assembly, and I hope we will be able to contribute as we have this time our quota of all that is creditable that has come from this Assembly. We have done our best; we have put our shoulders to the wheel and we have certainly done all that we could under the circumstances.

I want you to feel and to understand that while I have been unable to express to you my feelings in that matter as I would like to, everyone of you has my love, my heartfelt love, and at any time in my life when I can do for you or be for you as you have been for me, it will be the dearest fruition of my hopes, at any time.

I thank you and bid you “Godspeed.”

Whereupon, Speaker Shanahan resumed the chair and called the House to order.

Mr. GARDNER (Cook). I desire to call up Senate Bill No. 542 on the order of third reading. This bill provides that the treasurer of each county shall retain and pay into the county treasury two per cent on all taxes paid and accounted for by him under the Act with reference to the taxing of gifts, legacies, inheritances, etc.

(Roll called.)

THE SPEAKER. On this question the “ayes” are 107 and the “nays” none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill No. 164 on the order of third reading.

Mr. THOMASON (Clay). This is a bill in reference to changing the groups and the ages of the commitments to the reformatories. When this bill was up for discussion it was said at that time that it means the placing in the reformatories of an older class of criminals.

Mr. McCORMICK (Cook). This is a very important question and the members ought to give it serious consideration.

Mr. THOMASON (Clay). It was said that this bill places older criminals in the reformatories with the children. Now, this bill if passed would not permit any children under sixteen years of age to go to the reformatory but it does say they shall go to the school at Saint Charles. It does permit all persons between the ages of sixteen and twenty-six to be committed to the reformatory. This is not an innovation, it is not anything new. The fact is every state in the Union save two has a provision of this kind. The limitation is from twenty-one to thirty in most of the states.

Mr. GRAHAM (Mercer). This is a bill that was defeated here last year. I do not believe that we should pass it. It is a bad bill, it has been proven to me to be so from my experience and I think it ought to be defeated.

Mr. McCORMICK (Cook). I do not desire to take more than a moment of the time of this House. Representatives in this House from the district in which the reformatory is situated have talked to me today about this bill and I have tried sincerely to come to the conclusion that this is a good bill and the more I have tried to come to that conclusion the more I have been driven to the conclusion that it is a bad bill and one of the worst bills that have come into the House. Now, just for a moment consider what it does. The wardens of the State penitentiary very honestly and very humanely seek to have committed not to the penitentiary but to another institution the younger convicts and I dare say they are right in that desire, but Mr. Speaker, in order to achieve their laudible end they would send these young criminals to associate with boys under age who are sent to Pontiac for reformation. Mr. Speaker, if those boys are sent to Pontiac it is with the hope that there they may be reformed and sent out into the world as descent citizens. I share the hope of the wardens of this State that something might be done for these young convicts to the end that they might be reformed, but in order to remove these younger convicts from contact with those older and more hardened in crime it is proposed to send them where they will come in contact with still in the impressionable age.

Now these bills, Mr. Speaker, which come to this House upon which we may have no very certain conviction and for which we may vote at the instance of a friend even though our personal inclination may be the other way. I have done that myself and everyone regards it as the best thing he can do in this House, but this is a bill upon which you must vote your conscience because it involves the life of the boys at Pontiac as well as those of the young convicts whom it is proposed not to send to the penitentiary. I have come to the conclusion after thinking on this bill that this is a bad bill and I believe that a majority of the members of this House will come to the same conclusion after mature consideration.

Mr. WILSON (Adams). I want to say a word in regard to this bill from a slight acquaintance with this institution and I would say further than no man should vote for any bill unless he can do it conscientiously. I appreciate the careful conscience with which the gentleman from Cook approaches this proposition, but I can't understand the process of reasoning by which the gentleman says that this is a bad bill because it seems to me that this is one of the most meritorious bills before this House. And another astonishing thing is that we in a very empiric manner without any understanding in a general way of the subject as members of this House should put ourselves up against the experience of those who present this bill. This is not something new. It has been the experience of men who have been over the penal institutions of the country that this division should be made. The reformatory at Pontiac is not a penitentiary, it is a school for education. They are given a chance there, given a chance to learn a trade, and are given instruction in common schooling what so many of them have lost and have not had the opportunity to secure. Now, my friends, I want to say that from my examination of this institution, and from the fact that this bill is introduced by the men who are in this thing, I say that this bill should pass and it is a misfortune that it was defeated yesterday. Notwithstanding the serious protest of the gentleman from Cook County (McCormick) and the gentleman from Mercer (Graham), for many reasons I say that this bill should become a law and I hope it will meet with the approval of this House.

Mr. SCHOLES (Peoria). I wish to speak to you, gentlemen, from actual experience. Back in 1894 and '95 there was confined in the State Reformatory at Pontiac who ranged from twenty-one to thirty years of age and at that time when I was State's attorney of that county and commenced sending boys to that institution but on their return when they were liberated and came back to our county we discovered that they were graduates in the worst crimes that man could think of. They became a menace to the county, a menace to Peoria and the law-abiding citizens of Peoria to such an extent that with the judge I agreed that we would not send another boy there until there was some other method used in that institution, and for eight years the records of Peoria County will show that no boy under twenty-one years of age, or under eighteen, was sent to this institution because of these elder men. Now, then, the charitable end of this thing is reform and the boy that commits a crime for the first time may be reformed. But you have upon your statute books the parol law that gives the honorable circuit judge of your county the right to parole a man. I want to say that this is a bad bill and should be defeated.

(Roll called.)

Mr. BASEL (Fulton). I can vouch for what the gentleman, Mr. Scholes, from Peoria, has said. When I was sheriff of our county two graduates from the Pontiac Reformatory, had been sent to Pontiac, returned to Fulton County and at the point of a revolver held up a lady along the public highway and robbed her of \$65 or \$70 and a gold watch. I know what he stated is true and I believe in a great many other cases of a similar nature have occurred, and I think that it is a very late hour to reach a determination to settle it and settle it justly for those that are involved, and for fear that we will get a law that is worse than the one at present I vote "no."

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I am one member of this House who, so far as the convicts in this State are concerned, is not going to be bound by the judgment of ex-State's attorneys. With very few exceptions, they are against the poor devil that has gone down hill, and my judgment is not going to be based upon what they say about some poor devil who has been convicted in some court and sent up.

At Pontiac they have an institution in which they are practically boys and anything that has occurred before is something that has existed for years, and years, and years, and if it wasn't right why didn't they change it. And now they come down here and when the men that have given their lives to this sort of work, when the most eminent jurists of this State have declared that it is a good move in the reform of first offenders, when they come down here with such a law as this, I say that we should give to it at least a little attention and give to the judgment of those men some weight.

Now, there is nothing so wonderful about the change that this seeks to bring about. It provides that first offenders between sixteen and twenty-six shall be sent to Pontiac and those under sixteen shall go to Saint Charles. Now, it is not meant that those between sixteen and twenty-six shall mix, but the law provides that those boys shall be divided into two classes, those from sixteen to twenty-one and those from twenty-one to twenty-six. No man who is other than a first offender can go to that institution. You know, and these State's attorneys know, that any boy now who comes before the court upon his first offense will be parolled and you are not going to drag down there a lot of innocent people.

Now, here is one other point that has not been dwelt upon. Pontiac is capable of taking care of about two thousand prisoners. In that institution today there are about six or seven hundred. Joliet is crowded, Chester is crowded; they have no place to care for the convicts and here is an institution in which there is plenty of room, plenty of facilities for caring for these men. Now, this bill was given consideration by a committee of both the House and the Senate of the Forty-eighth General Assembly. It has the approval of the wardens of the two penitentiaries of this State. It has the approval of the Parol Board and it has the approval of the courts. I feel that it is a good bill and I appeal to all to vote for it. I vote "aye."

(Roll call continued.)

Mr. O'ROURKE (Cook). (On roll call.) I believe the judgment of State's attorneys in regard to criminals is about the same as that of a policeman; a man is always guilty in the mind of a policeman even before he is tried. Therefore I will vote for this bill.

(Roll call continued.)

Mr. THOMASON (Clay). Now, I find there are a great many voting against this bill and whom I do not believe understand it. The law today creates two classes in the reformatory, those from ten to sixteen, and those from sixteen to twenty-one in another class. This bill still leaves two classes but it begins with the sixteen to twenty-one class. The law today provides those from ten to sixteen are in one class, those from sixteen to twenty-one in another class. This bill still leaves two classes but it begins with one class from sixteen to twenty-one and the other class from twenty-one to twenty-six, leaving the first class under the present law, those from ten to sixteen years of age now instead of being sent to the reformatory go to the St. Charles School, and it does not throw them in the class with those of tender years as a great many people think it does. Those under sixteen years of age do not go there. Now, the only thing is that those from twenty to twenty-six, that class that go there must be those that first offenders. The old offenders do not go there.

As I tried to say a while ago, this is a law in every state in the Union except two, to send young criminals to the reformatory, the first offenders. And nearly all of them the age is from twenty-one to thirty. This is only from twenty-one to twenty-six. I vote "aye."

(Roll call continued.)

Mr. DRAKE (Clark). I voted against this bill yesterday, but after a little longer consideration I have concluded to vote "aye." I believe it is a good bill.

(Roll call concluded.)

(Roll call verified.)

THE SPEAKER. On this question the "yeas" are 90 and the "nays" 39; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to call up Senate Bill No. 467 on the order of third reading.

This amends section 14 of article 6 of an Act to provide for the incorporation of cities and villages by providing that in cities of less than 350,000 inhabitants all aldermen and trustees shall receive as compensation a sum not to exceed \$10 to each alderman for each meeting of the city council or board of trustees actually attended by him.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 85 and the "nays" 29; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to call up Senate Bill No. 442 on the order of third reading.

This bill provides for the inspection of coal oil and other mineral oils or fluid, fixes the compensation of inspectors and prescribes the fees to be paid by those for whom the inspector renders services.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 86 and the "nays" 20; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. PERKINS (Logan). I desire to call up Senate Bill No. 356 on the order of third reading.

This bill strengthens the Stock Food Law, and prevents the putting up of poor and adulterated stock foods.

(Roll called.)

Mr. COOPER (Wayne). (On roll call.) I desire to call your attention to this because it is an Act that should have been amended, because it works an injustice upon the various sellers of feed throughout the State. It provides in section 8 that each manufacturer, importer or seller of any stock food or miller without exception shall pay annually during the month of December of each year a license fee of \$25 for every brand that is offered for

sale. There is no distinction made as to the quantity. This little mill that mixes and sells \$150 a year pays the same fee as the man who sells in car-load lots. It is an injustice upon them and should have been corrected. I vote "no."

(Roll call continued.)

Mr. PERKINS (Logan). I vote "aye." Now here is a bill that is meritorious, and it is a bill that is to strengthen the stock food law of this State for the benefit of the people, and I am satisfied the members do not understand what this bill is, and I am saying it is a meritorious bill. It strengthens the stock food laws of this State, and why the members will not vote I do not understand. It is a meritorious bill for the people of this State.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 85 and the "nays" 13; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Whereupon House Bill 406 with amendments by the Senate was taken up.

Mr. CURRAN (Cook). I move that the House do not concur in the Senate amendments.

(Motion prevailed.)

Whereupon the Conference Committee report on House Bill No. 885 was taken up.

Mr. SHURTLEFF (McHenry). I move that the House adopt the report of the committee. This is the conference report on House Bill 885, which was bill No. 2 on the foot and mouth disease appropriation bill. The substance of the report is that the House receded from certain technical amendments changing figures which were unimportant, and corrected one error for Mr. Olson of McHenry County. It was a technical error and should have been \$395 instead of \$1395. It struck out the so-called Morris claim and divided the Western Serum claim in two, cut it about 50 per cent and made it about \$9,000 instead of \$19,000, so that practically the only change from the House bill is to allow one half of the Western Serum Company claim which amounts to between \$9,000 and \$10,000 and I move that the House adopt the report.

Mr. IGOE (Cook). May I ask the gentleman a question? Has the Federal Government paid any part of that claim of the Serum Company?

Mr. SHURTLEFF (McHenry). I think the government has not paid anything on the Serum claim. Evidence has been presented to the Conference Committee tending to show that the reason the government had not, was because their Act was not construed to be broad enough to cover that.

Mr. IGOE (Cook). Well, where was this serum destroyed?

Mr. SHURTLEFF (McHenry). It was destroyed at the plant of the company.

Mr. IGOE (Cook). By whom?

Mr. SHURTLEFF (McHenry). Let the gentleman from Grundy (Mr. Dudgeon) explain. He was in the sub-committee.

Mr. DUDGEON (Grundy). It was destroyed by the government, and this matter was taken up by the sub-committee of the Appropriation Committee of the House and settled.

Mr. IGOE (Cook). Mr. Speaker, in that investigation of the foot and mouth disease it was shown that serum from a certain plant in Chicago had gone out into a certain district in Illinois and has communicated this disease. Is that true?

Mr. DUDGEON (Grundy). No one ever claimed the disease was carried by serum. It has been said it was carried in virus, but not in serum.

Mr. IGOE (Cook). Now did that virus come from this plant? Don't you know as a matter of fact it was investigated and was traced directly to this plant?

Mr. DUDGEON (Grundy). What, the serum plant?

Mr. IGOE (Cook). No, the virus plant.

Mr. DUDGEON (Grundy). This is not to pay for virus.

Mr. IGOE (Cook). This is the company that was mixed up in that complaint, isn't it?

Mr. BROWNE (LaSalle). Mr. Speaker and gentlemen of the House, I

have got this explanation of this claim myself from parties who claim to know, and parties that were close in authority on matters of that kind in Illinois. These people went to work and they got a bunch of the diseased animals, animals that they knew were diseased when they got them, and they made a lot of serum, knowing the conditions, and they sold it and sent it out through the State, and they did disseminate, not only that disease, but tuberculosis as well, all through Illinois, before they were stopped and their serum destroyed, because it was found out that the animals they got their serum from were the cause of the disease—and that is what they want pay for.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) Does this conference report put this bill back in? I don't know the situation, that's all.

THE SPEAKER. This vote is on the adoption of the Conference Committee's report which is a unanimous report signed by all of the members of the Senate. I understand they struck out one claim entirely and they revised the other claims, or rather reduced the other claims that were in dispute.

Mr. BROWNE (LaSalle). Well, this vote then is whether we allow this claim or not.

THE SPEAKER. No, this vote adopts the Conference Committee report which includes these two claims which were in the original bill as reported by the House.

Mr. BROWNE (LaSalle). This Conference Committee then recommends the payment of the claim?

THE SPEAKER. Yes.

Mr. BROWNE (LaSalle). And this vote is either for or against?

THE SPEAKER. Yes.

Mr. SHURTLEFF (McHenry). The speaker doesn't state it exactly. This report cuts out the Morris claim entirely, and as I understand it, in the Senate amendment was fifty per cent of the serum claim and this bill cuts that fifty per cent in two and allows between \$9,000 and \$10,000 based upon about three-quarters of a cent per c. c., it cuts down the serum claim from nearly \$20,000 to somewhere between \$9,000 and \$10,000.

Mr. BROWNE (LaSalle). Cannot that item we are discussing be separated from the rest of this?

Mr. SHURTLEFF (McHenry). No, that has gone back for another conference, and we were in conference with the Senate Committee for nearly two hours before we could come to any agreement.

Now let me say that on the House Committee was the gentleman from Grundy, Mr. Dudgeon, Mr. Tice and Mr. Hubbard and Mr. Donahue, and I objected to going upon that committee in the first place, and after the other gentlemen had agreed that this was the best thing to do to get the settlement, Mr. Tice, Mr. Dudgeon, Mr. Hubbard and Mr. Donahue—we all joined in finding the report in order to get a settlement upon this bill. We worked two hours and we thought the thing to do was to make a report in this way. If we got a settlement of the other items amounting to \$115,000 or \$120,000 through at this session. Now the Morris claim was thrown out. We wouldn't allow it because it opened the door to other claims of a like nature and which would be just as just as this. We did finally consent to allow this part of the serum claim because it was considered there was no other claim like it, and it would not open the door to anything, and the stuff was destroyed by the Government and the State.

(Roll call continued.)

Mr. GRAHAM (Mercer). (On roll call.) Mr. Speaker and gentlemen of the House, in explanation of my vote let me say that I do not approve of the allowance of this serum claim; I think it is unjustified, but I do think that the bill ought to pass, and, relying upon the statement of Mr. Shurtleff (McHenry), of the Conference Committee, I think that the conference report ought to be adopted, and I therefore vote "aye."

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) I don't know whether this claim is just or not, but I understand if we don't adopt this committee report it will kill the whole bill, and therefore I vote "aye."

(Roll call continued.)

THE SPEAKER. Now, I hope the members will be attentive and not go away. You must understand that we have not adjourned. We have no resolution for final adjournment sent in from the Senate yet, and there are a number of matters that must be taken up, and these matters will be attended to before we adjourn.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 94 and the "nays" 5; and the House concurs in the Conference Committee report.

Whereupon, the House took up for consideration, Senate amendments to House Bill No. 952.

Mr. F. J. RYAN (Cook). Mr. Speaker, I move that the House concur in Senate amendments to House Bill No. 952.

The Senate found some legal flaw in the title of the bill and they amended that so as to make it constitutional, that is all.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 90 and the "nays" 3; and the House concurs in the Senate amendments.

Mr. WILSON (Cook). Mr. Speaker, I offer the following resolution, and move its adoption:

HOUSE JOINT RESOLUTION No. 30.

WHEREAS, There have been numerous appropriations in the past, several at this present session of the General Assembly, and doubtless will be still more in the future, for the purchase and erection of monuments in this State; and,

WHEREAS, In the past, in the case of several of these appropriations, those entrusted with the purchase of same have seen fit to go beyond the limits of the State of Illinois, and purchase said monuments in foreign states; now, therefore, be it

Resolved, by the People of the State of Illinois, represented in the General Assembly, and by the House of Representatives, the Senate concurring therein, That all monuments appropriated for by the General Assembly, either at the present session, or at any future session, shall be purchased from some firm, person or concern located in and doing business in the State of Illinois.

(Resolution unanimously adopted.)

Whereupon, the House took up for consideration Senate amendments to House Bill No. 772.

Mr. IGOE (Cook). I move that the House concur in the Senate amendments.

Mr. CAMPBELL (Rock Island). Mr. Speaker, I move that the motion of the gentleman from Cook lie on the table.

Mr. GRAHAM (Mercer). Mr. Speaker and gentlemen of the House, I desire to make a brief statement on this. This bill is a bill which provides that no jail can be built within two hundred feet of any school. When the bill passed the House I knew nothing of the bill except that I had the notice that every member had of such a bill being in existence. It was passed to second reading on a Friday and to third reading on a Friday. I have no remembrance of having been here at the time the bill finally passed the House. It went from here to the Senate, and the Senate today, as I am informed, passed the bill by a vote of 26.

In my Senatorial District there are three counties, Rock Island, Mercer and Henderson; I live in Mercer County; it is a small county, and the great bulk of the district is Rock Island. I am not acquainted with the county of Rock Island and know nothing of the situation up there except what I get occasionally from visiting the city. I know nothing about the feeling of the people in Rock Island on this matter except from people that come to me from time to time.

Now, I have been interviewed by both sides of this proposition. On one side the board of supervisors tells me they don't want the bill to pass. On the other side my colleague from Rock Island (Maucker), informs me that they do want the bill passed, and that there is a great division of sentiment in that country. I know nothing about the feeling there, and I simply want

to make my feeling plain about this matter and to keep my record clean upon it.

My information goes that in Rock Island about sixty years ago they had a jail on the court house square and about three years ago they built a school across the street which is now running and has four or five hundred students. The people who run that school object to a new jail being built on that site. Some time ago they issued bonds to build a new jail, and the board of supervisors, I believe, from what I am informed have located this jail on the court house square, but in a different place on the square from where it was before. Now they have voted to put this jail on the court house square and this bill will prevent the location of the jail there. They have advertised for bids, but on account of the pendency of this bill there has been nothing done.

It is immaterial to me; I don't care one way or the other except to represent my district, and I am not advised or informed as to the sentiment of the majority in my district about it but I do think in justice to myself, and in justice to my district I ought to make this fair presentation of the facts as they exist at this time.

Mr. MAUCKER (Rock Island). Mr. Speaker and gentlemen of the House, I speak advisedly as to the conditions there as I live in Rock Island County and in the city of Rock Island. We have a jail there that has been in existence for 83 years. It is made of limestone and it is crumbling away. For 20 years the respective boards of supervisors have condemned the jail as being unsafe and the people of Rock Island have been agitating the proposition of issuing bonds to build a jail for many years. The country districts of our county have been opposed to the expenditure of the money for that purpose, but finally a vote has been taken upon the proposition at a recent election and the result of the vote was that the bond proposition carried by an overwhelming majority and lost in the country districts, and in the city nearest to us, Moline, and upon the sale of the bonds for the purpose of constructing this jail, the sentiment immediately sprung up to have it removed from the square, inasmuch as we have recently built a \$150,000 building upon the square for court house purposes. The board of supervisors has the same power of vote as the city of New York, and by a majority vote they decided to place this jail on the court house square irrespective of the wishes of the people of Rock Island, and they furthermore, seemingly in retaliation moved it from the old site and placed it opposite the school that recently cost \$75,000 and has 500 pupils. The people of Rock Island rebelled against the proposition and every organization in the city endorsed a proposition to move the jail from the square. Fourteen different organizations, including the city council prayed the board to remove it from this site.

Now, I appeal to you gentlemen as to the propriety of building a jail across the street from a school of 450 pupils, with a row of cells attracting their attention as it is bound to. We are answered by the proponents of that measure that they will put corridors facing the school and the jail cells next to the court house, a very nice proposition wherein the prisoners may look into the court room, many of them innocent men, they may stare into the windows of the court house without any sunlight or air at all.

We have fourteen organizations, as well as from the council in the city who have protested against this movement. This is a Chicago measure and for that reason the representatives from our district took no action in regard to it. Give us such relief for our people as they desire and we pray you gentlemen to stand by the people of our beautiful city and give us a unanimous vote on this proposition. (Applause.)

(Roll called.)

THE SPEAKER. On this question the "yeas" are 106 and the "nays" 2; and the House concurs in the Senate amendment.

I would ask the members not to leave. We may be here tomorrow. We may have to have a session on Saturday. We have not adjourned yet.

Whereupon the House took up for consideration Conference Committee report of Senate Bill 109 asking the House to recede from its amendment to said bill.

Mr. PURDUNN (Clark). Mr. Speaker, I move the adoption of the report of the Conference Committee.

Mr. ROTHCHILD (Cook). Mr. Speaker and gentlemen of the House,

this is the bill that gives the newspapers the right to trade space for transportation, and this conference report in effect cuts out the right of giving passes to members. Now I think it is sitting on the whole argument, which I made on the floor here; if it is not right that the members should have passes, it certainly is not right that the newspapers in effect, should have passes. I think the whole thing should be killed. My suggestion would be that we do not adopt this report.

(Roll called.)

Mr. KESSINGER (Kane). (On roll call.) Mr. Speaker and gentlemen of the House, the only reason that the gentleman from Cook (Rothschild) made that speech is because he was not in favor of it at the start; he has always spoken against it. This Conference Committee has worked hard; I went over and saw every Senator personally and I saw Mr. Purdunn (Clark) and he knows that there are several reasons why it is advisable and fair for the House to recede.

Now during this session we have adopted an increase in salary for judges, we have adopted an increase in salary for assessors, for clerks of the Supreme Court, and we have adopted a raise to \$3,500 for ourselves; we have adopted \$26,000 for our mileage, and now the newspapers, 1,400 of them in Illinois, ask for this thing, and I think we ought to give it to them.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 103 and the "nays" are 7 and the House recedes from its amendments to Senate Bill No. 109.

Mr. DE YOUNG (Cook). I desire to call up Senate Bill 547 on the order of third reading.

THE SPEAKER. I will ask to suspend the roll call at this time. Gentlemen, I have consulted with the clerk of the House and we find that we have here ten bills for the House to concur in Senate amendments; we have out four conference committees at the present time, or five; I understand there are two more coming over from the Senate; there are a number of bills on this calendar all of which would take about five hours to dispose of. I don't want to disappoint anybody. I don't think we ought to stay here from eight o'clock and work all during the night; I think the best thing for this House to do is to adjourn and have a session of Saturday. The adjournment resolution has not come over from the Senate and there are two or three bills that should be passed to accommodate the Senators. We can notify the Senate and they can amend that resolution and make it Saturday, and I would suggest that as soon as those conference committees come over here that we adjourn and have a regular Saturday session, and then we can get away and clean up the entire calendar. When we adjourn we will adjourn until 9:00 o'clock tomorrow morning, then we can clean up and get away on the noon train.

(Roll called.)

Mr. BUXTON (Macon). (On roll call.) Mr. Speaker and gentlemen of the House, I arise and ask your patience in an explanation of my vote on this bill, No. 547.

First, I would like to ask the proponents of this bill whether they have discussed the matter with the State Highway Commissioners, for there was an agreement between Mr. Tice, myself and other members of the committee that when we brought out of the committee House Bill No. 575, of which I took the responsibility and the leadership in seeing that it passed this House. I at once began to solicit support from all members, both friends and foes of the Tice Law. Mr. Tice, entering into a gentleman's agreement with myself and others that neither he nor the State Highway Commission would oppose House Bill No. 575. Mr. Tice kept his faith and allowed us to proceed and secure sufficient support without his opposition, and, in fact, assisted us in many ways to pass this bill. With all due credit to him, while he was personally opposed to its passage and did not believe it a good law, he stood by his promise with me and used his means and assisted me in overcoming the opposition coming from the State Highway Commissioner's office. When I appeared before the Senate Committee in behalf of my bill I found there the State Highway Commissioners still opposing this bill and again called upon Mr. Tice for help. He advised them to withdraw their opposition to the bill, but they did not seem to heed his advice. But Senator Jewell, in

conjunction with Senator Cliffe, chairman of that committee which gave me their support, aided us in getting out of committee a favorable report upon this bill. But upon second reading, they indirectly and through certain senators attempted to amend the bill and have struck from it those features that make it a good bill. Through the aid of Mr. Donahue and other members of the House, we were able to hold up the appropriation of the million, two hundred thousand dollars for the Road and Bridge Fund until Mr. Wilson and Mr. Gash withdrew their opposition. Now, in conclusion, I ask the proponents of this bill whether or not they have the approval of the State Highway Commissioners who are using the State's funds in lobbying against road measures in this State. If such is the fact, then, Mr. Speaker, I vote "aye."

Mr. McCORMICK (Cook). Mr. Speaker, before we adjourn I would like to ask permission from the House to absent myself from the House tomorrow. I am compelled to start for New York immediately. (Leave granted.)

Mr. DE YOUNG (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to explain this bill, Senate Bill No. 547. It is not receiving the attention apparently that it should have. Now, House Bill 575 was passed by the House and Senate. It amends section 9 of the Road Law and by that amendment it becomes necessary to amend section 11 of this bill. This remedies that. I vote "aye."

(Roll call continued.)

Mr. BROWNE (LaSalle). Mr. Speaker, you won't have any quorum here tomorrow.

THE SPEAKER. We have got to have a quorum to receive these conference reports and pass upon them. I can't help it.

Mr. BROWNE (LaSalle). You can't do it.

Mr. MITCHELL (Cook). (On roll call.) Mr. Speaker and gentlemen, in casting my vote on this question I want to vote intelligently. I don't know what this bill is.

THE SPEAKER. The gentleman from Cook (Mr. DeYoung) explained it just a moment ago.

Mr. MITCHELL (Cook). I know, Mr. Speaker, but no gentleman over on this side of the House could hear it. These are the dying hours of the session. I want to be recorded as present.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 107 and the "nays" are none. The bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. MITCHELL (Cook). Mr. Speaker, I arise to a question of personal privilege. At the afternoon session the speaker of this House announced that arrangements had been made by which the sleepers on the north-bound train would leave at 2:45 this morning. The reason I call attention to this, Mr. Speaker, is because you suggested and I agree with you that a session tomorrow might be had and many of the members, in fact, all of the members, of this House, considered that to mean that this House would adjourn today at the end of this session.

Mr. Speaker, I believe that many members have left here with that understanding, and I think that it is the duty of this House, following what the speaker stated, indicating that the final or sine die adjournment was to be had, and that it was the duty of this House to complete this business at this session, and adjourn finally with that understanding. That what the speaker stated indicated to this House that such would be the case.

THE SPEAKER. The speaker will say that every train has been notified so that if any members go on these trains they will know that the House has not adjourned.

Mr. SMEJKAL (Cook). Mr. Speaker, I desire to call up Conference Committee Report on House Bill No. 975.

Mr. MITCHELL (Cook). What is the Conference Committee Report on Bill No. 975.

Mr. SMEJKAL (Cook). This is a Conference Committee Report on House Bill No. 975.

Mr. MITCHELL (Cook). Will the gentleman from Cook (Smejkal)

wait? I will say that it is my constitutional right to know what the report of the Conference Committee is.

Mr. SMEJKAL (Cook). This is the Conference Committee Report on what is commonly known as the Omnibus Bill.

Mr. MITCHELL (Cook). Now, Mr. Speaker, I think that the Conference Report ought to be read. I suggest that it be read so that we may understand, and, gentlemen of the House, this bill carries with it \$15,000,000 of the people's money, and two years ago when the distinguished gentleman that is now speaker was chairman of the Appropriations Committee we had the same issue at about the same hour, and I then insisted, two years ago, as I do now, that the report should be read so that every member might know what he was voting on.

THE SPEAKER. Read your report.

(Report read.)

Mr. MITCHELL (Cook). Mr. Speaker, what are the amendments?

THE SPEAKER. Now, the gentleman is trying to embarrass the transaction of business of the House; he is asking for the reading of the report and the report has been read.

Mr. MITCHELL (Cook). Mr. Speaker, I wish to say a word. The clerk is reading amendments 1, 2, 3, and 4. What are those amendments?

THE SPEAKER. You get the bill and look it up and find out.

Mr. MITCHELL (Cook). I haven't got it here.

THE SPEAKER. Well, get it, and read the amendments.

The question is upon the adoption of the Conference Report.

Mr. MITCHELL (Cook). Now, Mr. Speaker, is that report subject to discussion?

THE SPEAKER. It is.

Mr. MITCHELL (Cook). Mr. Speaker, I want to say now to the members of this House that I would like to vote for the Conference Report if the chairman of the Appropriations Committee or any member of this House can explain to me what differences were agreed on, or what is the difference since we submitted this to conference, so that every member might vote intelligently.

Mr. SMEJKAL (Cook). The Senate amended the bill by adding 83 amendments. There is some new matter in the bill, for instance, Printer Expert, Film Censor Bill, and such new matters as were required by departments were put in.

Mr. MITCHELL (Cook). Can the chairman of the Appropriations Committee inform the House what new matter is contained in the Conference Report?

Mr. SMEJKAL (Cook). I might as well read the report.

Mr. MITCHELL (Cook). Well, Mr. Speaker and gentlemen of the House, I believe it is only fair to know what a bill carrying this amount of appropriations of the money of the people is so that we would know what we are voting on?

Mr. SMEJKAL (Cook). The new matter does not add over \$200,000 to the report.

Mr. MITCHELL (Cook). Well, what is the new matter?

Mr. SMEJKAL (Cook). The reading of the report will inform the gentleman from Cook (Mitchell). It is for a Board of Horse Shoe Examiners, a Board of Optometry, a Board of Film Censors, Printer Expert, another contingent fund to the Southern Illinois Penitentiary; the commissions that were provided for today by the House and Senate is another item——

Mr. MITCHELL (Cook). Would the chairman of the committee bear an interruption? Mr. Speaker, would it be proper to suggest that this report lie over until tomorrow morning's session, so that every member might know what he is called upon to vote on with reference to this bill?

(Roll called.)

Mr. KANE (Saline). (On roll call.) Mr. Speaker and gentlemen of the House, we have heard proclamations here tonight of square deals and of everybody being treated fairly. I want to say that this Appropriation Committee, and the head of it that is presenting this bill, as I am reliably informed and firmly believe, is purposely holding up an appropriation bill

that this House, by a large majority, would vote out if they had any opportunity to do so. That pertains to the schools of the southern part of this State, where the young men and young women who are to teach the children of the southern part of this State have as their only means of obtaining an education; a place which, if it remains as it is today, is likely at any time to have one of as great calamities or accidents as ever befell the people of this State, mining accidents not excepted; a school building where the only means of an auditorium is on the third floor, with only the front door, with stairways to get to or from it, where it is held up with posts in the center like some old church building a thousand years old, and where with single seats grown men and grown women sit side by side, two in a seat, have to sit together. That is the condition. At one place it is maintained by the State of Illinois and they are responsible for it. I say it is a disgrace to this State to have an institution to which they pay no more attention, and which they permit to be in the condition that it is in today. It is a shame to this State that they permit it and I say that it is not being treated fairly and not giving a square deal to wait until the last moment of the session give it just what is barely takes to run the school, and that is all. That is evidently what is intended. I vote "present" upon this bill.

(Roll call continued.)

Mr. MITCHELL (Cook). (On roll call.) Mr. Speaker, I have served in this body for many years and know the importance and necessity of passing what is known as the Omnibus Appropriation. With a desire only to do my duty, and assuring the speaker of this House and the gentlemen of this House I cannot do my duty when I am absolutely ignorant of the provisions of this Conference Report. When the Senate amended this Omnibus Bill, I sat at this desk and checked over every amendment so that I might be able to know the difference between the two Houses. At this early hour, when the final adjournment is about to take place, I think it is improper to pass a bill carrying the amount that this does, with the importance to the State, and I regret to be compelled to vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 102 and the "nays" 4, and the Conference Committee Report is adopted.

Mr. SMEJKAL (Cook). I move that the House do now adjourn until 9:00 o'clock Saturday morning.

Motion prevailed, and the House adjourned until 9:00 a. m. Saturday, June 19, 1915.

SATURDAY, JUNE 19, 1915.

9:00 o'Clock A. M.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Reverend W. H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Campbell (Rock Island), the House dispensed with the further reading of the Journal and ordered it to stand approved.

Mr. MITCHELL (Cook). Has there any rule been adopted by the Committee on Rules as to whether the House is to continue in session all day?

THE SPEAKER. There has been no ruling at all, the House will proceed and continue to transact business in the regular order.

Whereupon the Conference Committee report on House Bill No. 931 was laid before the House.

Mr. SMEJKAL (Cook). This is known as the State Officer's bill, and provides for the salary of statutory officers, and I move to adopt the Conference Committee report.

(Roll called.)

Mr. MITCHELL (Cook). (On roll call.) With a desire to do my duty and vote for every bill, especially those carrying large appropriations, I wish to state that I do not know the contents of this bill or does any other member unless he is a member of the Conference Committee and the chairman of the Committee on Appropriations being unable or having failed to explain the bill, I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 94, and the "nays" 2; and the House concurs in the Senate amendments to House Bill 931.

Whereupon the Conference Committee report on House Bill No. 641 was laid before the House.

Mr. SMEJKAL (Cook). This is one of the military bills providing for finishing the armories in different parts of the State. The committee asked the Senate to recede on the Eighth Regiment Armory, but finally agreed to a slight change in the amount, and as the bill stands now with the amendments there was only a change of \$8,000 in the bill.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 108 and the "nays" none; and the House concurs in the Senate amendment.

Whereupon House Bill No. 944 with the Senate amendments was laid before the House.

Mr. SHURTLEFF (McHenry). I move that the House concur in the Senate amendments.

I desire to say just a word in regard to this, in regard to this whole question of salaries of the circuit court judges of Cook County and of the State, it is now a settled fact from the action of the House and the action of the Senate that these bills are going through these two Houses. In other words it is a settled fact now that the judiciary of Cook County are going to be paid \$12,000 per annum as that bill has passed both Houses of the Legislature. This bill is now in the same Act with the Supreme Court judges and only applies to the judges outside of Cook County. Now whether it was wise or unwise to go into this movement at this time is not the question. We have placed ourselves in a position from a legislative standpoint of making the salaries of the circuit judges of Cook County \$2,000 higher than the salaries than the members of the Supreme Court. I think I know exactly how the members of the Supreme Court feel. They are not interested in this subject. I know that. I know from a legislative standpoint and I take

a great part of it to myself to have sort of stultified myself and this Legislature will do the same thing if it stands by and creates a salary for a circuit judge higher than the salary provided for a member of the Supreme Court.

In New York, I am advised, that state pays a salary to its members of the Supreme Court of \$18,000 per annum; in Pennsylvania, the salary is \$17,000, or \$17,500, and this amendment should be adopted to this bill.

Mr. BROWNE (LaSalle). Why not make the salary \$15,000?

Mr. SHURTLEFF (McHenry). If I had been advised or thought of it as I should have in preparing the bill, I certainly would have prepared it in that manner.

Mr. BROWNE (LaSalle). Is it too late now?

Mr. SHURTLEFF (McHenry). It is too late now in my judgment. The bill is in the Senate and has been amended by the Senate and it is their judgment to make this amendment, and to be consistent with ourselves we ought to vote for this amendment.

Mr. PURDUNN (Clark). In your opinion as a lawyer what do you think of an increase in salary for any judge after his election?

Mr. SHURTLEFF (McHenry). I will say to the gentleman from Clark (Purdunn) that I do not think that question enters into this equasion at all. By voting for this amendment and for this bill I think that we are simply saying as a Legislature what we wish to pay as salaries to the judiciary and the question of who may get the benefit of this salary is not a question that I have entered into or cared anything about.

Mr. PURDUNN (Clark). I am not trying to start a controversy, but I want to be friendly in questions. I asked what is the status in relation to the Constitution of the State as to raising salaries of State officers after their election.

Mr. SHURTLEFF (McHenry). I will say that under our Constitution it is given only to the Legislature to legislate. It is given to the judiciary to construe that legislation.

Mr. PURDUNN (Clark). What would happen if the Legislature passes unconstitutional legislation?

Mr. SHURTLEFF (McHenry). I think that nobody on the floor of this House can accuse me of claiming or presenting my claim as being a constitutional lawyer, therefore I will have to ask the gentleman to leave that question to some of the other gentlemen upon this floor that possibly have made claims to that distinction. The little law that I did study was studied with a very kindly old gentleman and one of the first lessons he taught me was not to give any opinion on any fancied cases.

(Roll called.)

Mr. BUTLER (Sangamon). (On roll call.) If he didn't wish to answer any fancied questions I will ask a specific question. Is the placing of a clerk under the judges who are now in office a subterfuge so they can draw their full salary?

Mr. SHURTLEFF (McHenry). I will say to the gentleman from Sangamon (Butler) that there is an objection to that question.

Mr. BUTLER (Sangamon). I am entirely in harmony with the purpose of raising the judges' salary, but I do not wish to see them placed in the position of being charged of misconstruing the Constitution, and I shall watch with a great deal of interest the course of the Supreme Court in taking their position on the appointment of clerks in order to draw the salary.

(Roll call continued.)

Mr. COOPER (Wayne). I yield to no man in my good will and good faith in the Supreme Court justices of this State. For nine of the best years of my life I had the honor to be associated with one of the Supreme Court justices as his secretary. I feel that each member of the Supreme Court is my personal friend, they have been extremely kind to me, and I say to you gentlemen at this time that you are now seeking to do to the Supreme Court of this State an unfair and an unjust thing. Not only did we do a wrong in the passage of the original Act, but you are making the wrong doubly wrong in an offer to concur in this Senate amendment. The purpose, and there can be but one purpose in the passage of the amendment, and that is to hamper and tie the hands of any man who may seek to enjoin the payment of the judges salary under the bill which we passed by including in the same Act an increase of salary to the Supreme Court judges of the

State, and thereby making it awkward and unpleasant for the man who desires to do right by attempting to stop the payment of this increase in salary and embarrass him when he goes to the Supreme Court to take up the question when the salaries are included in the same Act.

The men who would take this increase of salary under the circumstances which you are now seeking to give it to them are not worthy of being circuit judges, nor even county judges in the State of Illinois, and when members of the Circuit Court of the State of Illinois come upon the floor of this house and lobby for an increase of their salaries after the people of the State of Illinois had elected them at another salary are unfit, and the only way to do justice by the people of the State of Illinois, and the only way to be fair to these judges is to kill this amendment, and if you can kill the original Act which we passed. I say to you we ought to do it in fairness to the people of the State, and in fairness to the honest judges of the State who don't want the salary. There are many circuit judges of the State who have said this is unfair and unjust, and there is no demand for it except from the judges elect themselves.

You will remember that just a night or two ago in my humble way I tried to tell you why you should increase the salaries of the secretaries of the Supreme Court Justices, and it is one of the few times when my advice has been accepted by this body. You have given to their secretaries an increase in salary, and they are now able to employ competent men and men to whom they can pay fair salaries, and now to give to the judges themselves another increase, or as this amendment reads another clerk is unfair and unjust, and unworthy, and I vote "no."

(Roll call continued.)

Mr. DEVINE (Lee). (On roll call.) This is an eleventh hour attempt to dignify an outrage which was perpetrated on the people of this State on Wednesday of this week. There was no intention of increasing the salaries of the judges of the Supreme Court. It was not thought of by the proponents of this bill in this House, and it was only after the newspapers had published the facts to the State that the salaries of the Circuit Court judges are higher than the salaries of the Supreme Court judges. The gentlemen across the hall saw the ridiculous position in which they were placed and are now attempting to dignify something that is very little better than a steal by bringing in the members of the Supreme Court. This increase was not asked for by the members of the Supreme Court and in talking with one of the members of that dignified body yesterday, I told him it was one of the regrets of my legislative career that I could not vote to increase the salaries of the Supreme Court judges. I told him I believed they were entitled to more money than they were receiving, but if their salaries were increased in a matter like this that it would subject them to contempt and ridicule by the people of the State. He said to me, I don't blame you, and I don't want you to do it. Gentlemen, I want you to stop and consider the ridiculous position we are placing ourselves in. First, we voted this increase of salary to men who were already elected, men who said to the people of the State of Illinois we are willing to serve you for six years more for the same salary we have been receiving in the past. We have, as every lawyer in this House knows a constitutional provision which provides that no salary shall be increased or diminished during the term of office of any elected State official. What has been done by the gentlemen across the hall? They have set out to evade that provision of the Constitution because the judges who are now serving and who were not elected the first week in June cannot accept this increase in salary, but they get around that by providing that those judges may have an additional clerk. I don't know what construction the Supreme Court of the State will place upon that bill when they are called upon to pass upon it, but I believe the only interpretation that can be placed upon it, is that it is in effect increasing the salary of those judges who are now serving, and if that be true this bill is unconstitutional, and these men should not be placed in that position. They should not be embarrassed by being made a party to this bill. Personally I believe it would be better if this bill passed in this shape, and for the honor and dignity of the highest court in our State I believe this Assembly should refuse to concur in these amendments. This

proposition to increase the salary of the judges in my mind was conceived in infamy. Nobody ever heard about this bill until it was put out before us the other night on third reading. The question arises on every hand, who is back of this bill? No judge sent in any request, that was made public. It is true that some of them who play peanut politics wrote letters to different members of this House. It is true that some of the peanut judges who were elected at the last election were lobbying for this bill, and it is a shame and a disgrace that men of that caliber disgrace the distinguished bench of the State of Illinois.

Who is back of this bill? Some Chicago newspaper. I was at a loss to know why these papers should be so interested in an increase in salary for the circuit judges. I inquired of a friend of mine who knows nearly all the time what is "doing" in the city of Chicago, and I said to him, "What is the reason for this?" He said, "The only reason I can give you is this. The judges of Chicago have been kind to the newspapers in Chicago when the newspaper strikes were on and they want to reward the judges for past services and curry favor with them. This is about the only reason that the Chicago papers have for standing back of this bill, and that is going to cost this State \$192,000."

The gentleman from McHenry (Shurtleff) said the salary is now assured to the circuit judges of Cook County. I hope not. I hope the man who occupies the chair in the Governor's office of this State will be big enough and brave enough to take a bottle of red ink and a stub pen and write across the face of this bill "nothing doing" and return it to the members of this House when they convene here on June 30th. This is an outrage and a scandal and there is no reason in the world why men who are supposed to be exemplary in their conduct and beyond criticism with reference to their honesty, that these men should now be a party to such a transaction which will allow them to reach their hands into the treasury of the State of Illinois and take out annually \$192,000.

I believe that if you refuse to concur in this amendment that it will mean the defeat of this bill, and you cannot be of any greater service to the people of your State than by voting against the concurrence in this amendment, and I vote "no."

(Roll call continued.)

Mr. MITCHELL (Cook). (On roll call.) Notwithstanding the high esteem in which I hold the Supreme Court of this State, I have been advised reliably that this bill if passed will be unconstitutional, and therefore I vote "no."

(Roll call continued.)

Mr. PURDUNN (Clark). (On roll call.) The members of this House didn't have the nerve to vote a secretary for themselves and when we vote one for the Supreme Court justices we are going farther than we would for ourselves. At the commencement of this session there was a legal question arose and the Supreme Court was to decide the question whether or not we were entitled to mileage and the Supreme Court promptly decided that it was ridiculous to think that after we were elected that we could collect any additional money at any time. I am in favor of letting them have a case of their own medicine, and let them be deprived of what this bill seeks to give them. If it is good in one case it is good in another, and I vote "no."

(Roll call continued.)

Mr. SCHOLLES (Peoria). (On roll call.) The gentleman from Lee (Mr. Devine) used the term lobbying in connection with the circuit judges of Illinois. I want to state at this time in behalf of the judges of the tenth judicial district, being a part of the district I represent, I want to say to you gentlemen that those three honorable gentlemen that were elected by the people in that district have not lobbied for this bill in any manner, shape or form, and have said nothing to advance it. If there was a lobby it didn't come from my district. I believe that it is unconstitutional to provide for the Supreme Court justices as you are providing for them in this amendment, and as such I must be recorded as voting "no."

(Roll call continued.)

Mr. SHURTLEFF (McHenry). (On roll call.) In regard to this amendment I desire to say that when I made the motion to concur in the Senate

amendments I hadn't read the amendments and didn't understand the nature of the amendments as to providing for a secretary, and I have been across to the other side, the Senate Chamber, and consulted the gentlemen that prepared this amendment and I am advised by them and upon that I base my vote that this amendment merely follows an amendment that has heretofore been passed in this identical statute, on account of the terms of the Justices of the Supreme Court being for nine years, all of them but two are elected at the same time, and the other two run at a different period, and the gentlemen who prepared this amendment inform me that they have based it upon a precedent that is now in our statutes adopted once before by this Legislature in an identically similar case, and it is not a question of ethics that is up to the Legislature, but if there is any question of ethics involved in this amendment it is a question of ethics that is up to the judges themselves who may or may not see fit to avail themselves of this secretary, and therefore I vote "aye."

(Roll call continued.)

Mr. DE YOUNG (Cook). (On roll call.) I believe that this bill is clearly unconstitutional, and I vote "no."

(Roll call continued.)

Mr. BROWNE (LaSalle). (On roll call.) I cannot understand the attitude of the gentlemen of the House on this proposition, with all due respect for those who are voting "no." We have already settled the question beyond recall that you want to give an increase in salary to the judges of Cook County. That is settled. You have already settled the question that you want to increase the salaries for the country judges. This amendment has not a thing on earth to do with those two propositions. It is simply a question whether you think the Supreme Court judges of the court of Illinois are getting enough salary today or not. If you think that \$10,000 is enough salary for the Supreme Court justices of this State, then that is something I cannot understand. Were a separate bill presented to you asking you to raise the salary of the judges to \$15,000 it could go through this House unanimously. Some seem to think that this looks bad. Why? It makes no exception, and it makes the Circuit, Superior and Supreme Court judges and the Appellate Court judges a better salary. Where is there anything unfair to this? It looks as though you were going back to some prejudice you may entertain in regard to some other measure, and visit it on these gentlemen. I think you are wrong, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 62 and the "nays" 49; and the House refuses to concur in the Senate amendments.

THE SPEAKER. I would like to call the attention of the members to the fact that it will be impossible for the members to catch this noon train. One of the most important conference committees is still out and the members should stay here. No sine die resolution is in this House at the present time, or has been passed by the Senate. The members should remain until we close up the business of the session. I hope all members will remain and not attempt to go on that noon train. (Applause.) I want again to impress it upon the members not to go. If this House adjourns without completing its business it must necessarily come back next week if the members go. I will ask you therefore to stay here. (Applause.)

Mr. HAMLIN (Cook). I desire to call up Senate Bill No. 426 on the order of third reading.

Mr. MADSEN (Cook). I desire to rise, Mr. Speaker, to a question of personal privilege. Inasmuch as the report has been circulated that the various labor organizations of Cook County are in favor of certain things expressed in Senate Bill No. 426 I want to read to you an extract from a news letter. This is a letter signed by John H. Walker, and it is in the form of a resolution. This resolution was adopted by the Chicago Federation of Labor at its last meeting. In my judgment the passage of this bill is going to mean a good deal to the people of Cook County, and while it does not affect the rest of the State, I think you ought to be interested in it. It is claimed that a good many working men are in favor of this bill, and it is hard to get an expression of any class of people unless you get it through their organization. The Chicago Federation of Labor is composed of many

organizations in Chicago with a total membership of about 250,000, and at the last meeting of this organization they passed the following resolution. It is headed "Jury Juggling Bill."

"The Jury Commissioners' Bill, H. B. 734, should be opposed by all lovers of equal rights. The provisions of the bill are of such a nature as to make out of the proposed jury boxes little more than the paraphernalia of a shell game, through which jurors may be specially picked for certain classes of cases. Each prospective juror is to designate the season of the year which it will be most convenient for him to serve and his name is to go into the particular box for that season. This is bound to bring about a class division in the jury system which will enable those interested to so manipulate their cases as to bring them into the season of the year in which the class of jurors most favorable to them are listed. It may be claimed in answer to this that the bill provides that no record shall be made to indicate into which box any name has been placed and no information shall be given out by the commissioners or their employees. But there is certain to be a leak somewhere, and probably a number of leaks, many of them induced. There never was any such thing as an absolutely water-tight ship."

The members of this House should give some consideration to this resolution passed by the greatest labor body in the city of Chicago. I believe this bill is a bad bill, and I think you ought to consider very thoroughly before you vote on this proposition. I thank you for your attention.

Mr. BROWNE (LaSalle). In the interest of humanity, in the interest of the people of Cook County, and in the interest of the people that are relying upon this Legislature to protect them against wrong, I want to say to you that this bill ought to be beaten. No man has any surety of a square deal under this bill. It provides for a hand picked jury, whenever they want to pick one, and they can pick it just as they please. It would not pass for a minute down the State, and if you in Cook County get it you will always know you have had something. It ought to be beaten.

Mr. HAMLIN (Cook). Do you know a law identical to this was passed in New York?

Mr. BROWNE (LaSalle). I don't care, we are not living in New York, but we are living in the State of Illinois, and I know this bill is bad.

Mr. BRUCE (Cook). I don't agree with the resolution read by my colleague from the Twenty-third District. I have consistently supported all labor legislation in this General Assembly. I believe that the Federation of Labor in adopting this resolution has become frightened without warrant. I don't believe the provisions of this bill are such that would warrant the Federation of Labor in becoming frightened. When a notice is sent to a citizen of Cook County that he is qualified to serve on a jury he has an opportunity to file a blank on which he may designate the particular part of the year when it would be best suited to his interests to serve. When that blank is returned his name will be placed in one of four boxes, and he will not be called for jury service at a time of the year when it will not be convenient for him to serve. That is all there is to this bill and there is nothing that should alarm or frighten labor. It is a bill that should be placed on the statute books.

Mr. BURNS (Cook). I don't agree with the gentlemen who have spoken for this bill. This is a bill that should not be placed on the statute books. If there is anything at all that we should depend upon it is our jury system. This will place us at the mercy of the corporations and we should vote "no" on this bill.

(Roll called.)

Mr. DE YOUNG (Cook). (On roll call.) The criticisms on this bill have come from those who don't know the jury commissioners office. It is absolutely true that under the administration of the office by the jury commissioners the character of the jurors selected in the past ten years has been superior to what it was formerly, and the jurors have rendered verdicts that are more just. The working man has been given a chance to serve on juries equally with everyone else. The criticism urged by the gentleman from Twenty-third District in his statements of facts will not bear the light of day. There are many men who are drawn for jury service in Cook County, carpenters and brick layers, and so forth, who refuse to serve or ask to be

excused and they are excused time and time again. I am familiar with the administration of this office. I have seen the work done there, and the criticism made against this bill was untrue and emanated from ignorance. I am an active practitioner at the Cook County Bar, and I do not represent the corporations. I represent many times the under dog and am perfectly satisfied with the jurors that have been selected and know that the character of these men is better under the administration by the jury commissioners than what it was formerly. There is not the slightest opportunity under this bill to get any hand picked juries, or make selections in favor of any class of men, and I vote "aye."

(Roll call continued.)

Mr. WEBER (Cook). This is a good bill and should receive the consideration of the members of this House. The only object it has in view is to save money for Cook County. At the present time they have to serve a man eight or ten times before he is finally called as a juror, as there are so many excuses given why it is inconvenient for him to serve at that particular time. This bill will obviate that objection and it will save Cook County a good deal of money, and I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 58 and the "nays" 39; the bill having failed to receive a constitutional majority, is declared lost.

Mr. MADSEN (Cook). I desire to rise to a question of personal privilege. It has been circulated on the floor of this House that this bill has been opposed by men who didn't believe in the jury system and they are trying to create the impression that I am one of those gentlemen who don't believe in law and order. I believe in the jury system. I believe it is good, and I believe it is one of the most sacred institutions we have. I believe in the Constitution of this State and this country and I don't believe my conduct in this General Assembly warrants any attacks of that kind.

Mr. J. W. RYAN (Cook). I desire to call up Senate Bill 295 on the order of third reading.

This bill gives cities and villages the power and authority to use lands acquired by any means for wharves, docks, levees, elevators and warehouses for municipal purposes or to lease the same to private persons or corporations for a period of not more than 99 years and to re-value the same from time to time for the purpose of determining the rental value thereof.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 90 and the "nays" 5; the bill having received a constitutional majority, is declared passed and the clerk will report the title of the bill.

Mr. BREWER (Whiteside). I desire to call up Senate Bill No. 337 on the order of third reading. This bill provides that when two or more school districts shall have been consolidated to form a new district, the directors of the new district so formed shall provide for the free transportation of the pupils of the district to and from school when authorized so to do by a majority of the votes cast at an election called for that purpose.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) This bill provides for free transportation of pupils in school districts. I believe that this House has always stood against this proposition.

Mr. PIERSON (Cook). It has a referendum.

Mr. BROWNE (LaSalle). I understand it has, but nevertheless I am against the bill; it is wrong, and I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 68 and the "nays" are 24; the bill having failed to receive a constitutional majority, is declared lost.

Mr. SMEJKAL (Cook). I desire to report at this time the failure of the Conference Committee appointed by the House for the consideration of House Bill No. 948 after repeated hearings and discussions, and as failing to concur, and I ask that the Conference Committee on behalf of the House be discharged from consideration of the bill.

THE SPEAKER. The clerk will so inform the Senate.

Mr. KANE (Saline). If it is in order I desire to move that the House concur in the Senate amendments.

THE SPEAKER. That is not in order.

Mr. SMEJKAL (Cook). It is new matter inserted by the Senate and under the rules they must ask for another Conference Committee.

Mr. KANE (Saline). I will insist on my motion.

Mr. MURPHY (Perry). Mr. Speaker and gentlemen of the House, I represent, with my colleagues, the Forty-fourth Senatorial District. Our chief industries are agriculture and coal mining. We have our troubles, we have our wheat failures, we have our loss from disease of cattle and hogs. Our wheat crop this year is practically a failure. As a member of this House, never yet have I made a request from this Forty-ninth General Assembly, which comprises five counties. This is the first request that has been asked by the members from this district in the form of an appropriation. With all our ailments, mine disasters and failures of crop, never yet have we requested a donation at the hands of this General Assembly, but today we are making a request for the passage of a bill, number 948, which will permit the appropriation of a paltry sum which will provide for the accommodation and shelter of the farmer's son who has abandoned the plow and the farmer's daughter who has abandoned the mother's kitchen, trying to secure an education. They were not born with a silver spoon in their mouth to attend the high-priced universities. In this bill number 948, involves an expenditure for the appropriation of a certain amount of money for the care of the sons and daughters of Egypt, near and by the Southern Illinois Normal University. Never before have I or my colleagues made a request at your hands to assist us in any manner, shape or form, but on this occasion I am asking you to support a bill that means much for the education of the young man and woman down in Egypt.

The school at Carbondale, Illinois, as it now exists, has an assembly hall, where all the students assemble at least once a day, that has a capacity of seating about 400 students. There is today crowded in that assembly hall over 1,000 students. If a fire should break out I shudder and pause to think of what might happen. The assembly hall is approached by long and narrow halls and winding stairs with two narrow doors of entrance and exit, and should a fire occur, the loss of life and limb may pale into insignificance when compared with your Iroquois Theater fire in Chicago.

Gentlemen, I have voted at all times with you Cook County members on all questions. I voted with you central Illinois members with the impression that you knew best what was to the best of your interests. Now, then, for the first time, we are soliciting of you this small amount as an appropriation for a school which has outgrown her present capacity. She has increased over 51 per cent in the last two years in the point of attendance. If it was anyone else but the State of Illinois who was permitting these conditions to exist, the school would be closed and human life and limb would not be permitted to be jeopardized in this manner. This assembly hall as now located is on the third floor of the present building which was constructed over thirty years ago and the attendance has outgrown the present capacity of the normal conditions. This is, today, the largest normal in the State of Illinois, in point of attendance.

During my membership in this House, I have tried to vote for what I thought was to the best interests of the different sections of the State represented by the members. You Cook County men, I have been with you when you told me that a certain measure was to your best interest. You central Illinois men, I have been with you when you represented to me that it was to your interests. In other words, gentlemen, I have tried at all times to follow suit and vote to what I thought was to your best interest. This afternoon I am coming before you in making my first request, which I hope you will grant. If economy must start, don't begin at the expense of depriving the farmer's son or daughter from securing an education.

Mr. WILSON (Perry). Is a motion to concur in the Senate amendments in order? Wasn't such a thing done yesterday?

Mr. Murphy and I spoke to Mr. Smejkal when the amendments came over from the Senate and Mr. Smejkal said that we would have representation on the committee, and let it go to the committee and we did that.

Mr. SMEJKAL (Cook). No, you are mistaken, I didn't say that.

THE SPEAKER. I will say to the gentleman from Perry (Mr. Wilson) that the requests were made in the House for a committee were exactly similar to what happened in the Senate. They put the members on in the Senate from the Representative districts that were asking for the Normal School. The policy of the House was to put others on and not those directly interested so that if there was any merit in one and no merit in the other it could be presented to the committee.

Mr. PURDUNN (Clark). I would suggest that you give the members a chance to concur with the gentlemen on the other side and see what can be done.

Mr. WILSON (Perry). That is all we want.

THE SPEAKER. Certainly you can have a conference on this matter and we will take it up a little later on.

Mr. PACE (McDonough). In view of the fact that the Conference Committee has failed to concur I move you that the House concur in the Senate amendment.

Mr. SMEJKAL (Cook). I move you, Mr. Speaker, and renew my motion that the House Conference Committee be discharged from further consideration of the bill.

(Motion prevailed.)

THE SPEAKER. The clerk will now notify the Senate of the action of the House. In order that the Journal of the House and Senate may be straight on the proposition. The Senate in the meantime might recede from their amendments. I will recognize the gentleman from Perry (Mr. Wilson), on his motion after the report is made.

Mr. DE YOUNG (Cook). I desire to call up Senate Bill No. 338 on the order of third reading.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) This bill provides that in the matter of a will of any person or a contest on that will any statement that he or she might have made, either relative to the will or anything connected therewith, at the time of making the will, or approximately at that time, shall be competent on the question of the mentality of the testator at the time of making the will and on the question of undue influence. I don't think that is any new law in the State of Illinois. I think that is done right now and is legally sanctioned by the law in the State of Illinois. You can introduce on the contest of a will or the question of soundness of mind any act of the person making the will for the purpose of enabling the jury to determine whether he was of sound mind or not. It is simply the reenactment of something that is now a law in this State, and I vote "no."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 42 and the "nays" 17; the bill having failed to receive a constitutional majority, is declared lost.

Mr. SCHOLLES (Peoria). I desire to call up Senate Bill No. 509 on the order of third reading.

Gentlemen, I just want to call your attention for a moment to this bill. It is to compel police magistrates in cities to give a change of venue the same as justices of the peace. It is a very equitable bill and one that ought to pass.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) There is only one fault with this bill, it is not stout enough. I would like to have it provide a penalty of two years in the county jail for a police magistrate that would not give a change of venue. They do refuse to grant one and they do it arbitrarily and look you in the face and smile when they do it. This is a good step along the right road only it is not stout enough. The penalty is not hard enough. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "ayes" are 99 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. TRANDEL (Cook). I desire to call up Senate Bill No. 401 on the order of third reading.

This bill provides that it shall be the duty of the boards of education and of all boards in charge of educational institutions supported wholly or partially by the State to provide for the physical education and training of the pupils of such public schools and educational institutions in all grades and provides that such courses be taught for not less than one hour of each week during the whole of each term of school.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 85 and the "nays" 2; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. WEST (Knox). I desire to call up Senate Bill No. 223 on the order of third reading.

This bill provides that when any vacancy occurs in any of the offices mentioned in section 133, that such vacancy shall be filled by appointment by the county board of the county in which such vacancy exists, until the next county or precinct election, when a successor shall be elected for the unexpired term, as the case may require.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 93 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. VICKERS (McHenry). I desire to call up Senate Bill No. 383 on the order of third reading.

Gentlemen, this is a pure food bill. It was amended here in the House by Mr. Rothschild and is perfectly satisfactory to all concerned.

THE SPEAKER. A number of the members have come to me insisting that we take a recess until we get something to eat. Others are insisting that we go ahead until all the work is finished. We are about to appoint a new Conference Committee on the Normal school proposition. It will take sometime for that committee to act. What would be the disposition of the House after this bill is disposed of.

Rising vote taken on question of continuing in session until all business has been finished. The unanimous sentiment of the House was that it continue in session until such time as all business had been transacted.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 87 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. QUISENBERRY (Logan). I desire to call up Senate Bill No. 162 on the order of third reading.

This bill provides that when elected county superintendents of schools shall not enter upon their duties until the first Monday of August next after their elections, and provides what qualifications they shall possess.

(Roll called.)

THE SPEAKER. On the question the "ayes" are 83 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. LYNCH (Peoria). I desire to call up Senate Bill No. 446 on the order of third reading.

This bill provides that the emblem of the "Great Seal of the State of Illinois" may be used when properly reproduced as a State banner, subject to the restrictions provided by the laws of the United States and of the State of Illinois as of the United States or State flag or ensign.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 83 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). I desire to call up Senate Bill No. 527 on the order of third reading.

This bill amends the present road and bridge act by providing that every contractor, before entering into a contract for any construction or improvement shall execute a bond in the penal sum of not less than one-third of the amount of the contract. Such bond shall be conditioned upon the payment by the contractor of the sums of money due for labor, material, etc., furnished said contractor for the purpose of such construction or im-

provement, and such bond shall inure to the benefit of any person to whom any money may be due for such labor, material, etc., so furnished, and suit may be maintained on such bond by any such person for the recovery of any such money, but no final payment shall be made on the account of such construction or improvement until it is shown that the sums of money for labor, material, etc., have been paid, or that the person or persons to whom the same is due had consented to the final payment to such contractor.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 89 and the "nays" none; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Mr. FOSTER (Schuyler). I desire to call up Senate Bill No. 78 on the order of third reading.

This bill simply provides that the jury fees shall be charged against the drainage district the same as other costs are charged. There are some cases where drainage districts will lie in two counties and one county will have to bear all the expenses of the trial. This is to assess jury fees against the drainage district the same as other charges.

(Roll called.)

Mr. BIPPUS (Cook). From a reading of the bill it appears to me that another affect of this bill is to reduce the payment per day to those who serve as jurors.

Mr. FOSTER (Schuyler). How does it do that.

Mr. BIPPUS (Cook). I know that in my district jurors receive the sum of \$3 per day. The gentlemen from the country inform me that it is the same there. This bill provides that the fee shall be two dollars.

Mr. FOSTER (Schuyler). It is not so provided in the bill.

(Bill read.)

Mr. FOSTER (Schuyler). Now, Mr. Speaker, I didn't know that that changed any existing law. It was sent to me by the county commissioners of Cass County who have paid out about \$2,500 in the last year for suits and it was the intention of the bill to provide merely that these costs be assessed against the drainage district and not have to be paid by one or the other of the counties. That was my notion of the bill. If there was a change in it I didn't know it.

Mr. BROWNE (LaSalle). Does the bill itself provide for three dollars a day?

THE SPEAKER. Two dollars a day.

Mr. FOSTER (Schuyler). Under the circumstances, I will withdraw the bill.

Mr. MORRIS (Perry). I desire to call up Senate Bill No. 404 on the order of third reading.

Mr Speaker, I desire to take up the time of this House to make a brief statement. In the last Assembly this was a bill in connection with a drainage bill that was passed, but for some reason in the last moments of the session this bill was allowed to die. The purpose of it is to protect the school fund, and I hope that we may have an unanimous vote upon it.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 85 and the "nays" none; the bill having received a constitutional majority is declared passed, and the clerk will report the title of the bill.

Mr. MOORE (Henry). I desire to call up Senate Bill No. 435 on the order of third reading.

Mr. Speaker and gentlemen of the House, this is a bill which provides for the same rights and restrictions of the use of the public highway for electric lines that telephone and telegraph lines have at this time, and provides one further regulation that both telegraph and telephone poles are set that they be placed near entrances according to the wishes of the farmer, and only placed according to the wishes of the denizen of the property alongside the highway. Now, this bill, so far as obtaining the use of the highway for this purpose has first—is hedged about, it seems to me, with sufficient restrictions to do no harm as it is first necessary to obtain the farmers consent, the consent of the highway commissioners, the consent of the Public Utilities Commission, and you also have to furnish the Public Utilities Com-

mission with details, plans, profiles and specifications of your construction, and it has to have the approval of all these before you can do it.

It is sanctioned by Mr. Gash of the Highway Commissioners of the State of Illinois and has been said by Mr. Gash to be a long-felt want in this State. It is sanctioned by the Utility Commissioners, by the legal department, and by the engineering department and also the telephone department of the Public Utilities Commission.

The Highway Commissioners under the bill have to locate the poles, and as I say the property owner may pick out the entrances of his property, or near buildings, and specify where these poles shall be placed.

Now, we hear a great deal in regard to getting back to the soil, and getting back to the country through the press and through the magazines, and the matter of running electric wires along the highways is for the convenience and comfort of the farmer, and makes rural life more pleasant and happy by making it possible to have light, and all the labor saving machinery. It will draw from the congested urban population and enable people from the cities to establish country homes and live close to the great world and list to nature's teachings. They will thus be able to get more of fresh air outdoor exercise, better food, and it will produce a more noble and sturdy manhood and womanhood with better physique and larger and broader intellect and is in every conducive of a better, more cheerful and more patriotic citizenship.

Mr. PROVINE (Christian). I don't want to take up your time but just a minute here. This bill does not amend the Public Utilities Law at all. It amends a separate section which is found in Chapter 134, page 2421 of Hurd's in regard to powers, duties and property of telephone and telegraph companies. It seeks to amend that Act to give electric light companies the same rights on the public highways that the telephone companies have. It will allow them to string their high voltage wires on the public highways as they do now, and in many cases they are trespassers. They have no real right to do that, and whenever they are on the public highway in that capacity they are trespassers. There has already been a great deal of injury resulted from that in this State. Electric high tension wires carrying a voltage of 33,000 go along the public highways and when those wires go down and anyone comes in contact with them, it means immediate death, and I have seen trees that have fallen across these wires and the green trees have been burned up. There is nothing more dangerous than to have these wires along the public highway. The law as it is now compels these people to buy a right-of-way, but they haven't done that, and as I said they are trespassers, and if these high voltage wires were to fall on a telephone wire it would cause a fire in the house of any farmer and furthermore there is danger of induction by these high voltage wires. If the high voltage wires come anywhere near the telephone wire the interference with the service of the telephone company is very great. I think it is a bad bill.

Mr. BROWNE (LaSalle). Should it pass?

Mr. PROVINE (Christian). It should not pass.

Mr. MOORE (Henry). In regard to these wires of the high voltage going along the public highways, I don't think they are any more dangerous and not even as much as they are in the cities. They have the same wires running through the city along the streets, and as far as the telephone company is concerned this has received the sanction of the public utilities telephone department, and the Public Utilities Commission can prescribe the method of construction.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 33 and the "nays" 28; the bill having failed to receive a constitutional majority, is declared lost.

Mr. WILSON (Cook). I desire to call up Senate Bill 466 on the order of third reading.

This amends an Act in regard to tax titles. It is a good bill and should pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 93 and the "nays" nothing; the bill having received a constitutional majority is declared passed and the clerk will report the title of the bill.

Whereupon, House Bill 832 was taken up for the purpose of concurring in Senate amendments.

Mr. KANE (Saline). I move that the House concur in the Senate amendments. Gentlemen of the House, this is the bill that when it was up on second reading we took an afternoon and all of the next morning and this now is to concur in the Senate amendments. It puts in the delivery of milk.

Nr. TURNBAUGH (Carroll). Mr. Speaker and gentlemen of the House, this bill was ridiculous when it left this House. Another amendment attached to it would simply make it more ridiculous. They evidently are attempting to do indirectly what they could not do directly. It refers now to only two or three classes of people; all the others have been taken out. We took out several of them while it was in the House; now the Senate has taken out by amendment some more of them. I do not believe that the members of this House if they realize what this bill would be like if it is put on the statute books would want to be recorded as voting in favor of it. There seems to be no one interested in it except one gentleman from Chicago who had some trouble with one of the hotels up there and who for some reason is not able to get a position as a cook in any of those hotels, and he is here asking for this bill. There is no State-wide demand for it. It is another attempt to regulate business, of which I think we have done a plenty in the past. It does not seem to me that we at this time should concur in this amendment.

Mr. KANE (Saline). Mr. Speaker and gentlemen of the House, I refrained from discussing the merits of this bill and I do not think it is fair for the gentleman to do so after it has been discussed one whole afternoon, and the next day, and I move that the House concur in the Senate amendments. This bill was handed to me by the president of Federation of Labor of this State. It is endorsed by every labor organization in this State, and you passed through this session, gentlemen, and you have given them very little, if anything, on the bills that have come before you here. It is endorsed not only by the laborer, it is endorsed by the church organizations, every religious denomination in this State, both Protestant and Catholic, that is what it is; it is a matter of human interest; it is not a matter of this one man and I don't think it is fair now after this House has considered it, to bring up any further arguments on the matter. This one amendment was really in the bill before it was sent to the Senate, and I think, gentlemen, that you should at this time look at it in this way.

THE SPEAKER. The question is on the concurrence of the House in the Senate amendments. The gentleman will talk to the amendments. Proceed.

Mr. PACE (McDonough). The gentlemen from Saline (Kane) is right when he says that many people are interested in this bill. Now, gentlemen, since this House has passed this—since this bill first passed the House, there has been more people in the State of Illinois interested in this bill than I supposed might be.

Mr. KANE (Saline). Point of order. With all respect to the gentleman, I did not go into the merits of this bill, but simply made an answer to the question of the gentleman.

Mr. PACE (McDonough). I am trying to argue now why we should not concur in the amendments.

THE SPEAKER. Talk simply to the amendments. Proceed.

Mr. PACE (McDonough). Now, gentlemen, if the House does not concur in the amendments it will go back then to a conference and where we can then maybe settle it and I want it settled and settled right, for one. But, gentlemen, in the last two days there has come down to the city of Springfield representatives from the car shops and from the boiler workers of Illinois asking that this bill should not pass in its present condition. You have eliminated a large class of laborers of Illinois, but these men have been imposed upon, the gentlemen from western Illinois. Our principle industry over there is the clay industry of Illinois. In my own district, represented by the Honorable Mr. Huston, Mr. Elliot and myself, we are the second pottery interests in the United States. Over there the pottery men earn from four to five dollars a day. Many times, gentlemen, on account of the yards being full, those men are compelled to lay off thirty days at a time,

and then when the time comes that they can work they desire to work those days. I am asking why this bill should not go back to a conference, Mr. Speaker, so that these men may have some relief just as well as the men that drive the milk wagons. Why were the milk wagon drivers taken out of it; because a certain senator was interested in the milk business, and for that reason, maybe from a selfish one, he had this amendment put in. I will say to you men I am not interested a single dollar in the potteries, nor the tile works of western Illinois, but I have hundreds and hundreds of friends down there who are laboring men who earn their bread by the sweat of their brow, and those men are interested in this bill, and it is for that that I am talking now, and I am asking for a conference in order that maybe those men too may be exempted from this bill in order that they can go ahead and follow the trade that they have learned. These men over in western Illinois represent pottery interests that are the second in the United States. At Akron, Ohio, they are the first, and at monmouth, my own district, they are second. It is for those men now that I ask that a conference committee be appointed so that those laboring men may have some rights as well as the men who drive the milk wagons up in the city of Chicago, because a senator was interested in that particular line of business. Gentlemen, that is the reason that I ask that we non-concur in this amendment and that we send it to a conference and give these men some relief just as well as the men that drive the milk wagons.

(Roll called on concurrence in Senate amendment.)

THE SPEAKER. On this question the "yeas" are 67 and the "nays" 8, and the House refuses to concur in the Senate amendments.

Whereupon the House proceeded on the report of Senate Conference Committee on House Bill 801.

Mr. MERRITT (Sangamon). The Senate amendments are simply to correct wrong dates in the bill. It refers to the standard policy in little insurance companies. It provides that all those policies in the State. They are not uniform now and that is the trouble with a great many of those policies.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" none; and the House concurs in the Senate amendments.

Whereupon the House took up for consideration Senate amendments to House Bill No. 894.

Mr. DUDGEON (Grundy). Mr. Speaker, I move that the House non-concur in the Senate amendments.

Mr. IGOE (Cook). I move as a substitute to that motion that the House do concur in the Senate amendments.

Mr. FOSTER (Schuyler). Mr. Speaker and gentlemen of the House, this bill is in reality the original bill 417 which has been substituted in the Senate, the bill providing that the farmers in place of having the serum distributed to them free shall pay the approximate cost of manufacture of that serum. Every farmer in the State of Illinois is willing and glad to pay for the serum if he can get it when he wants it. In addition it provides for regulation of private serum concerns where now the State of Illinois has absolutely no regulation of the serum that is manufactured. I think this is a good bill.

Mr. DUDGEON (Grundy). This amendment is simply a bill that was killed in the Appropriation Committee. Everything in the Gregory bill was stricken out after the enacting clause and a new bill inserted.

Mr. IGOE (Cook). Mr. Gregory, the introducer of this bill as it went from the House, has agreed to accept this amendment, and if he were here he would make the motion that the House do now concur. Now the reason that Mr. Dudgeon (Grundy) that the amendment proposed in the Senate was a bill that had been killed in our Appropriation Committee is no good reason why this amendment should not be adopted.

Mr. KESSINGER (Kane). Mr. Speaker, as I understand it this is a bill that is not satisfactory to Representative Gregory. He introduced the bill in this House, and in the Senate Conference Committee all after the enacting clause was stricken out and the original bill that had been defeated several times in the House Appropriation Committee was substituted for the

House bill, now known as the Gregory bill. Now, personally my main objection to this new bill is that in the Gregory bill it says that not more than one-half cent per cubic centimeter can be charged the farmer. In this new bill any amount can be charged that this serum plant wants to charge the farmer, and it does not protect his interests, and I think the House should stand pat on Mr. Gregory's bill and vote not to concur in this Senate amendment which is just slipping over an entirely new bill on us.

Mr. FOSTER (Schuyler). Now, Mr. Speaker, I wish to say in reply to the gentleman who has just spoken that for the last year it has cost about \$5.70 per thousand cubic centimeters,—\$5.70 per quart, a little bit better than a half cent per c. c.,—if they manufacture it at cost that is certainly near enough and the money goes into the State treasury, and constitutes a revolving fund whereby the State of Illinois will never have to appropriate another dollar for the serum laboratory.

Mr. MORRASY (Bureau). I wish to say, as one of the farmers of this State, that I think the farmers are heartily in favor of this bill. We are willing that the State should make this serum, and pay for the cost of making it. We do not ask that it be given to us for nothing. This bill is favored by Senator Pervier of the Senate and he is one of the best friends of the farmers in this State, and he would not favor any bill unless it was all right. He goes all over this State speaking at farmers' institutes and is not only a farmer himself, but is working constantly in behalf of the farmer. We want this serum made by the State so that no manufacturer will have a monopoly of the making of serum in this State, and charge us outrageous prices and scatter hog cholera all over the State. The farmers want this bill.

Mr. DUDGEON (Grundy). May I ask the gentleman a question?

Mr. MORRASY (Bureau). Yes.

Mr. DUDGEON (Grundy). If this hog cholera serum cures hog cholera why don't the State plant kill it out at Peoria, where they had it three week ago, the day that Mr. Ray (Vermilion), Mr. Gorman (Peoria), and I were down there?

Mr. IGOE (Cook). May I answer that question, Mr. Speaker? Why doesn't every man live that a doctor treats for some ailment?

Mr. FOSTER (Schuyler). I would like to say, if the gentleman will permit, that nobody with an ounce of brains thinks that serum will cure hog cholera. It will prevent it if it is used in time. You know that, Mr. Dudgeon (Grundy), and everybody else.

THE SPEAKER. The gentleman from Grundy (Dudgeon) moves the House that we non-concur in the Senate amendment, and the gentleman from Cook (Igoe) moves as a substitute that the House do concur, and the question is on that question that the House do concur. Proceed with the roll call.

(Roll called.)

Mr. BROWNE (LaSalle). (On roll call.) If hog serum is a good thing then the farmers of this State and the stock raisers ought to have it. If it is not a good thing they ought not to have it. It has been demonstrated beyond the peradventure of a doubt that as a preventative of disease it is a good thing, and all stock raisers and men familiar with the situation at all agree that it is a good thing. All right. Now then, if it is a good thing, how should it go to the farmers? Should they be compelled to buy it of private concerns, or should they be more safely guarded and better treated by being permitted to secure it from the State, where it is made under State supervision and known to be free and pure, and not like the stuff that the gentleman from Grundy (Dudgeon) succeeded in getting \$9,000 through for. That is some private concern. That is the kind of stuff that is made by these private concerns.

Mr. DUDGEON (Grundy). What did the gentleman from Grundy (Dudgeon) have to do with this serum?

Mr. BROWNE (LaSalle). I don't know; but you were very busy about it.

Mr. DUDGEON (Grundy). It was put on in the Senate.

Mr. IGOE (Cook). You insisted that it should go in, that is what you had to do with it.

Mr. BROWNE (LaSalle). And we let it go in so as not to kill the good in the bill.

Now, that is private serum. That was made from a bunch of hogs that were purchased as diseased hogs by the men that bought them; they knew they were such and paid for them as such, and they made this serum and infected the hogs all through this country. That is where that stuff came from.

Mr. DUDGEON (Grundy). Serum?

Mr. BROWNE (LaSalle). Yes, and I got it straight from headquarters. Now, that is what you get from private concerns.

Mr. DUDGEON (Grundy). That is information. I never knew you could get disease from serum. I knew you could get it from virus, but not from serum.

Mr. BROWNE (LaSalle). Now, if it is made under the supervision of the State of Illinois it is, if such a thing is possible, pure and right and clean for the purposes for which it is intended. The only question remaining is, shall the farmer pay for it or get it for nothing? The State of Illinois is not able, with honor, to maintain a laboratory for the manufacture of this and give it away. It should be made self-sustaining if possible, and for that reason this bill is righteous, is right, and it is along the right lines.

I know it is against the interests of a few private serum companies in the State of Illinois; I know it. But if they are all of the kind of the Western Serum Company, for God's sake let's get against their interests. I vote "aye."

(Roll call continued.)

Mr. DUDGEON (Grundy). Mr. Speaker, I want to explain my vote. The serum plant that was talked about, which was started about six years ago, was started by the man from Grundy (Dudgeon) advocating the need of it. There wasn't a serum plant in Illinois then. That plant has been running for six years and is not now under Federal inspection. It never has been under Federal inspection. It never was run fit to be under Federal inspection. Why should we say, as it says in section 3f: No person, firm, company or corporation shall sell or keep or offer for sale within the limits of this State any hog cholera serum or virus—from who? From a firm that won't stand Federal inspection. You put your state inspection ahead of your Federal inspection. Every serum plant—we have five or six in the State of Illinois—is under Federal inspection. This is not. Does the State say, is the State Legislature going to say by their vote that we are going to hold all other firms out of Illinois? They are under Federal inspection.

(Roll call continued.)

Mr. GRAHAM (Mercer.) (On roll call.) Mr. Speaker and gentlemen of the House, I understand that the Appropriation Committee of this House was opposed to an appropriation for manufacturing this serum by the State; that is a large committee or representative committee of this House. I understand also that this same bill, when attempted to be passed as a House measure, was not accepted by the committee that had charge of it here. It occurs to me that the only object in making this change from the Gregory bill is to create a new department and new jobs and a new salary list, and I therefore vote "no."

(Roll call continued.)

Mr. HUBBARD (Greene). Mr. Speaker and gentlemen of the House, I desire to explain my vote. As I stated before, this bill was defeated—not this bill, but a bill bearing the same title—was defeated in the Appropriation Committee twice—if I am not mistaken, three times—and this bill goes to the Senate, the entire bill is stricken out, everything except the enacting clause and the title of the bill stricken out, and this is substituted. Now, gentlemen, before you vote for this bill you should examine it very carefully and see what it is. They make the statement to you, gentlemen, that this bill provides that serum may be furnished to the farmers of this State, the hog raisers of this State, at actual cost. Now, that sounds good. But they know that it is not true; that there is not one farmer in twenty-five in the State of Illinois that wants the serum for their hogs that can get it from this factory at its actual cost. There is not appropriation enough made to manufacture one-fiftieth part of what the farmers want. Are you going to

manufacture at cost for one or two out of twenty-five or thirty? If you are going into the serum business in this State you better go into it in a way that you can treat all farmers alike; that each farmer can get just the same amount at the same price as every other farmer. You can't do it under this bill. A few can who stand in with the head of the department; they will be able to get the serum at cost and the other farmers will go and get it wherever they can.

That is not all that is the matter with this bill, gentlemen. Here is a bill that places absolutely in the hands of one man every serum factory in the State of Illinois. He can go and condemn every ounce of serum in that factory and destroy it and the owner of that factory has not one iota of recourse against him or the State of Illinois. He holds the serum factories absolutely in his hand. You talk about an efficiency bill. There never has been a bill introduced here that places as much power in the hands of one man as this bill introduces, and that power is given to the new office which is created here, and at three thousand dollars per year. I would like to know what is back of this bill after all. You speak about the private firms not giving out good serum. I don't know anything about that, but I do know that practically every private firm in the State of Illinois is under government regulation, and they want to be under it, and our own State factory that manufactures serum has not been under it, and is not up to the standard, and yet you want to place in the hands of the man who controls that factory all the serum plants in this State. Now what are we doing? I tell you what we ought to do if we are going into the serum business. It is no longer an experiment; we know now the efficacy of the measure; we know whether it is good for hog cholera. It is past the experimental stage. What we need if we need any serum factory is simply a laboratory for research, but we have gone just about as far in the research of that as we probably can do, and the gentlemen will remember that one of the most learned men that came before our Committee on Appropriations, a man who is one of the biggest stock raisers of the State and has given it his best attention, stated to that committee that the State of Illinois should only engage in the manufacture of serum as a school of research, have a laboratory for research; that is what we should do, and not go into it in the way that we are doing here.

All this is for is to create a new job, and place the private serum factories in this State in hands of one man, and I have heard men stand on the floor of this House and hold up their hands in holy horror about taking the power out of the hands of the people, and yet say this is a good bill, this is what we should do, when we are placing in the hands of one man the power to crush out the private serum factory in the State of Illinois. You better think twice before you vote for this bill. I vote "aye."

(Roll call continued.)

Mr. HUSTON (McDonough). Mr. Speaker and gentlemen of the House, just one or two minutes is all the time that I will take. I am not unmindful of the occasion; I am not unmindful of the impatience of the members of the House.

I have opposed this measure in Committee on Appropriations upon the ground that I did not think it was proper for the State of Illinois to enter into the manufacturing business. I believed that as long as it was a matter of research it was all right, and with Mr. Dudgeon (Grundy) and others I was instrumental in helping to get that work started in the State of Illinois. As a matter of research work it is all right—the biological department—but there is no more reason why we should manufacture hog cholera serum than there is why we should manufacture anti-toxin for diphtheria or typhoid fever, or any of those diseases to which our children and our families are subject. If we can depend upon the commercial houses to manufacture anti toxin that we use in our families we certainly can depend upon them to manufacture serum and virus for hog cholera, and I believe it is absolutely unjust for us to manufacture a little dab of hog cholera serum and virus to give out to a few petted patrons, when the great mass of people have got to depend upon the commercial manufacturer of serum. Therefore I want to vote "no."

(Roll call continued.)

Mr. IGOE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, after the din that was raised by the honest man from Greene has sort of subsided, maybe we can get down to work here again. Now he gets up here and preaches his honesty and his economy just as long as his physical condition will permit him to do it, but you know he didn't tell you people that down in his district and close to his town there is a private serum plant. He did not tell you whether or not that might have affected his judgment on that question. Of course I assume that his judgment is never affected by anything but the most lofty ideals; he never looks down and is always looking at the sun in all its brightness. He is one of those fellows that engages in the stars, but most of the time he pretends to keep his feet on the ground.

Now he also forgot to tell you that he sat in this committee the other night with the hog expert from Grundy County and agreed that the State of Illinois might pay \$9,000 for some wrong serum that was destroyed up in Chicago and then, unfairly, he brought that thing out here and we had to agree to pay it, else we would have to keep the farmers out of their money on account of the foot and mouth epidemic. Now that is the truth.

Now in reply to the gentleman from Rock Island, I will say this bill creates no new jobs. We now have a directory of the laboratory, and that is all this bill does. There is no new job created by this bill, and if the gentleman from Grundy looked it through he might find that out, even though he could not discover some of these other things.

Now you people who preach economy think of this: You now have a laboratory out here to which you have given an appropriation for making hog cholera serum. Now that serum will be made whether this bill goes through or not. It is going to be made and it will be given away free. All this bill seeks to do is to make the people who get that serum pay the appropriate cost of it. Now if you believe in economy there is a method in which you can economize. There is a method by which you can bring into the State treasury the approximate cost of the serum that goes out of that laboratory; otherwise everything they produce there will be given away free of cost.

Now one other point. In the past,—and in the future perhaps it will be,—a certain few people get all the serum they want because they get it for nothing. Now if a fellow has to pay the cost of the serum he won't be looking for so much of it and he won't be asking for so much of it, because every time he asks for it he will have to match his dollar with the cost of the serum out of that plant.

Now this is purely and simply a fight being lead by the gentleman from Grundy (Dudgeon) and the honest man from Greene in behalf of the hog serum trust in this State and against the honest hog dealers. The farm journals of Illinois, without an exception, are in favor of this bill, and the hog raisers of this State are unanimously behind it. I vote "aye."

(Roll call continued.)

Mr. SHURTLEFF (McHenry). (On roll call.) Mr. Speaker and gentlemen of the house, I want to explain my vote. Just a word in regard to this bill. I would like to vote "aye" on it. I was on a committee yesterday to settle the subject of hog serum, together with other subjects. We had up the subject of hog serum for the State. We did not take all that was offered to us, but split it in two, and I really was in hopes when we took it that we got enough at least to stop the cholera in the Legislature. This serum was put in on a bill of a cent and a half a cubic centimeter, and there was evidence brought before the committee that the cost of making it was seven-eighths of a cent per cubic centimeter, and I understand the bill of the gentleman from Moultrie (Gregory) fixes a price of one-half of a cent per cubic centimeter. Now I don't know how anyone is going to tell whether that bill should be carried out or not. It seems to me this subject is developing so that there ought to be some committee appointed to get the hogs into the State for all of this serum that is being developed. I ask to be recorded as present and not voting on this subject.

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 51 and the "nays" 33, and the motion is lost.

The question is now on the motion of the gentleman from Grundy that the House non-concur in the Senate amendment.

(Motion prevailed and the House refused to concur.)

Whereupon the House took up the consideration of Senate amendments to House Bill 697.

Mr. MEENTS (Iroquois). I move that the House non-concur in the Senate amendment.

Mr. FOSTER. I move as a substitute that the House concur in the Senate amendment.

(Roll called on motion to concur.)

Mr. HOLIDAY (Vermilion). This amendment is an entirely new bill. The Meents bill in the Senate was entirely stricken out and the Hull bill was placed in, and I don't know whether it is worth while to go to the trouble of putting this kind of a bill on our books. It is a bill that the book companies absolutely have no objection to because it does not do anything. I would not say it was a vicious bill because it is a blank. It is absolutely harmless. The only thing that it does, it section 11 it provides that the school boards shall purchase books from pupils that are moving outside of that district and sell them to other pupils at a reasonable price. It has a provision that the book companies shall publish a list of their prices with the State and shall sell them at that price through the State, but the book companies fix the price. They are not limited in this price to the price that they sell in other states, and there is absolutely not a thing to the bill. This is a bill that was introduced by Senator Hull four years ago, and he stated at that time that he was representing a friend that was in the book business.

(Roll called.)

Mr. BRUCE (Cook). (On roll call.) Mr. Speaker and gentlemen of the House, I desire to take about one minute of the time of this House. This is the last bill that labor is interested in in this General Assembly. Either the House or the Senate up to date has succeeded in killing every other measure, and this one is past being murdered. This bill, when it left the House, granted a remedy to at least 20,000 miners in the State of Illinois. The text book trust succeeded in striking out the entire bill after the enacting clause and substituting their bill. Let's wind up this Forty-ninth General Assembly consistently. Let's refuse any consideration to labor by killing this bill. I vote "no."

(Roll call continued.)

Mr. FOSTER (Schuyler). (On roll call.) Mr. Speaker, I rise to a question of personal privilege simply to say this gentlemen; that statement has been made here that the school book trust succeeded in striking out the original bill. I want to state that four years ago I introduced a bill in the House very similar to this bill. Two years ago I supported a bill very similar to this bill and did what I could for it. I have always been a member of the Education Committee up to this time and I have always stood for something along this line. My interest in this matter is purely in getting some legislation along these lines. I vote "aye."

(Roll call concluded.)

THE SPEAKER. On this question the "yeas" are 10 and the "nays" 56; the House refuses to concur in the Senate amendment, and the question now is on the motion of the gentleman from Iroquois (Meents) to non-concur in the Senate amendments.

Motion prevailed, and the House refused to concur.

Mr. DAHLBERG (Cook). I desire to call up Senate Bill 57 on the order of third reading.

This bill provides that in tort cases no person shall be imprisoned on a judgment, except for fraud or refusal to deliver up his property for the benefit of his creditors, nor shall any such execution issue in any proceeding heretofore or thereafter pending where the defendant has once been held to answer and shall have been fined or imprisoned for the commission of such tort. It is a good bill and I think it should pass.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 48 and the "nays" 4; the bill having failed to receive a constitutional majority, is declared lost.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill 551 on the order of third reading.

This is a bill appropriating \$125,000 to complete the Second Regiment Armory in the city of Chicago.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" 1; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I desire to call up Senate Bill 515 on the order of third reading.

This is a bill appropriating \$75,000 for the erection of an armory at Kankakee, Illinois.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 84 and the "nays" 3; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SMEJKAL (Cook). I move that the House adopt the report of the Conference Committee on the State Normal Bill. This report add some \$350,000 to the original bill. It is all for buildings and divides as follows: It adds \$10,000 to the appropriation for the DeKalb School, \$5,000 per annum. It adds \$135,000 for the Carbondale Normal for a gymnasium and assembly hall. It adds the sum of \$95,000 for a dormitory at the State Normal at Normal, Illinois. It readjusts some salaries at Macomb, leaving the salaries as they are at the present time. It adds \$7,000 for repairs and additional boilers at Charleston. In all it raises the appropriation about as stated and the recapitulation now reads:

Northern Illinois State Normal School at DeKalb.....	\$303,000 00
Southern Illinois State Normal University at Carbondale.....	438,590 00
State Normal University at Normal.....	504,085 12
Western Illinois State Normal School at Macomb.....	323,834 00
Eastern Illinois State Normal School at Charleston.....	274,960 00

Grand total\$1,844,469 12

(Roll called.)

THE SPEAKER. On this question the "ayes" are 90 and the "nays" none; and the House adopts the report of the Conference Committee.

Mr. DAVIS (Knox). I desire to call up Senate Bill No. 196 on the order of third reading.

This is a bill that corrects the law with reference to fence viewers in towns with the one commissioner plan of government and provides a board for that work.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 83 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. GROVES (Menard). I desire to call up Senate Bill No. 261 on the order of third reading.

This is a bill with reference to justices of the peace. At the present time a justice simply turns his docket into the county clerk and no one else can do anything with that docket until his successor is elected and qualified. This bill gives the county clerk authority to allow someone else to take care of his docket.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 79 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. PACE (McDonough). I desire to call up Senate Bill No. 339 on the order of third reading.

Mr. Speaker and gentlemen, this bill simply provides that the road commissioners out in the townships may purchase or lease ground to build tool houses and adds one section that pertains especially to the city of Monmouth

in which there is a cemetery located just outside the city and they desire to widen the street because it is dangerous at that particular point.

(Roll called.)

THE SPEAKER. On this question the "ayes" are 78 and the "nays" none; the bill having received a constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. ELLIS (Kane). I desire to call up Senate Bill No. 317 on the order of third reading.

This is an economy measure, an amendment to the sanitary part of the Pure Food Law. It provides that in all proceedings brought under this Act, it shall not be necessary to allege in the pleadings that a hearing was had before the Commissioner of Pure Food, merely showing that notice of hearing was sent by registered mail together with a copy of such notice of hearing shall suffice, and the receipt of the postoffice department for such registered notice shall be received as evidence that such notice of hearing was given. It also provides for the form of certificate which shall be used in making such allegation.

This bill is in the interest of economy and will save the State of Illinois a considerable sum of money.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 40 and the "nays" 8; the bill having failed to receive a constitutional majority, is declared lost.

Mr. FLAGG (Madison). I desire to call up Senate Bill No. 299 on the order of third reading.

This is Senator Bardill's bill. It was passed in the Senate without opposition and it permits insurance corporations, companies and associations to deposit with the Insurance Superintendents, in addition to any deposits now authorized or required to be made, securities of such character as are lawful investments of the corporation, not less, however, than the aggregate amount of \$25,000.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 80 and the "nays" are none. The bill having received the constitutional majority, is declared passed, and the clerk will report the title of the bill.

Mr. SCANLAN (LaSalle). Mr. Speaker, I desire to call up Senate Bill No. 221 on the order of third reading.

This gives power to the boards of school directors to grant the use of assembly halls and class rooms when not otherwise needed, including light, heat and attendants, for public lectures, concerts and other educational and social interests, but under such provisions and control as they may see fit to impose; to conduct, or provide for the conducting of recreational, social and civic activities in the school buildings under their control, to establish kindergartens and to pay the necessary expenses out of the school funds of their respective cities, towns or districts.

(Roll called.)

THE SPEAKER. On this question the "yeas" are 77 and the "nays" are none. The bill having received the necessary constitutional majority, it is declared passed and the clerk will report the title of the bill.

Mr. YOUNG (Cook). I move that all resolutions and bills now on the calendar be tabled.

THE SPEAKER. Before putting the motion, I desire to say that every bill has been called, every bill that has been requested has been called and acted upon, with the exception of Senate Bills 447 and 448. Mr. Rentchler and Mr. Young inform me that there was a considerable opposition to their bills and that they would not call them up.

Mr. SHURTLEFF (McHenry). I would suggest that Mr. Young's motion might be amended, with his consent, to exclude any bill or resolution that is in conference at the present time.

(Motion prevailed.)

Mr. BOYER (Cook). I offer the following resolution from the Committee on Contingent Expenses and move its adoption.

I would say for the information of the House that the committee has been importuned by a great many of the employees, and we have tried to sift out those that we feel should be paid. I do not think that there is any-

body included in this resolution—if anyone will pick out some individual, but what we can show and prove that they performed the services which we are asking that they be paid for.

Mr. PACE (McDonough). I would like to ask if the assistant door-keepers are on the statement.

THE SPEAKER. They are not on the statement; they are taken care of by statute.

If any member desires a roll call on the adoption of this resolution, it will be called.

VOICES. No.

(Resolution adopted.)

Mr. SCANLAN (LaSalle). I offer the following resolution and offer its adoption:

HOUSE RESOLUTION No. 104.

Resolved, That a committee of three members be appointed by the Speaker to wait upon his Excellency, Hon. Edward F. Dunne, the Governor, and inform him that the House is ready to receive from him any communication that he may desire to make before its final adjournment.

(Resolution adopted.)

Mr. BROWN (Cook). I offer the following resolution and offer its adoption:

HOUSE RESOLUTION No. 107.

Resolved, That the Enrolling and Engrossing Clerk, Charles W. Baldwin, be and he is hereby allowed twenty days pay after the close of the session, at the per diem allowed by law, for the purpose of closing up the business in his office and turning over to the Secretary of State all books, records and papers in that department.

(Resolution adopted.)

Mr. GREGORY (Moultrie). I offer the following resolution and offer its adoption:

HOUSE RESOLUTION No. 109.

WHEREAS, The Hon. William C. Hubbard, of Piatt County, Illinois, a member of the Thirty-ninth General Assembly, departed this life on the 10th day of March, 1912; and,

WHEREAS, The said William C. Hubbard was a worthy and honorable Representative of the people of the State of Illinois, a man whose energies as a member of the House and as a private citizen were devoted toward improving the condition under which his fellow workers toiled; a man whose vote as a legislator was always cast in favor of measures for the benefit of the whole people of the State of Illinois; a man whose Christian life brought sunshine to the lives of his friends; a man whose integrity and honesty were never questioned, and a man whose conduct as a member of the House earned for him the respect of every member thereof, and every person of his acquaintance; therefore, be it

Resolved, That in the death of Hon. William C. Hubbard the State of Illinois has lost one who, as a member of this House was an honest and patriotic legislator for the people of his district, an able and energetic Representative, and his immediate constituency a lifelong friend; his family a kind, loving husband and father; and the community in which he resided a distinguished and honorable citizen; and, be it further

Resolved, That this preamble and resolution be spread upon the Journal; that a suitable engrossed copy thereof be forwarded by the clerk to the family of the deceased.

(Resolution adopted.)

Mr. SCANLAN (LaSalle). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 106.

Resolved, That the Clerk of the House, B. H. McCann, and his First Assistan Clerk, E. M. Gullick, and his stenographers, Roy E. Vaughan and

J. H. Bassett, be, and they are hereby allowed twenty days pay, under the statute, at the per diem allowed by law, for the purpose of closing up the work of the session and turning over to the Secretary of State the Journals, books, papers and records in the clerk's office.

(Resolution adopted.)

Mr. SHURTLEFF (McHenry). I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 105.

Resolved, That a committee of seven be appointed by the Speaker, to approve the last day's Journal, after the adjournment of the House.

(Resolution adopted.)

A message from the Senate advising the House of Representatives that the Senate had adopted the following joint resolution, and asking concurrence of the House, to wit:

SENATE JOINT RESOLUTION No. 41.

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That when the two Houses adjourn on Saturday, June 19, 1915, a recess be taken until 12:00 o'clock noon on Wednesday, June 30, 1915, for the purpose of considering only messages from the Governor on bills passed by the General Assembly, and that when the General Assembly adjourn on June 30, 1915, it stand adjourned *sine die*.

Further resolved, That on June 18, 1915, all bills on the order of first or second reading on the calendars of either House or in committees lie on the table.

Mr. SMEJKAL (Cook). I move the adoption of the resolution.

THE SPEAKER. I again want to thank you all for your extreme kindness and courtesy and your aid during this session of the General Assembly. In going to your homes I wish you success and Godspeed. A few may come here on the 30th and I hope to see as many as possible.

(Resolution adopted.)

THE SPEAKER. The House will now take a recess until Wednesday, June 30, 1915, at 12:00 o'clock noon.

Whereupon the House adjourned.

WEDNESDAY, JUNE 30, 1915.

12:00 o'Clock M.

House met, pursuant to adjournment.

The Speaker in the chair.

Prayer by the Rev. William H. Nicholas.

The Journal of the previous day being read. Upon motion of Mr. Scanlan (LaSalle), the House dispensed with the further reading of the Journal and ordered it to stand approved.

THE SPEAKER. The chair appoints as committee to wait upon the Governor Messrs. Wilson (Adams), Gregory and Santry. The House will be at ease until the committee reports from the Governor.

Whereupon, the House proceeded upon the order of reports from standing committees and messages from the Governor, all without debate.

Mr. DUDGEON (Grundy). Mr. Speaker, I offer the following resolution and move its adoption:

HOUSE RESOLUTION No. 110.

Resolved, That the clerk of the House inform the Senate that the House is ready to adjourn as soon as all bills are enrolled and laid before the Governor, and to inquire if the Senate had anything further to communicate to the House.

(Resolution adopted.)

THE SPEAKER. The Senate has reported that it is now ready to adjourn.

Mr. SMEJKAL (Cook). Mr. Speaker, I move that the House do now adjourn *sine die*.

The motion prevailed, and the House adjourned *sine die*.

INDEX.

	PAGE.
ABANDONMENT:	
wife or child (H. B. 35)	
Browne.....	181
Curran.....	181
Gardner.....	181, 183, 184
ABRAHAMS, EMANUEL P.:	
memorial for (H. R. 55)	
Epstein.....	158
ACCOUNTING:	
State board, created	
Burres (H. B. 565).....	1034, 1035
Hamlin (H. B. 565).....	1034
Lyle (H. B. 565).....	1034, 1035
Scholes (H. B. 565).....	1035
Shepard (H. B. 565).....	1034
Vickers (H. B. 565).....	1034
ADJOURNMENT <i>Sine Die</i> (S. J. R. 41):	
Smejkal.....	1279
ADKINS, CHARLES P.:	
constitutional convention.....	198, 200
ADOPTION:	
children	
Burns (H. B. 152).....	1224
ADVERTISING:	
exchange for transportation (S. B. 109)	
Atwood.....	864, 870
Bippus.....	872
Browne.....	868, 870, 872
Butler.....	871
Curran.....	865, 870
Hubbard.....	871, 872
Huston.....	872
Igoe.....	873
Kane.....	873
Kessinger.....	867, 870, 873
Merritt.....	874
Rothschild.....	864, 869, 872
Shurtleff.....	874
fraudulent (H. B. 186).....	524
Mulcahy (H. B. 186).....	721
Lyle (H. B. 186).....	721
AGRICULTURE:	
advisers (H. B. 26)	
Smejkal.....	398
extension	
Burres (H. J. R. 3).....	118
fairs (H. B. 605)	
Dudgeon.....	1023
O'Rourke.....	1023
Smejkal.....	687, 1022
Governor's message.....	85, 128
State board, appropriation (H. B. 935).....	825
ALDERMEN:	
compensation	
Scanlan (S. B. 467).....	1208, 1248
"ALLEN BILL:"	
Browne.....	893
Wilson, G. H.....	736
ALLEN, H. C.:	
relief for	
Smejkal (H. B. 514).....	841

	PAGE.
ALLING, CHARLES:	
relief for (H. B. 558)	
Smejkal.....	840
ALTGELD, J. P.:	
monument (H. B. 964).....	933
ANIMALS:	
diseases, contagious	
Lantz (H. B. 867).....	926
ANDERSON, LOUIS B.:	
relief (H. B. 493)	
Smejkal.....	841
APPROPRIATIONS:	
agricultural societies (H. B. 935).....	1095
Altgeld, J. P., monument (H. B. 694).....	933
armory, Aurora, etc. (H. B. 641).....	506, 1050
armory, Chicago (S. B. 551).....	1083, 1276
armory, Chicago (H. B. 570).....	436
armory, Kankakee (S. B. 515).....	1276
armory, Monmouth (H. B. 745).....	593
armory, Monmouth (H. B. 841).....	662
armory, National Guard (H. B. 626).....	442, 505
armory, Naval Reserve (H. B. 626).....	442, 505
armory, Peoria (H. B. 653).....	595, 839
armory, sale of site (H. B. 211).....	525
armory, sale of site (H. B. 626).....	505
Auditor, State (H. B. 209).....	308, 309, 311
Barnes, VanRoy, relief (H. B. 14).....	1109
Beekeepers' Association (H. B. 935).....	825
charitable institutions (H. B. 929).....	662, 1024, 1025
courts of claims (H. B. 536).....	397
Dairymen's Association (H. B. 935).....	825
deficiency	
Igoe.....	311
Huston.....	223, 224
election committee (H. B. 989).....	1081, 1082, 1100
employment agencies, inspector (H. B. 541).....	1089, 1109
fairs, county (H. B. 605).....	595, 1022
Farmers' Institutes' (S. B. 248).....	1049
Firemen's Association (H. B. 165).....	305
foot and mouth disease (H. B. 415).....	184
foot and mouth disease (H. B. 885).....	524, 555, 1025
foot and mouth disease (H. B. 979).....	973, 1082
foot and mouth disease (H. B. 980).....	973, 1025
General Assembly, elections committee (H. B. 989).....	1081, 1082, 1100
General Assembly (S. B. 438).....	1051, 1076
General Assembly (H. B. 882).....	902
Grey, Nathan E. (H. B. 398).....	1083
Gupy, Theresa (H. B. 554).....	937, 1083
Henke, Henry (H. B. 116).....	1090, 1091
Highway, Dixie (S. B. 506).....	1083
horticultural societies (H. B. 265).....	181
horticultural societies (H. B. 935).....	825
Industrial Board (H. B. 208).....	207
Industrial Board (H. B. 209).....	312
Ingham, Alice (H. B. 241).....	397
Jasper, Sadie (H. B. 648).....	1078, 1099
Jones, W. O., relief (H. B. 85).....	1083
Jorgensen, B. C. (H. B. 907).....	981
Legislative Reference Bureau (H. B. 574).....	397
levees (S. B. 364).....	934
Live Stock Breeders' Association (H. B. 935).....	825
Live Stock Commission (S. B. 464).....	942
Miners' Commission (H. B. 855).....	1083
monument, Kenesaw mountain (H. B. 365).....	442, 507

	PAGE.		PAGE.
APPROPRIATIONS—Concluded.		ATCHISON, O. T.:	
National Guard and Naval Reserve (H. B. 663).....	442, 505	memorial for	
negro centenary (H. B. 132).....	1082	Gregory (H. R. 92).....	825
normal schools (H. B. 948).....	1023	ATHLETICS—COMMISSION:	
"Omnibus Bill" (H. B. 975).....	892, 929, 1255, 1256	Gorman (H. B. 820).....	574, 575
penitentiary, southern (H. B. 586).....	506	Lyle (H. B. 820).....	575, 576
Pension Legislation Commission (S. B. 271).....	1134	Wood (H. B. 820).....	574, 575
Public Utility Commission (S. B. 159).....	940, 941	ATWOOD:	
Public Utility Commission (H. B. 480).....	210, 222	advertising (S. B. 109).....	864, 870
reformatory, State (S. B. 164).....	1192	liquor petitions.....	475
roads, State aid (H. B. 824).....	939	member of committees on—	
roads, State aid (H. B. 836).....	1050	appropriations.....	130
roads, State aid (H. B. 938).....	931, 932, 939, 940, 1050	judicial apportionment.....	131
Schaefer, Dorothea, relief (H. B. 344).....	1079, 1109	military affairs.....	131
school fund (H. B. 988).....	1023	roads and bridges.....	131
State fair, laborers (S. B. 495).....	1214	to visit penal institutions.....	132
Statehouse, elevators (H. B. 693).....	506	mine operators (H. B. 109).....	593
Statehouse, elevators (H. B. 912).....	1022	newspaper advertising for transportation	
Statehouse, repair of committee rooms (H. B. 912).....	687	(S. B. 109).....	864
Stilly, Bertha, relief (H. B. 647).....	981	schools (H. B. 4).....	181, 212
Supreme Court, clerk (H. B. 730).....	397	(H. B. 45).....	264, 1092
Taylor, L. E., relief (H. B. 359).....	1091	(H. B. 48).....	319
Unemployment committee (S. B. 154).....	1083	(H. B. 166).....	264
University of Illinois (H. B. 720).....	1077	(H. B. 284).....	251
University of Illinois (H. B. 963).....	939	(H. B. 357).....	1057, 1060, 1161
University of Illinois, committee to visit		AUCTIONEERS:	
(H. J. R. 25).....	834	State board (H. B. 218).....	
Voris, William, relief (H. B. 248).....	980	Donahue.....	322
waterway, interest on, bonds (H. B. 973).....	935, 937, 939	Gorman.....	378
		Hubbard.....	322, 378
		Tice.....	322
		Wilson, Harry.....	378
ARMORIES:		AUDITOR OF PUBLIC ACCOUNTS:	
Aurora.....		Smejkal (H. B. 340).....	280
Smejkal (H. B. 641).....	506	Governor's message.....	85
Kankakee.....		appropriation.....	
Smejkal (S. B. 515).....	1276	Browne (H. B. 209).....	310
Monmouth (H. B. 745) (H. B. 841).....	593, 662	Donahue (H. B. 209).....	307
National Guard and Naval Reserve.....		Frankhouser.....	311
Smejkal (H. B. 626).....	505	Gorman.....	311
Peoria (H. B. 653).....		Graham, W. J. (H. B. 209).....	305, 306
Smejkal.....	839	Holaday.....	309
sale of site (H. B. 211) (H. B. 626).....	505, 525	Igoe (H. B. 209).....	309, 310, 311
Brinkman, (H. B. 211).....	858, 859	Lyle (H. B. 209).....	309, 312
Browne.....	860	O'Rourke (H. B. 209).....	306
Bruce.....	858	Pierson (H. B. 209).....	312
Donlan (H. B. 211).....	859	Provine (H. B. 209).....	307, 309, 310, 314
Holaday (H. B. 211).....	859, 860	Purdunn (H. B. 209).....	314
McGloom (H. B. 211).....	850	Shurtleff (H. B. 209).....	312
O'Rourke (H. B. 211).....	858	Smejkal (H. B. 209).....	305, 307, 314
Provine (H. B. 211).....	858	Williamson (H. B. 209).....	307
Purdunn (H. B. 211).....	858	BALDWIN, CHARLES W.:	
Santry, H. B. 211).....	858	enrolling and engrossing clerk	
Schuberth (H. B. 211).....	859	Scanlan (H. R. 26).....	115
Ryan, F. J. (H. B. 211).....	858	BANKS AND BANKING:	
ART COMMISSION:		associations (H. B. 127).....	
Brown (S. B. 131).....	1163, 1164	Burns.....	771
Devine (S. B. 131).....	1163	private, examination (H. B. 202).....	
Purdunn (S. B. 131).....	1164	Burres.....	976, 978
Shurtleff (S. B. 131).....	1163, 1164	Curran.....	979
Smejkal (S. B. 131).....	1163	Donahue.....	980
Wilson, G. H. (S. B. 131).....	1163, 1234	Flagg.....	980
ASSISTANT ENROLLING AND EN-		Groves.....	978, 979, 980
GROSSING CLERKS:		Lyle.....	978, 979
Foster (H. R. 60).....	186	Purdunn.....	980
Hubbard (H. R. 60).....	186	Roderick.....	1127
Mitchell (H. R. 60).....	186	Shephard.....	975, 976, 980
Perkins (H. R. 60).....	186	O'Rourke.....	975, 976, 978
Turnbaugh (H. R. 60).....	186	Thon.....	975, 976, 979, 980
ASSESSMENT, LIFE ASSOCIATION		organization.....	
BILL:		Perkins (H. B. 352).....	1133
Scanlon (H. B. 718).....	1048	BARASA, BERNARD P.:	
ASSESSMENT OF PROPERTY (H. B.		capital punishment (H. B. 58) (H. B. 67)	
397):		(H. B. 68).....	374, 375
Browne.....	855	BARKER:	
Shurtleff.....	507, 855, 856	judges, circuit court (H. B. 474).....	463
ASSESSORS:			
Hicks (S. B. 7).....	1207		

	PAGE.
BARKER—Concluded.	
member of committees on—	
agriculture.....	130
judicial apportionment.....	130
military affairs.....	131
roads and bridges.....	131
to visit educational institutions.....	132
public utilities (H. B. 899).....	1006
roads and bridges H. B. 601).....	967
Speaker, temporary vote for.....	46
BARNES, VAN ROY:	
relief for	
Smejkal (H. B. 14).....	832
BASEL:	
constitutional convention (S. J. R. 3).....	237
home rule (H. B. 844).....	131, 752, 753
insurance, fraternal (H. B. 105).....	550
member of committees on—	
charities and corrections.....	130
license and miscellany.....	131
roads and bridges.....	131
senatorial apportionment.....	132
public utilities (H. B. 899).....	752, 903, 948
reformatory, Illinois State (S. B. 164).....	1247
Speaker, temporary vote for.....	24
submerged lands, transfer to park commis-	
sion (H. B. 781).....	684
tax collections (H. B. 319).....	381
teachers pensions (S. B. 135).....	554
BASTARDY:	
Devine (H. B. 164).....	924
BATHING BEACHES:	
Rothschild (S. B. 326).....	1229
BECK, ROBERT J.:	
memorial for	
Vickers, (H. R. 76).....	290
BEEKEEPERS' ASSOCIATION, STATE:	
Smejkal (H. B. 935).....	825
BENSON:	
liquor petitions.....	475
member of committees on—	
agriculture.....	130
education.....	130
farm drainage.....	131
roads and bridges.....	131
BENTLEY:	
member of committees on—	
appropriations.....	130
elections.....	131
roads and bridges.....	132
senatorial apportionment.....	132
roads and bridges (H. B. 601).....	625, 626, 630, 966
Speaker, temporary vote for.....	48
BIPPUS:	
advertising (S. B. 109).....	872
collection agencies (H. B. 124).....	586, 934
fees (S. B. 78).....	1267
fireman's pension fund (H. B. 118).....	349, 350, 351
insurance, fire (H. B. 940).....	561
insurance (H. B. 949).....	989
member of committees on—	
industrial affairs.....	131
insurance.....	131
license and miscellany.....	131
municipalities.....	131
newspaper advertising for transportation	
(S. B. 109).....	872
Speaker, temporary vote for.....	50
womens' nine-hour law (H. B. 207).....	543, 544, 546, 787
BLIND:	
begging or soliciting (S. B. 239)	
Lyon.....	1199
prevention of	
Burres (H. B. 582).....	760
Hennebry (H. B. 582).....	760

	PAGE.
BLIND—Concluded.	
prevention of—concluded.	
Holaday (H. B. 582).....	761
Ryan (H. B. 582).....	760
Thon (H. B. 582).....	759
support of (H. B. 38)	
Brinkman.....	812
Browne, Lee O'Neil.....	812, 813, 815, 816
Cooper.....	812, 814
DeYoung.....	809, 929
Gorman.....	809, 813, 814, 927, 929
Holaday.....	813
Igoe.....	814
O'Rourke.....	812
Scanlan.....	815
Shurtleff.....	814, 815
Smejkal.....	814, 815
Thomason.....	810, 927, 929
Vursell.....	812
Watson.....	814, 815, 927, 928, 929
Wilson, R. E.....	814
BOARDMAN, GEORGE B.:	
election contests.....	6
BONDS:	
Hicks (H. B. 45).....	1092
municipal recording (H. B. 600)	
Fahy.....	1091
real estate (H. B. 698)	
Browne, Lee O'Neil.....	1089, 1090
Cooper.....	1090
Davis.....	1088
Graham.....	1089
Holaday.....	1089
Hubbard.....	1089
Jacobson.....	1088, 1090
Kane.....	1088
BOXING:	
Athletic Commission (S. B. 15) (H. B. 820)	
Browne.....	737, 740, 1204
Bruce.....	742
Burres.....	740
Butler.....	722, 723, 725, 728, 729
Buxton.....	741
Epstein.....	723, 1203, 1205
Frankhauser.....	726
Garesche.....	1203
Gorman.....	722, 726, 737
Graham, W. J.....	734, 1205
Hubbard.....	725
Igoe.....	725, 1204, 1208
Jackson.....	1205, 1206
Kessinger.....	726
Lipshulch.....	741, 1206
Lyle.....	1203
Maucker.....	737
McGlooin.....	1206
Murphy.....	1206
Perkins.....	726, 727, 729
Rothschild.....	725
Santry.....	723, 729, 730, 734, 740, 742
Turnbaugh.....	726
Tuttle.....	726
Wilson, G. H.....	1203, 1204
BOYD:	
engineers, structural (H. B. 563).....	1069
liquor petitions.....	475
member of committees on—	
appropriations.....	130
industrial affairs.....	131
revenue.....	131
temperance.....	132
Speaker, temporary vote for.....	45
tax collection (H. B. 319).....	379, 380, 381
BOYD, GEORGE M.:	
memorial for	
Brown, W. M. (H. R. 10).....	49
BOYER:	
chairman, committee on contingent ex-	
penses.....	130, 291, 323
General Assembly employees (H. R. 39)	
.....	149, 152, 155, 156

	PAGE.
BOYER—Concluded.	
Carpenter, Sadie (H. R. 75).....	323, 324
member of committees on—	
appropriations.....	130
license and miscellany.....	131
senatorial apportionment.....	132
waterways.....	132
mileage, members of General Assembly (H. J. R. 20).....	504
mileage, members of General Assembly (S. B. 459).....	839
police pension fund (H. B. 320).....	558
public utilities (S. B. 108).....	1032, 1188
public utilities (S. B. 347).....	1188
saccharine, food adulteration and misbranding (H. B. 663).....	801, 802, 803
Speaker, temporary vote for.....	55
BREWER:	
libraries in counties (H. B. 366).....	852
liquor petitions.....	475
member of committees on—	
agriculture.....	130
education.....	130
farm drainage.....	131
military affairs.....	131
temperance.....	132
schools (S. B. 337).....	1263
BRIDGES:	
<i>See</i> "Roads and Bridges."	
BRINKMAN:	
armories, sale of site (H. B. 211).....	858, 859
blind, support of (H. B. 38).....	812, 814
county boards, maps and plats (S. B. 309).....	1201, 1202
fifty-car bill (H. B. 239).....	851, 1012, 1013
injunction and abatement bill (S. B. 362).....	883
local improvements (H. B. 677).....	674
member of committees on—	
elections.....	131
industrial affairs.....	131
public utilities and transportation.....	131
senatorial apportionment.....	132
prostitution (S. B. 362).....	1188
Speaker, temporary vote for.....	37
supplies (H. R. 29).....	116
woman's nine-hour law (H. B. 207).....	787
BROKERS:	
license (H. B. 297).....	
Hicks.....	1132
BROWN, JOHN:	
relief for (H. B. 103).....	
Smejkal.....	842
BROWNE, LEE O'NEIL:	
advertising (S. B. 109).....	868, 872, 877
Allen bill.....	893
art commission (S. B. 131).....	1163, 1164
actions in equity (H. B. 624).....	384
armories (H. B. 211).....	860
assessment of property (H. B. 397).....	855, 856
Auditor of Public Accounts (H. B. 209).....	310
blind, support of (H. B. 38).....	812, 813
bonds (H. B. 698).....	1089, 1090
Bruce, Hannah (S. B. 425).....	1215, 1216
boxing (H. B. 820).....	737, 740
boxing (S. B. 15).....	1204
bulk sales law (H. B. 72, 73).....	257, 261, 262, 281
casualty companies (H. B. 667).....	770
Chicago Bar Association.....	673
child labor (H. B. 104).....	529, 530, 533, 720, 721
cities and villages (H. B. 168).....	1056
cities and villages (H. B. 876).....	1076
cities and villages (H. B. 786).....	1105, 1106
chancery jurisdiction of county courts (H. B. 290).....	849, 850
chief examiner of steam and stationary engineers (H. B. 322).....	224
circuit court judges of Cook County (H. B. 176).....	165, 166
civil service (H. B. 716).....	448, 449, 451, 453
civil service (H. B. 157).....	762, 763, 764

	PAGE.
BROWNE, LEE O'NEIL—Continued.	
civil service (H. B. 301).....	1031, 1098
collection agencies (H. B. 124).....	586, 934
commission form of government (H. B. 167).....	337, 338
commission form of government (H. B. 900).....	1093
committee appointment to wait on chief justice (H. R. 1).....	3
committee to conduct temporary Speaker to chair (H. R. 12).....	65
committee membership newspaper criticism.....	134, 137
constitutional convention (S. J. R. 3).....	205, 232, 237, 242, 247, 250
constitutional convention (S. J. R. 21).....	670, 672, 673
constitution amendment of (H. J. R. 7).....	501
corporations (H. B. 268).....	1055
counties, maps and plats (S. B. 309).....	1201, 1202
counties, vacancies filled (S. B. 223).....	1165
county collectors (H. B. 319).....	354
county treasurer, Cook county (S. B. 184).....	972, 1198
courts, circuit judges, compensation (H. B. 994).....	1146, 1147
courts to Cook County circuit judges (H. B. 178).....	165, 166
courts, county jurisdiction (H. B. 290).....	849, 850
criminal code (H. B. 148).....	1111, 1112
criminal jurisprudence (H. B. 424).....	218
debate, limit (H. R. 96).....	1021, 1022
dogs (H. B. 395).....	1132
drainage (S. B. 272) (H. B. 550).....	354, 355, 381, 382, 1168, 1169
elections (H. B. 13).....	287
elections (H. B. 54).....	289
election commission (H. B. 524).....	584
embezzlement (H. B. 148).....	1111, 1112
engineers (H. B. 563).....	957, 958, 959,
961, 963, 964, 965, 966, 1018, 1019, 1021, 1069, 1070	
engineers, steam and stationary (H. B. 322).....	224
engineers (H. B. 406).....	1039
equity, action of (H. B. 624).....	384, 390, 391, 394, 396
equity bill (S. B. 526).....	1173, 1174
expert testimony in insanity cases (H. B. 161).....	689
feeble-minded (H. B. 655).....	593
fees (S. B. 78).....	1267
fifty car limit (H. B. 239).....	599, 603, 609, 851, 1013, 1100, 1103
firearms (S. B. 10).....	1221
firemen's pension fund (H. B. 118).....	350
fire insurance bill (H. B. 667).....	769
food adulteration bill (H. B. 663).....	798, 799, 809, 1211
foot and mouth disease (H. B. 562).....	18, 265, 266,
282, 283, 284, 295, 296, 298, 324, 326, 327, 329, 330, 331	
foot and mouth disease (S. B. 415).....	184, 212, 215, 347, 348
foot and mouth disease (H. B. 885).....	555, 1249
fraud (H. B. 199).....	262, 263, 335
free schools (H. B. 204).....	220, 221
General Assembly employees (H. R. 39).....	150, 152, 153, 155
General Assembly employees (H. R. 60, 70).....	291, 292
General Assembly employees (H. B. 372).....	319, 320, 321
General Assembly employees (H. R. 75).....	324
grain (H. B. 333).....	1067
handwriting (H. B. 501).....	469, 471, 472
Hawkins, Jesse (H. R. 40).....	291
high school districts (S. B. 107).....	1208
home rule bill (H. B. 899).....	749, 751, 752, 753, 754, 757, 758, 896
horticultural society (H. B. 265).....	181
insurance, fire (H. B. 667).....	769
inheritance (S. B. 38).....	1032
injunction and abatement bill (S. B. 362).....	875, 877, 883, 884
jitney busses.....	869, 904
judges, Cook County (H. B. 54).....	634
judges, Cook County (H. B. 957).....	1087, 1088, 1139
judicial circuits (H. B. 474).....	398, 456, 457, 458, 459

	PAGE.
BROWNE, LEE O'NEIL—Continued.	
judges of courts of record (S. B. 426)	1262
labor agreements (H. B. 195)	815, 816, 820, 821, 822, 823, 824, 1043
land owners (H. B. 147)	211
larceny (H. B. 620)	1066, 1067
legislative salary increase (H. B. 386)	862
legislative voters league	877
levy and extension of taxes (H. B. 687)	445
libraries (H. B. 175)	255
libraries (H. B. 366)	852
license (H. B. 356)	437
limitation (H. B. 695)	356
local improvements (H. B. 246)	322
local improvements (S. B. 137)	1234
lobbying (H. B. 358)	178
loving cup speech on presentation	1242, 1243
marriage (H. B. 47)	266
member of committees on—	
elections	131
judiciary	131
judicial apportionment	131
judicial department and practice	131
public utilities and transportation	131
roads and bridges	131
rules	132
waterway	132
mileage (H. B. 37)	177, 184, 212, 213
Morgan park (H. B. 472)	509
mortgages (H. B. 471)	225, 255, 256, 257
motor vehicles (S. B. 380)	1182
moving pictures (S. B. 382)	1162
newspapers	134, 137
non-support (H. B. 35)	181, 183, 184
one day rest in seven bill (H. B. 832)	772, 775, 776, 778, 780, 783
optometry (H. B. 9)	837, 838
parks (H. B. 417)	221, 222, 598
parks (H. B. 776)	1084
parks (S. B. 327)	1163, 1171, 1172
park commissioners may convey lands (H. B. 676)	678
parliamentary practice	171, 172, 173, 179, 204, 206, 218, 221, 259, 305
parole (S. B. 179)	1187
pension commission (S. J. R. 17)	346
pensions (S. B. 195)	1231
pleading and practice appeal (H. B. 462)	1044
pleading and procedure assignments (S. B. 72)	971
practice in courts of record (H. B. 625)	402, 408, 412, 416, 421, 423, 427, 429, 434
prostitution (H. B. 164)	587, 588, 589, 590, 611, 916, 920, 924
prostitution (S. B. 362)	1189
public utilities (H. B. 480)	222, 279, 300, 302, 303
public utilities (H. B. 575)	627, 628
public utilities (H. B. 899)	911, 914
public utilities (S. B. 159)	941
public utilities (S. B. 447)	1173
public utilities (S. B. 108)	1188
public utilities (S. B. 435)	1268
real estate (H. B. 268)	893, 895, 984
reformatories (S. B. 164)	1192, 1194, 1195, 1196
roads and bridges (H. B. 575)	517, 518, 519, 520, 521
roads and bridges (H. B. 838)	932
rogues gallery (H. B. 492)	1095
rules (H. R. 21)	72, 73, 96, 111
salaries of circuit court judges of Cook County (H. B. 994)	1258, 1261
schools (H. B. 48)	319
schools (H. B. 204)	251, 252
schools (H. B. 394)	318, 319
schools (H. B. 559)	263
schools (S. B. 182)	1226
schools (S. B. 337)	1264
schools (S. B. 384)	973
secretaries of the Supreme Court Judges, salaries (H. B. 764)	1151
serum, hog (H. B. 894)	1271, 1272
Speaker, temporary vote for	4, 7, 9, 11, 13, 15, 16, 19, 23, 26, 27, 29, 30, 32, 34, 37, 39, 40, 43, 46, 48, 50, 51, 55, 55
State institutions (H. R. 77)	315
submerged lands (H. B. 781)	677, 678, 681, 682

	PAGE.
BROWNE, LEE O'NEIL—Concluded.	
submerged lands (H. B. 676)	678
tax collections (H. B. 319)	354, 378, 379
teachers' pensions (S. B. 135)	552, 554
teachers' pensions (H. B. 947)	1036, 1037, 1042
title (H. B. 88)	271
township organization act (S. B. 198)	875
transportation (S. B. 109)	1232, 1233
trust companies (H. B. 538)	1130
vacancy (S. B. 223)	1165
vital statistics (S. B. 213)	1157, 1158
watchmen (H. B. 993)	1114, 1115, 1116, 1117, 1120
waterway (H. B. 914)	243, 648, 649, 650, 651, 653, 654, 655, 656, 657, 658, 659, 661, 662, 694, 695, 697, 700, 712
wills (S. B. 338)	1265
woman's nine-hour law (H. B. 207)	787, 788, 789, 790
workmen's compensation (S. B. 66)	1159
BROWN, W. M.:	
Boyd, G. W., memorial (H. R. 10)	49
C. & A. accident (H. R. 94)	973
car limit (H. B. 239)	1013, 1100, 1103
centennial building commission (S. B. 345)	1209
Chicago hospital (H. R. 77)	313
committee to visit State institutions (H. R. 77)	315
constitutional amendment (H. J. R. 8)	140
counties, vacancies (S. B. 223)	1165
funds (S. B. 25)	1220
General Assembly employees (H. R. 107)	1278
license (H. B. 356)	437
liquor traffic (H. B. 321)	486
member of committees on—	
appropriations	130
banks, banking and building and loan associations	130
civil service	130
congressional apportionment	130
public utilities and transportation	131
Nelson, W. J. (H. R. 94)	973
one day rest in seven (H. B. 832)	783
optometry (H. B. 9)	829, 836, 837, 838
parole (S. B. 179)	1187
parks (H. B. 8)	221, 222, 598
parks (H. B. 417)	222
pensions, State employees (S. B. 195)	1231
prostitution (H. B. 164)	590, 611, 916, 920, 924
public utilities (H. B. 899)	1009
railroad accident (H. R. 94)	973
vital statistics (S. B. 213)	1157
women's nine-hour law (H. B. 207)	543
BROWNING, ORVILLE H.:	
Wilson, G. H., portrait (H. J. R. 10)	157
BRUCE:	
armories, sale of site (H. B. 211)	860
anti-saloon residence district (H. B. 362)	497, 498
boxing (H. B. 820)	742
child labor (H. B. 104)	532, 533
children adoption (H. B. 752)	1133
civil service, Cook County (H. B. 716)	455
civil service, charitable institutions exempt (H. B. 301)	1031, 1098
Clark, J. S., memorial	202
commission, county text book (H. B. 697)	1275
constitutional convention (S. J. R. 3)	246, 247
firemen's pension fund (H. B. 118)	351
insurance commission created (H. B. 274)	987
insurance commission created (H. B. 949)	988
insurance, fraternal (H. B. 105)	550
judges of courts of record (H. B. 426)	1262
labor, one day rest in seven (H. B. 832)	784, 786
liability (H. B. 199)	943
liquor traffic (H. B. 321)	483
liquor (H. B. 362)	497, 498
member of committees on—	
charities and correction	130
industrial affairs	131
insurance	131
military affairs	131
senatorial apportionment	132
mileage, members General Assembly (H. J. R. 20)	505

	PAGE.		PAGE.
BRUCE—Concluded.		BURNS—Concluded.	
mileage, members General Assembly (S. B. 459).....	839	military affairs (H. B. 939).....	1057
mothers' pension (H. B. 10).....	440, 441, 563, 564, 565	oath of office (H. R. 1).....	3
prostitution (S. B. 362).....	1190	one day rest in seven (H. B. 832).....	782
Speaker, temporary vote for.....	48	parks (H. B. 925).....	1084
vital statistics (S. B. 213).....	936	pensions for Federal employees (H. J. R. 7).....	664
women's nine-hour law (H. B. 207).....	543	public utilities (H. B. 899).....	898, 899, 908, 912, 1003
text books (H. B. 697).....	1010, 1011	schools (S. B. 384).....	972
		Speaker, temporary vote for.....	5, 7, 9, 10, 11, 15, 19, 23,
BRUCE, HANNAH:		26, 27, 36, 37, 39, 40, 43, 44, 46, 50, 51, 52, 54, 55, 62	
relief for (S. B. 425)		street railroads extension (H. B. 126).....	1096
Browne, Lee O'Neil.....	1215, 1216	taxation, levy and extension (H. B. 687).....	444, 445
Foster.....	1215	textbooks (H. B. 697).....	1012
Kane.....	1215	vacancy (S. B. 223).....	1182
Lipshulch.....	1216	vital statistics (S. B. 213).....	936
McCormick.....	1216	waterway (H. B. 914).....	703
Provine.....	1215	woman's nine-hour law.....	790
Smejkal.....	1215		
Wilson, R. E.....	1215	BURRES:	
BRUNK, GEORGE N.:		accounting (H. B. 565).....	1034, 1035
press committee		agriculture extension (H. J. R. 3).....	118
Shanahan.....	161	banks and banking (H. B. 202).....	976, 978
BUCKINGHAM, GEORGE F.:		boxing bill (H. B. 820).....	740
constitutional convention.....	190, 193	car limit (H. B. 239).....	1018
Weber.....	195	child labor (H. B. 104).....	531
BUCKNER, JOHN C.:		(H. B. 107).....	788
memorial		children, adoption (H. B. 152).....	1224
Jackson (H. R. 60).....	187	clerk, assistant.....	115
BUILDING AND LOAN ASSOCIATIONS:		cooperative agricultural extension (H. J. R. 3).....	118
unlawful to practice law		constitutional convention (S. J. R. 3).....	248
Purdunn (H. B. 258).....	597	Constitution, amendment to (H. J. R. 7).....	502
Wilson, G. H. (H. B. 258).....	597	drugs (S. B. 300).....	1200
BUILDINGS:		election judges and clerks (H. B. 13).....	287
corporations		jitney busses.....	906
Hicks (H. B. 268).....	970	judges (H. B. 957).....	1142
law, codification		judges, courts of record (H. B. 426).....	1262
Smejkal (S. J. R. 29).....	1213	libraries (H. B. 366).....	321
BULK SALES:		license (H. B. 335) embalmers.....	597
See "Sales."		license (H. B. 723).....	946
BURNS:		(H. B. 563).....	960, 961
adoption of children (H. B. 152).....	1224	local improvements (S. B. 137).....	1234
anti-saloon (H. B. 362).....	498	maternity hospital regulation (H. B. 724).....	850
banking companies organization (H. B. 127).....	771	mausoleum (H. B. 215).....	1079
bonds, park (S. B. 523).....	851	McCullough, J. S. (memorial, H. R. 56).....	176
car limit bill (H. B. 239).....	610	medical practice (H. B. 477).....	585
chairman, committee on military affairs.....	131	member of committees on—	
Committee on Illinois Centennial Commis- sion.....	204	chairman, committee on congressional ap- portionment.....	130
circuit court judges (H. B. 176).....	167	appropriations.....	130
courts, judges (S. B. 223).....	1182	efficiency and economy.....	131
cities and villages (H. B. 162).....	464, 466, 467, 468, 469	farm drainage.....	131
cities and villages (H. B. 251) funds.....	1220	license and miscellany.....	131
civil service (S. B. 80).....	1223	mileage, members of the General Assembly (H. J. R. 20).....	505
committee appointment to wait on chief justice.....	3	oath of office, committee.....	9
Constitution, amendment of (H. J. R. 7).....	501	one day rest in seven (H. B. 832).....	782
credentials, committee on.....	67	optometry (H. B. 9).....	839
doorkeeper, temporary (H. R. 14).....	67	prevention of infant blindness (H. B. 582).....	760
earthquake in Italy (S. J. R. 6).....	121	prostitution (H. B. 164).....	921
elections committee.....	94	(S. B. 362).....	1190
election contest.....	104	public utilities (H. B. 899).....	906, 952
elections, cost of (H. B. 13).....	288	saccharine (H. B. 663).....	803, 804
elections (H. B. 13).....	287, 288	schools (H. B. 357).....	1060
election, registration (H. B. 943).....	836	(S. B. 182).....	1226
(S. B. 448).....	1065, 1183	Speaker, temporary vote for.....	45, 46, 59
funds (S. B. 25).....	1220	tax, University of Illinois (H. B. 611).....	557, 558
General Assembly expenses.....	1220	visiting University of Illinois (S. J. R. 18).....	438
Governor's message.....	92	vital statistics (H. J. R. 25).....	834
judges of courts of record (H. B. 426).....	1262	(S. B. 213).....	1156, 1157, 1158
Judicial primaries.....	144, 169, 173	Voris (H. B. 248).....	1217, 1218
Juul law, amendments to (H. B. 687).....	509	women's nine-hour law (H. B. 207).....	790
liquor residential district (H. B. 362).....	498		
local improvements (S. B. 394).....	1233	BUTLER:	
member of committees on—		advertising (S. B. 109).....	871
efficiency and economy.....	131	armory (Chicago, appropriation), (H. B. 570).....	436
elections.....	131	boxing bill (H. B. 820).....	722, 723, 725, 728, 729
public utilities and transportation.....	131	Civil Service Commission (H. B. 301).....	342, 343, 1030, 1098, 1099
waterways.....	132	civil service, Cook County (H. B. 716).....	450, 451
		civil service (H. B. 937) expenditures lim- ited.....	1027
		civil service (S. B. 80) Spanish-American veterans.....	1223

	PAGE.
BUTLER—Concluded.	
cities and villages (H. B. 786).....	1106
constitutional convention.....	233, 236
Constitution, State (H. J. R. 7).....	293
elections (H. B. 13).....	286
floods (H. J. R. 5).....	122
foot and mouth disease (H. B. 562).....	284, 285
General Assembly employees (H. R. 26).....	
.....	115, 156, 291, 292, 320, 676
horseshoeing (H. B. 15).....	338
insurance (H. B. 949).....	982, 984
insurance (H. B. 105) fraternal.....	985, 989
judges (H. B. 957).....	290, 1088
liquor (H. B. 822).....	477
liquor (H. B. 330) treating.....	500
member of committees on—	
civil service.....	130
efficiency and economy.....	131
elections.....	131
insurance.....	131
judiciary.....	131
Murray, W. G., assistant clerk.....	116
passes to members (S. B. 1093).....	871
pension (S. J. R. 17).....	279
pension mothers' (H. B. 10).....	565, 566
portrait of David E. Shanahan, presenta- tion speech.....	1240
practice in court of record (H. B. 625).....	
.....	402, 408, 422, 433
proceedings and debates (H. R. 50).....	139
prostitution (H. B. 164).....	922
public utilities (H. B. 480).....	279
(H. B. 899).....	
.....	898, 899, 906, 908, 911, 912, 913, 952, 1003
rules, House.....	111
salaries of the circuit court judges of Cook County (H. B. 994).....	1258
societies, fraternal (H. B. 105).....	290
Speaker, temporary vote for.....	36, 37, 46, 59
waterway bill (H. B. 914).....	701, 709, 712, 714
watchman (H. B. 993).....	1117, 1121
women's nine-hour bill (H. B. 207).....	541, 788
voting machine investigating committee (H. R. 78).....	317
BUTLER, HON. HENRY WIRT:	
Merritt (H. R. 93).....	834, 853
BUTTS, LUCUS F.:	
jury commissioners (S. B. 426).....	1166
BUXTON:	
boxing (H. B. 820).....	741
drugs (S. B. 300).....	1200
member of committees on—	
farm drainage.....	131
judicial apportionment.....	131
municipalities.....	131
roads and bridges.....	131
probation (H. B. 645).....	1067
roads and bridges (H. B. 547).....	1253
saccharine (H. B. 663).....	804, 807
vital statistics (S. B. 213).....	1158
CAHILL, PETER:	
memorial	
Gorman (H. R. 59).....	182
CALL, S. LEIGH:	
press committee	
Speaker Shanahan.....	161
CALUMET LAKE DISTRICT:	
Rothschild.....	679
CAMPAIGN PLEDGES:	
Turner (H. R. 43).....	123
CAMPBELL:	
flags (H. B. 18).....	1050
burial of soldiers and sailors, record of (H. B. 425).....	934
jails (H. B. 772).....	1251
member of committees on—	
appropriations.....	130
congressional apportionment.....	130
farm drainage.....	131
military affairs.....	131
to visit charitable institutions.....	132

	PAGE.
CAPITAL PUNISHMENT:	
abolition of (H. B.'s 58, 67, 68)	
Barasa, B. P., speech.....	374
Curren (H. B. 67).....	1134
Governor's message.....	127, 359
Igoe.....	370
Kane.....	375
Lipshulch (H. B. 67).....	973, 1134
Lyons.....	365
McCormick (H. B. 67).....	1134
Mackenzie Cleland.....	362
O'Rourke.....	370
Purdunn (H. B. 67).....	973
Roberts, John.....	366
Roe (H. B. 67).....	973
Watson (H. B.'s 58, 67, 68).....	375
Wilson, G. H.....	367, 370, 973
CARLIN, THOMAS S.:	
monument	
Smejkal (S. B. 208).....	1196
CARPENTER, SADIE:	
enrolling and engrossing clerk	
Boyer (H. R. 75).....	323
CARTWRIGHT, JAMES H.:	
chief justice	
administering oath of office.....	4
CASUALTY COMPANIES:	
Browne.....	770
Schuberth (S. B. 407).....	1207
CENTENNIAL MEMORIAL BUILDING:	
Brown (S. B. 345).....	1209
committee report, Burns.....	204
O'Rourke.....	204
CERTIFIED PUBLIC ACCOUNTANT:	
Burres (H. B. 565).....	1034
CHARITABLE INSTITUTIONS:	
appropriations (H. B. 229).....	1024, 1025
incorporation of.....	583, 944
Curran (H. B. 723).....	944
Ellis (H. B. 723).....	945, 946
Lyle (H. B. 723).....	945
McCormick (H. B. 723).....	945, 946
Roe (H. B. 723).....	946
CHARITABLE ORGANIZATIONS:	
exempt from taxation	
Kessinger (H. B. 927).....	863
Fahy (H. B. 927).....	863
CHARITIES:	
Governor's message.....	80
CHICAGO AND ALTON RAILROAD:	
accident (H. R. 94)	
Brown.....	973
CHICAGO TELEPHONE CO.:	
McGlooin (H. J. R. 29).....	1128
CHILD LABOR:	
Browne, L. O'N. (H. B. 104).....	529, 530, 533, 720, 721
Bruce (H. B. 104).....	532, 533
Burres (H. B. 104).....	531
Cooper (H. B. 104).....	721
Davis (H. B. 104).....	532, 718
Donahue (H. B. 104).....	716
Graham, W. J. (H. B. 104).....	717
Kane (H. B. 104).....	531
Lipshulch (H. B. 104).....	535
Madsen (H. B. 104).....	532
Maucker (H. B. 104).....	717, 721
Purdunn (H. B. 104).....	717, 719
Seil (H. B. 104).....	535
Shurtleff (H. B. 104).....	
.....	529, 534, 536, 715, 716, 717, 719, 720, 721
Turnbaugh (H. B. 104).....	536
Weber (H. B. 104).....	529, 716, 717, 719, 721
Wilson, R. E. (H. B. 104).....	718, 720
Young.....	533

	PAGE.
CHILDREN:	
adoption	
Bruce (H. B. 152).....	1224
Davis (H. B. 152).....	1133, 1134
care of	
Curran, Thos. (H. J. R. 18).....	348
Smejkal (H. J. R. 18).....	578
delinquent	
Lyle (H. B. 317).....	1088, 1093
dependent	
Gardner (H. B. 296).....	1084
Rothschild (H. B. 296).....	1084
detention home (H. B. 827)	
Lyle.....	942
Lynch.....	942
CHICAGO STATE HOSPITAL:	
Purdunn (H. R. 77).....	314
Brown (H. R. 77).....	315
Ryan, F. J. (H. R. 77).....	315
CHICAGO STOCKYARDS:	
Purdunn (H. B. 899).....	915
CHIPPERFIELD SUBMERGED LAND	
COMMITTEE	682, 683
CIRCUIT COURTS:	
<i>See "Courts and Judges."</i>	
CITIES AND VILLAGES:	
aldermen and trustees, compensation	
Scanlan (H. B. 467).....	1248
annexation	
Dahlberg (H. B. 472).....	1135
annexation legalized	
Maucker (H. B. 812).....	968
Chicago consolidation	
Burns (H. B. 162).....	464, 466, 467, 468, 469
Frankhauser (H. B. 162).....	445, 464, 465, 466, 467
Igoe (H. B. 162).....	469
Lyle (H. B. 162).....	468
Rothschild (H. B. 162).....	467, 468
city manager	
Davis (H. B. 167).....	338
Graham (H. B. 167).....	337
Leech (H. B. 167).....	337
Purdunn (H. B. 167).....	337
houses of correction, territory	
Browne, L. O'N. (H. B. 786).....	1105, 1106
Butler (H. B. 786).....	1106
Rothschild (H. B. 786).....	1105
Ryan, Frank (H. B. 786).....	1065, 1104
Pierson (H. B. 786).....	1106
Wilson, G. H. (H. B. 786).....	1106
incorporation	
Fahy (H. B. 29).....	57, 857
lands for municipal purposes	
Frankhauser (S. B. 295).....	1197, 1198
Ryan, J. W. (S. B. 295).....	1197, 1263
Wilson, R. E. (S. B. 295).....	1197, 1198
local improvement boards	
Browne, L. O'N. (H. B. 876).....	1076
Donahue (H. B. 876).....	1076
Perkins (H. B. 876).....	1076
Rothschild (H. B. 876).....	1076
municipal funds	
Burns (H. B. 25).....	1220
union of contiguous cities	
Browne, L. O'N. (H. B. 168).....	1056
Graham, W. J. (H. B. 168).....	1056, 1057
Moore (H. B. 168).....	1057
CIVIL SERVICE:	
commission, expenditures limited	
Butler (H. B. 937).....	1027
Dahlberg (H. B. 937).....	1027, 1213
Gorman (H. B. 937).....	1027
Merritt (H. B. 937).....	1213
Cook County	
Browne, L. O'N. (H. B. 716).....	448, 449, 453
Bruce (H. B. 716).....	455
Butler (H. B. 716).....	450, 451
Curran (H. B. 716).....	455
Devine (H. B. 716).....	451, 453
DeYoung (H. B. 716).....	447, 448, 451
Ellis (H. B. 716).....	452

	PAGE.
CIVIL SERVICE—Concluded.	
Cook County—Concluded.	
Hilton (H. B. 716).....	449, 455
Igoe (H. B. 716).....	445, 446, 448, 452
Jackson (H. B. 716).....	455
Lipshulch (H. B. 716).....	449
Lyle (H. B. 716).....	452
Madsen (H. B. 716).....	452
McCormick (H. B. 716).....	448, 453
McGlooin (H. B. 716).....	448, 449, 454
Moore (H. B. 716).....	455
O'Rourke (H. B. 716).....	445, 446, 449, 450, 451
Roderick (H. B. 716).....	455
Scholes (H. B. 716).....	454
Turner (H. B. 716).....	454
county	
Curran (H. B. 874).....	580, 581
DeYoung (H. B. 874).....	581
exemptions in charitable institutions	
Browne, L. O'N. (H. B. 301).....	1031, 1098
Bruce (H. B. 301).....	1031, 1098
Butler (H. B. 301).....	342, 1030, 1098, 1099
Curran (H. B. 301).....	344
Graham, W. J. (H. B. 301).....	1031
Igoe (H. B. 301).....	349
McCormick (H. B. 301).....	344, 345, 1028, 1029, 1099
McGlooin (H. B. 301).....	1028, 1031
Merritt (H. B. 301).....	342, 344, 796, 1027, 1028, 1029, 1097, 1099
Mitchell (H. B. 301).....	1027
O'Rourke (H. B. 301).....	342
Purdunn (H. B. 301).....	1029, 1031
Turner (H. B. 301).....	345
General Assembly employees	
Hilton (H. B. 399).....	1064
Lyle (H. B. 399).....	1064, 1079
limitations to eligibility	
Browne, L. O'N. (H. B. 157).....	762, 763, 764
Ellis (H. B. 157).....	763
Fahy (H. B. 157).....	762, 764
O'Rourke (H. B. 157).....	764
sanitary district employees	
Dahlberg (S. B. 132).....	579
Igoe (S. B. 132).....	579, 1208
Mitchell (S. B. 132).....	580
O'Rourke (S. B. 132).....	579, 1163, 1164, 1208
Rothschild (S. B. 132).....	578, 579
Spanish-American veterans	
Burns (S. B. 80).....	1223
Butler (S. B. 80).....	1223
Foster (S. B. 80).....	593, 1223
Kessinger (S. B. 80).....	1160, 1161, 1223
McCormick (S. B. 80).....	1223
O'Rourke (S. B. 80).....	1223
Smith (S. B. 80).....	1161
Weber (S. B. 80).....	593, 1223, 1224
Wilson (S. B. 80).....	1223
Wood (S. B. 80).....	1161
CLARK, F. H.:	
election contest (H. R. 39).....	122
CLARK, JOHN S.:	
Bruce.....	202
CLYNE, CHARLES F.:	
jury commissioners (S. B. 426).....	1167
COLE, GEORGE E.:	
constitutional convention.....	202
Maucker.....	230
Pierson.....	229
Purdunn.....	249
Weber.....	202
COLLECTION AGENCIES:	
regulations (H. B. 124)	
Bippus (H. B. 124).....	586, 934
Browne, L. O'N. (H. B. 124).....	586, 934
Hubbard (H. B. 124).....	586
Pierson (H. B. 124).....	586
COLLEGE OF PHYSICIANS AND SUR-	
GEONS:	
Igoe.....	885
Tice.....	888

	PAGE.
COMMISSION FORM OF GOVERNMENT:	
Browne.....	337
Gorman.....	911
Hubbard.....	914
Merritt (H. B. 937).....	1213
Scholes.....	338
abandonment	
Browne, L. O'N. (H. B. 900).....	1093
Ellis.....	1093
Purdunn.....	1093
COMMISSION FORM OF MUNICIPAL GOVERNMENT ACT:	
DeYoung.....	910
COMMISSION MERCHANTS:	
license (H. B. 356).....	436, 437
COMMITTEE ON CONTINGENT EXPENSES:	
General Assembly employees....	150, 151, 291, 323
COMMITTEE ON INDUSTRIAL AFFAIRS:	
(H. B. 207).....	536
COMMITTEE ON MUNICIPALITIES:	
(H. B. 162).....	463
CREDENTIALS COMMITTEE:	
Turnbaugh (H. R. 12).....	67, 70
COAL MINES:	
fire protection (H. B. 857)	
Turnbaugh.....	1110
CONGRESSIONAL APPORTIONMENT COMMITTEE.....	130
CONLON:	
Lincoln park bonds (H. B. 735).....	507
member of committees on—	
elections.....	131
insurance.....	131
municipalities.....	131
senatorial apportionment.....	132
township high school (H. B. 77).....	526
CONNOLLY, JAMES A.:	
memorial for	
Lyon (H. R. 101).....	1210
CONFEDERATE FLAG:	
Gorman (S. B. 420).....	782
CONSTITUTION:	
Adkins.....	200
Fieldstack (H. J. R. 15).....	314
Gorman (H. J. R. 17).....	316
Morris (H. J. R. 16).....	315
amendment	
Browne, L. O'N. (H. J. R. 7).....	501
Brown, W. M. (H. J. R. 8).....	140
Burns (H. J. R. 7).....	501
Burre (H. J. R. 7).....	502
Butler (H. J. R. 7).....	293
Cooper (H. J. R. 7).....	314
Donahue (H. J. R. 7).....	501, 502
(H. J. R. 14).....	278
Gorman (S. J. R. 21).....	669
Igoe (H. J. R. 7).....	501, 503
Kasserman (H. J. R. 7).....	503
Lipshulch (H. J. R. 7).....	293
Madsen (H. J. R. 7).....	294
Maucker (H. J. R. 7).....	503
McCormick (H. J. R. 7).....	500, 502
Moore (H. J. R. 7).....	502
(S. J. R. 21).....	669
Perkins (S. J. R. 21).....	669
Purdunn (H. J. R. 7).....	502
(S. J. R. 21).....	664, 667
Richardson (H. J. R. 7).....	502
Rinehart (H. J. R. 7).....	276, 277, 292, 294
Roderick (H. J. R. 7).....	294
Roe (H. J. R. 7).....	503
(H. J. R. 14).....	277, 278

	PAGE.
CONSTITUTION—Concluded.	
amendment—concluded.	
Shurtleff (H. J. R. 7).....	501, 503
Weber (H. R. 33).....	117
convention:	
Adkins, Charles (S. J. R. 3).....	198
Basel (S. J. R. 3).....	237
Browne, L. O'N. (S. J. R. 3).....	205, 232, 237, 242, 247, 250
Bruce (S. J. R. 3).....	246, 247
Buckingham, Geo. F. (S. J. R. 3).....	195
Burre (S. J. R. 3).....	248
Butler (S. J. R. 3).....	233, 236
Cole, G. E. (S. J. R. 3).....	202
Curran (S. J. R. 3).....	250
Devine (S. J. R. 3).....	247
Donahue (S. J. R. 3).....	195
Farrell (S. J. R. 3).....	247
Flagg (S. J. R. 3).....	236
Hoffman (S. J. R. 3).....	250
Hubbard (S. J. R. 3).....	245
Igoe (S. J. R. 3).....	242
Kessinger (S. J. R. 3).....	235
Lipshulch (S. J. R. 3).....	206, 231, 232
Lowden, Frank O. (S. J. R. 3).....	196, 198
Madsen (S. J. R. 3).....	248
Maucker (S. J. R. 3).....	667
McCormick (S. J. R. 3).....	232, 250, 666
Moore (S. J. R. 3).....	669
O'Rourke (S. J. R. 3).....	232
Perkins (S. J. R. 3).....	236, 670
Purdunn (S. J. R. 3).....	249, 667
Rothschild (S. J. R. 3).....	668
Shanahan (S. J. R. 3).....	242
Shurtleff (S. J. R. 3).....	205
Turner (S. J. R. 3).....	227
Weber (S. J. R. 3).....	117, 187, 202, 205, 206, 230
taxation	
Browne, L. O'N. (S. J. R. 21).....	670, 672, 673
Purdunn (S. J. R. 21).....	667
CONTRACTS, STATE BOARD OF:	
Smejkal (H. B. 528).....	279, 842, 844
Mitchell.....	279
CONVICT LABOR:	
(H. B. 727).....	1052, 1053
Governor's message.....	85
roads (H. B. 57)	
Davis (H. B. 24).....	1091
Dudgeon (H. B. 24).....	1091
Shurtleff.....	354
Watson.....	1035
COOK COUNTY:	
State's attorney, compensation	
Devine (H. B. 958).....	1145
Roe (H. B. 958).....	1149
Smejkal (H. B. 958).....	1145, 1149
Young (H. B. 958).....	1152
judges' salaries (H. B. 957).....	1144
treasurer	
Browne, L. O'N. (S. B. 184).....	972, 1198
Igoe (S. B. 184).....	1198
Mitchell (S. B. 184).....	972
COOPER:	
blind, support of.....	811, 814
bonds (H. B. 698).....	1089, 1090
chancery jurisdiction in county courts (H. B. 290).....	850
child labor.....	721
Constitution (H. J. R. 7).....	314
courts (H. B. 764).....	1149
engineers (H. B. 406).....	1040
equity bill (S. B. 526).....	1179
foot and mouth disease (H. B. 562).....	1213
grain (H. B. 333).....	1068
judges (H. B. 957).....	437, 1137, 1142
license (H. B. 723).....	946
member of committees on—	
civil service.....	130
judicial apportionment.....	131
public utilities and transportation.....	131
pleading and practice (S. B. 526).....	1179
prisoners, care and treatment (H. B. 89).....	1054

	PAGE.		PAGE.
COOPER—Concluded.		COURTS—Concluded.	
public utilities (S. B. 109).....	1154	circuit, reports	
reformatories (S. B. 164).....	1193	Devine (H. R. 81).....	348, 349
salaries of the circuit court judges of Cook		circuit, terms	
County (H. B. 994).....	1258	Rinehart (H. B. 777).....	521, 1034
schools (S. B. 182).....	1226	Watson (H. B. 777).....	508
Speaker, temporary vote for.....	32, 45, 46, 48	city, additional judges	
stock food law (S. B. 356).....	1248	Desmond (H. B. 946).....	1108
vital statistics (S. B. 213).....	1156	county, chancery jurisdiction of	
Vickers, A. K., memorial (H. R. 8).....	32	Browne, L. O'N. (H. B. 290).....	849, 850
COOPERATIVE AGRICULTURE:		Cooper (H. B. 290).....	850
<i>See</i> "Agriculture."		DeYoung (H. B. 290).....	849, 850
CORPORATIONS:		Devine (H. B. 290).....	850
<i>See</i> , also, "Charitable Institutions."		Turnbaugh (H. B. 290).....	849
building corporations		jurisdiction	
Browne, L. O'N. (H. B. 268).....	893, 1055	Desmond (H. B. 508).....	1054
Gorman (H. B. 268).....	893	municipal, Chicago, (H. B. 500)	
Hicks (H. B. 268).....	893, 1055	Donahue.....	522
McCormick (H. B. 268).....	1055	O'Rourke.....	522
Scanlan (H. B. 268).....	893, 1055	Thon.....	522, 676
real and personal property		superior judges, Cook County compensation	
DeYoung (H. B. 639).....	758, 759	(H. B. 951).....	1135, 1144
Huston (H. B. 639).....	759	Supreme, court librarian, salary (H. B. 257)	505
CORRIS, WM. L.:		Supreme, secretary to justice	
reporter (H. R. 50).....	137, 138	Cooper (H. B. 764).....	1149
COST OF ELECTIONS:		Davis (H. B. 764).....	1149
Burns (H. B. 13).....	288	Donahue (H. B. 764).....	1149
Pierson.....	631	Roe (H. B. 764).....	1149
COUNTIES:		Smejkal (H. B. 764).....	1151
maps, plats or subdivisions, recording		terms, Crawford county	
Brinkman (S. B. 309).....	1201	Watson (H. B. 739).....	1090
Browne, L. O'N. (S. B. 309).....	1201, 1202	terms, Macoupin County	
DeYoung (S. B. 309).....	1202	Hubbard (H. B. 903).....	1084
Schuberth (S. B. 309).....	1202	Sonnemann (H. B. 903).....	1084
collectors		CREDENTIALS COMMITTEE:	
Browne, L. O'N. (H. B. 319).....	354	appointment (H. R. 15).....	67
treasurers, inheritance tax fees		CRIMINAL CODE:	
Gardner (H. B. 542).....	1245	embezzlement	
vacancies filled		Browne (H. B. 148).....	1111, 1112
Browne (S. B. 223).....	116	Davis (H. B. 148).....	1112
Burns (S. B. 223).....	118 ²	Devine (H. B. 148).....	1112
COUNTY SUPERINTENDENTS:		Holaday (H. B. 148).....	1112
expenses.....	1079	Moore (H. B. 148).....	1112
Garesche (S. B. 106).....	122 ⁹	sodomy	
COUNTY SUPERINTENDENT OF		Browne, L. O'N. (H. B. 424).....	218
HIGHWAYS:		taking horse, vehicle or both	
Tice (H. B. 601).....	966	Browne, L. O'N. (H. B. 620).....	1112
COUNTY SUPERINTENDENT OF		DeYoung (H. B. 620).....	1113
SCHOOLS:		Graham, W. J. (H. B. 620).....	1113
Quisenberry (S. B. 162).....	126 ⁶	O'Rourke (H. B. 620).....	1113
COURTS:		Scholes (H. B. 620).....	1066, 1112, 1113
circuit, judges		Purdunn (H. B. 620).....	1113
Moore (H. B. 474).....	339	CULVER KATHRYN:	
Pierson (H. B. 474).....	339	relief	
circuit judges, compensation		McGlooin (S. B. 45).....	843
Browne, L. O'N. (H. B. 994).....	1146, 1147	Purdunn (S. B. 45).....	843
Davis (H. B. 994).....	1146	CURRAN, THOMAS:	
Devine (H. B. 994).....	1146, 1148	advertising (S. B. 109).....	865, 870
Hubbard (H. B. 994).....	1147	banks (H. B. 202).....	979
Purdunn (H. B. 994).....	1145, 1146, 1147	charitable institutions (H. B. 723).....	944, 945, 946
Rothschild (H. B. 994).....	1147	children, care of (H. J. R. 18).....	348
Shurtleff (H. B. 994).....	1146, 1147	civil service (H. B. 301).....	344
Smejkal (H. B. 994).....	1146, 1147	(H. B. 716).....	455
Turnbaugh (H. B. 994).....	1146, 1147	(H. B. 874).....	580, 581
Vursell (H. B. 994).....	1148	civil service, General Assembly employees	1079
Watson (H. B. 994).....	1147	committee appointment to wait on chief	
circuit judges, Cook county		justice.....	3
Browne, L. O'N. (H. B. 176).....	165, 166	constitutional convention.....	250
Burns (H. B. 176).....	167	election contests.....	117
Ellis (H. B. 176).....	163	elections (H. B. 13).....	286
Hamlin (H. B. 176).....	168	engineers (H. B. 406).....	103S, 1039
Hicks (H. B. 176).....	167	food adulteration bill.....	798
Igoe (H. B. 176).....	162, 167	free schools (H. B. 204).....	221
Lipshulch (H. B. 176).....	166	General Assembly employees.....	151, 152, 153
Lyle (H. B. 176).....	165, 167, 168	grain (H. B. 333).....	1068
O'Rourke (H. B. 176).....	165	Grant, Ulysses S., statute of (H. B. 406).....	1249
Prendergast (H. B. 176).....	165, 166	liberal committee, chairman of.....	131
Roderick (H. B. 176).....	167, 168	liquor (H. B. 844).....	473, 474
Rothschild (H. B. 176).....	161, 163, 164	(H. B. 822).....	476
Santry (H. B. 176).....	165, 166	(H. B. 464).....	477
		(H. B. 222).....	494
		(H. B. 232).....	499
		(H. B. 330).....	500

	PAGE.
CURRAN, THOMAS—Concluded.	
mattresses filling (H. B. 704).....	1042
maternity hospital regulation (H. B. 724)....	850
member of committee on appropriations....	130
mothers' pension (H. B. 310).....	564
moving pictures (S. B. 382).....	1162, 1230
newspaper advertising for transportation	
bill (S. B. 109).....	865, 870
non-support (H. B. 35).....	181
Public Utilities (H. B. 899) .909, 912, 992, 956, 1009	
rules committee	73
saloon-anti (H. B. 362).....	497, 498
Speaker, temporary vote for.....	5, 40
taxation (H. B. 19).....	1027
University of Illinois (H. B. 963).....	886
Vickers, A. K., committee to attend funeral	
of.....	32
Voris (H. B. 248).....	1218
CURREN, CHARLES:	
capital punishment (H. B. 67).....	1134
member of committees on—	
appropriations.....	130
banks.....	130
banking and building and loan associa-	
tions.....	130
congressional apportionment.....	130
elections.....	131
liberal committee.....	131
one day rest in seven.....	783
schools (S. B. 182).....	1126
Speaker, temporary vote for	7, 34, 35
DAHLBERG:	
credentials (H. R. 15).....	67
cities and villages (H. B. 472).....	1135
civil service (S. B. 132).....	579
(H. B. 937).....	1027, 1213
disorderly houses (H. B. 164).....	524
judges (H. B. 992).....	1091
judgments and decrees (S. B. 57)	1275
justices of the peace (H. B. 775).....	593
member of committees on—	
civil service.....	130
elections.....	131
judiciary.....	131
judicial department and practice.....	131
revenue.....	131
Morgan park (H. B. 472).....	509
parliamentary practice.....	177
primary elections (H. B. 12).....	169
DAIRIES:	
Governor's message.....	89
DIARYMEN'S ASSOCIATIONS:	
appropriation	
Smejkal (H. B. 935).....	825
DALTON:	
fortune-telling (H. B. 153).....	891, 1127
member of committees on—	
judicial apportionment.....	131
municipalities.....	131
public utilities and transportation.....	130
roads and bridges.....	131
Speaker, temporary vote for.....	34
DAVIS:	
bonds, (H. B. 968).....	1088
child labor (H. B. 104).....	532, 718
children (H. B. 152).....	1134
city manager (H. B. 167).....	338
courts, Circuit (H. B. 994).....	1146
courts, Supreme (H. B. 764).....	1149
elections (H. B. 524).....	1024
election commission (H. B. 524).....	584
embezzlement (H. B. 148).....	1112
fence viewers (S. B. 196).....	1276
fifty car limit (H. B. 239).....	599
fraternal insurance (H. B. 105).....	515
libraries.....	252, 253, 254, 255
member of committees on—	
industrial affairs.....	131
judiciary.....	131
judicial apportionment.....	131
military affairs.....	131

	PAGE.
DAVIS—Concluded.	
member of committees on—concluded.	
municipalities.....	131
roads and bridges.....	131
mortgages (S. B. 391).....	1199
prison labor (H. B. 24).....	1091
roads and bridges (H. B. 575) ...511, 516, 517, 521	
(H. B. 601).....	968
salary increase (H. B. 764).....	863
Speaker, temporary vote on.....	23, 46, 64
DEBATES:	
stenographic report (H. R. 96).....	137, 139, 1021
McCormick.....	139
Purdunn.....	137, 139
speeches limited	
Browne.....	1021
Graham.....	1021, 1022
O'Rourke.....	1022
DECORATION DAY:	
adjournment	
Browne.....	826
DENTISTRY:	
(S. B. 314).....	1079
(H. B. 270).....	524
Igoe (S. B. 314).....	1220
DEPORTATION:	
Governor's message.....	89
DESMOND:	
courts (H. B. 508).....	1054
(H. B. 946).....	1108
member of committees on—	
congressional apportionment.....	130
education.....	131
elections.....	131
fish and game.....	131
liberal committee.....	131
parliamentary practice.....	218
teachers' pension petitions.....	134
Vickers, A. K., memorial for (H. R. 8).....	32
DEVEREUX:	
mattresses (H. B. 704).....	1041
member of committees on—	
fish and game.....	131
liberal committee.....	131
license and miscellany.....	131
senatorial apportionment.....	132
waterways.....	132
Schevers, A. W., assistant messenger (H.	
R. 35).....	118
DEVINE:	
art commissions (S. B. 131).....	1163
bastardy law (H. B. 164).....	924
chairman committee on efficiency and econ-	
omy.....	132
chancery jurisdiction in county courts (H.	
B. 290).....	850
circuit judges (H. R. 81).....	348, 349
civil service (H. B. 716).....	452, 453
committee appointment.....	16
compensation for losses (H. B. 562).....	1749
constitutional convention.....	247
Cook County State's attorney (H. B. 958)....	1145
courts, circuit (H. B. 994).....	1146, 1148
courts, chancery jurisdiction of (H. B. 296) .	850
drainage (S. B. 272).....	1079
embezzlement (H. B. 148).....	1112
fee and salaries, circuit judges (H. B. 994) .	1258
foot and mouth disease.....	17, 19
General Assembly, employees, doorkeeper	
(H. R. 32).....	117
handwriting (H. B. 501).....	470, 471, 585
inheritance (S. B. 38).....	1032
injunction and abatement (S. B. 362).....	924
judges, circuit court (H. B. 474).....	339, 398, 463
(H. B. 957).....	1085, 1086, 1087, 1135
(H. B. 994).....	1127
labor, one day rest in seven (H. B. 832)....	
.....	774, 775, 786
Legislative Reference Bureau (H. R. 81)....	349
license (H. B. 563).....	964

	PAGE.		PAGE.
DEVINE—Concluded.		DOCTORS:	
local improvements (S. B. 137).....	1234	medical practice act (H. B. 477)	
Maloney, J. P. (H. R. 32).....	117	Burres.....	585
masonry (H. B. 185).....	1152	DOGS:	
member of committees on—		Scholes (H. B. 395).....	1132
education.....	131	Browne (H. B. 95).....	1132
judiciary.....	131	DONAHUE:	
judicial department and practice.....	131	auctioneers (H. B. 218).....	322
rules.....	132	Auditor Public Accounts (H. B. 209).....	307
waterways.....	132	Banks (H. B. 202).....	980
one day rest in seven (H. B. 832)....	774, 775, 786	Bruce (H. B. 274).....	987
parliamentary practice.....	304	Butler (H. B. 949).....	985, 986
parole (S. B. 179).....	1184, 1186	child labor (H. B. 104).....	716
printing (S. B. 247).....	1026	cities and villages (H. B. 876).....	1076
prostitution (H. B. 164).....	924	compensation for losses (H. B. 562)...	325, 328, 581
public utilities (S. B. 349).....	1207	Constitution (H. R. 14).....	278
roads and bridges (H. B. 887).....	916	(H. J. R. 7).....	501, 502
rules committee.....	73	constitutional convention.....	195
salaries of judges of Supreme Court (H. B.		courts (H. B. 764).....	1149
994).....	1259	election contests.....	161
session.....	304	fire (H. B. 949).....	986, 998, 992
Speaker, temporary nomination.....		foot and mouth disease (H. B. 562)...	325, 328, 581
.....5, 7, 10, 11, 12, 19, 23, 26, 34, 52, 59		gypsies (H. B. 504).....	674
taxation (H. B. 921).....	1037	home rule bill (H. B. 899).....	758
watchmen (H. B. 993).....	1115	Howard, election contest.....	3
women's nine-hour law.....	788, 790, 791	inheritance (S. B. 38).....	1032
DEYOUNG:		insurance (H. B. 105).....	549
agricultural and sanitary drainage (H. B.		(H. B. 949).....	986, 988, 992
550).....	355	judicial primaries.....	145
blind (H. B. 38).....	809, 929	labor (H. B. 832).....	1044, 1045, 1048
chancery jurisdiction, etc. (H. B. 290)...	849, 850	liquor traffic (H. B. 321).....	482
civil service (H. B. 716).....	447, 448, 451	member of committees on—	
(H. B. 874).....	581	appropriations.....	130
compensation for losses (H. B. 562)....	321, 323	insurance.....	131
counties (S. B. 309).....	1202	judiciary.....	131
commission form of municipal act.....	910	judicial apportionment.....	131
corporations.....	758, 759	roads and bridges.....	131
courts, county, chancery jurisdiction of (H.		municipal court (H. B. 500).....	522
B. 290).....	849, 850	pension commission (S. J. R. 17).....	347
criminal code (H. B. 620).....	1113	primary election.....	169
elections, judges.....	103	private examination (H. B. 202).....	980
(H. B. 13).....	287	proceedings and debates.....	138
(H. B. 537).....	1110	prostitution (H. B. 164).....	925
fees and salaries, circuit judges (H. B. 994)...	1261	public utilities (H. B. 899).....	900, 902, 947
foot and mouth disease (H. B. 562).....		(H. B. 22).....	972, 1093
.....326, 327, 328, 332		roads and bridges (H. B. 601).....	967
Green, E. W. (H. R. 23).....	104	rules.....	96, 97
insurance (S. B. 407).....	1207	schools (H. B. 561).....	691
judges (H. B. 957).....	1142	sessions (H. R. 6).....	13
(H. B. 426).....	1262	Speaker, temporary, vote for.....	
member of committees on—		.....36, 37, 50, 51, 52, 53, 54	
efficiency and economy.....	131	tax collections (H. B. 319).....	380
elections.....	131	taxation (H. B. 921).....	1037
judiciary.....	131	teachers certificate (H. B. 886).....	593
judicial department and practice.....	131	State aid roads (H. B. 838).....	931, 932, 940
public utilities and transportation.....	131	waterway bill (H. B. 914).....	699
oath of office.....	105	(H. B. 973).....	937
practice and procedure (H. B. 290).....	844, 846	DONLAN:	
prostitution (H. B. 164).....	925	armories, sale of site, (H. B. 211).....	860
(S. B. 362).....	1190	member of committees on—	
public utilities (H. B. 899).....		charities and corrections.....	130
.....910, 911, 1000, 1003, 1007		civil service.....	130
real estate agencies (H. B. 639).....	509	elections.....	131
roads and bridges (H. B. 575).....		liberal committee.....	131
.....510, 516, 517, 518, 519, 520, 521		to visit penal institutions.....	132
(H. B. 727).....	1053	pension (H. B. 426).....	561
(S. B. 547).....	1253, 1254	Second Regiment armory (H. B. 211).....	859
saccharine (H. B. 663).....	807	DOWNS, JOHN:	
salaries (H. B. 994).....	1261	memorial for	
circuit court judges of Cook County (H. B.		Gorman (H. R. 67).....	208
13).....	287	DRAINAGE DISTRICTS:	
(H. B. 957).....	1142, 1143, 1144	Browne (H. B. 550).....	354, 355
sales (H. B. 557).....	1094, 1095	Browne (S. B. 272).....	1168, 1169
Speaker, temporary vote for...45, 46, 51, 62, 64, 71		Devine (S. B. 272).....	1079
special assessment (H. B. 550).....	382, 383	Gorman (H. B. 50).....	677
street railroad extension (H. B. 126).....	1097	Graham, W. J. (H. B. 40).....	259, 285
supervisors, Cook County (H. B. 537).....	1110	Graham, W. J. (H. B. 507).....	584
support of blind (H. B. 38).....	929	Graham, W. J. (H. B. 50).....	377
title (H. B. 88).....	274	Kane (H. B. 50).....	376, 377, 378, 677
trust companies (H. B. 538).....	1130	Maucker (H. B. 50).....	377
watchmen (H. B. 993).....	1117	McCormick (S. B. 272).....	1168
wills (S. B. 338).....	1163, 1265		
DIXON STATE SCHOOL:			
Governor's message.....	87		

	PAGE.
DRAINAGE DISTRICTS—Concluded.	
Morassy (S. B. 272).....	1168, 1169
Morassy (H. B. 50).....	677
Shurtleff (H. B. 507).....	584
DRAKE:	
oath of office.....	105
reformatory, Pontiac (S. B. 164).....	1248
schools (S. B. 182).....	1227
DRUGS:	
Sale or distribution (S. B. 300)	
Pierson.....	1200
DUDGEON:	
convict labor, roads (H. B. 24).....	1091
county farms (H. B. 605).....	1023
foot and mouth disease (H. B. 2).....	100
(H. R. 44).....	125
(H. B. 415).....	185, 213
(H. B. 562).....	285, 325
(H. B. 885).....	1249
General Assembly employees (H. R. 22)....	92
member of committees on—	
agriculture, chairman	
Appropriations.....	130
judicial apportionment.....	131
public utilities and transportation.....	131
rules.....	132
waterways.....	131
parliamentary practice (H. R. 110).....	1280
prison labor (H. B. 24).....	1091
railroads (H. B. 239).....	1018
reformatories (S. B. 164).....	1193
serum (H. B. 894).....	1270, 1271, 1272
Speaker, temporary vote for.....	46, 52
wills (S. B. 338).....	1162
DUHLAP, H. M.:	
constitutional convention	
Weber.....	188
DRAKE:	
member of committees on—	
agriculture.....	130
education.....	130
farm drainage.....	131
roads and bridges.....	131
oath of office.....	105
reformatory (S. B. 164).....	1248
school (S. B. 182).....	1227
DRUGS:	
Burres (S. B. 300).....	1079
Buxton (S. B. 300).....	1200
Holaday (S. B. 300).....	1200
Lipshulch (S. B. 300).....	1200
Lipshulch (H. R. 65).....	208
Pierson (S. B. 300).....	1199, 1200
Wood (S. B. 300).....	1200
EARTHQUAKES, IN ITALY:	
Glackin (S. J. R. 6).....	120
Burns (S. J. R. 6).....	121
ELECTIONS:	
campaign pledges	
Turner (H. R. 43).....	123
cities of 100,000 or less	
Browne (H. B. 524).....	584
Davis (H. B. 524).....	584, 1024
Franz (H. B. 524).....	584, 1024
Holaday (H. B. 524).....	584
Gorman (H. B. 524).....	1024
Wilson, G. H. (H. B. 524).....	1024
contests	
Felton, W. H.....	341
Hamlin.....	341
Hennebry.....	341
Tompkins.....	341
Scholes (H. R. 40).....	160
judges and clerks, salaries.....	287
Browne (H. B. 13).....	287
Burres (H. B. 13).....	287
Butler (H. B. 13).....	286
Curran (H. B. 13).....	286
DeYoung (H. B. 13).....	287

	PAGE.
ELECTIONS—Concluded.	
judges and clerks, salaries—concluded.	
Lyle (H. B. 13).....	286
McCormick (H. B. 13).....	286
Pierson (H. B. 13).....	286
Smejkal (H. B. 13).....	287
Weber (H. B. 13).....	287
Wilson, R. E. (H. B. 13).....	287
judges and clerks, salaries, counties, 3d class	
Browne (H. B. 54).....	289
Jacobson (H. B. 54).....	289
Lipshulch (H. B. 54).....	289
Pierson (H. B. 54).....	289
Ryan, F. J. (H. B. 54).....	289
Weber (H. B. 54).....	289
judges and clerks, salaries, cities of 500,000	
Ryan, F. J. (H. B. 952).....	1092, 1251
judicial ballots	
Lyle (H. B. 419).....	853
pledges	
Gregory (H. B. 285).....	765
Holaday (H. B. 285).....	767
Huston (H. B. 285).....	768
Kasserman (H. B. 285).....	766
primary	
Dahlberg (H. B. 12).....	169
Donahue (H. B. 12).....	169
Graham, W. J. (H. B. 12).....	145
Pace (H. B. 12).....	145
Scanlan (H. B. 12).....	170, 173
Shurtleff.....	173
registration	
Burns (H. B. 943).....	236
registry books	
Burns (S. B. 448).....	1065, 1183
Lyle (S. B. 448).....	1065, 1183
McCormick (S. B. 448).....	1065, 1183
Young (S. B. 448).....	1065, 1183
returns, prior to 1870, (H. B. 494).....	593
school officers	
Morrasy (H. B. 81).....	1035
supervisors, Cook County	
DeYoung (H. B. 537).....	1110
ELLIOTT:	
committee to conduct temporary Speaker	
chair.....	65
member of committees on—	
agriculture.....	130
civil service.....	130
judicial apportionment.....	131
to visit charitable institutions.....	132
Speaker, temporary vote for.....	62, 64
ELLIS:	
charitable institutions (H. B. 723).....	944, 945
circuit court judges of Cook County (H. B. 176).....	163
civil service (H. B. 716).....	452
(H. B. 157).....	763
commission form of government (H. B. 900).....	1093
equity (H. B. 624).....	395
fees, probate clerk (H. B. 292).....	842
(H. B. 328).....	842
firemen's pensions (H. B. 118).....	561
food adulteration (H. B. 663).....	803
foot and mouth disease (H. B. 562).....	18, 185, 1214
labor agreements (H. B. 195).....	594
(H. B. 832).....	773, 1048
labor agreements, license (H. B. 563).....	961, 965
liquor (H. B. 222).....	493
member of committee on—	
agriculture.....	130
enrolled and engrossed bills.....	131
judiciary.....	131
judicial apportionment.....	131
judicial department and practice.....	131
temperance.....	132
mortgages (H. B. 471).....	225, 256
(H. B. 695).....	1063, 1107, 1108
one day rest in seven (H. B. 832).....	773
parks (S. B. 274).....	973
probate clerk, office expenses (H. B. 292)....	842
probate clerk, fees (H. B. 328).....	842
prostitution (S. B. 362).....	1191
pure food law (S. B. 317).....	1277

	PAGE.		PAGE.
ELLIS—Concluded.		FAIRS:	
saccharine (H. B. 663).....	804	See "Agriculture."	
Speaker, temporary vote for.....	48	FALSE STATEMENTS:	
women's nine-hour law (H. B. 207).....	537, 791	See "Fraud."	
waterways (H. B. 914).....	697, 786	FARM DRAINAGE:	
EMBALMERS:		See "Drainage."	
license		FARMS:	
Gorman (H. B. 335).....	597	names	
EMBEZZLEMENT:		McCormick (S. B. 142).....	1198
Browne (H. B. 148).....	1111	McGlooin (S. B. 142).....	1198
Davis (H. B. 148).....	1112	FARMERS' INSTITUTES:	
Devine (H. B. 148).....	1112	appropriation (S. B. 248).....	1049
Holaday (H. B. 148).....	1112	FARRELL:	
Moore (H. B. 148).....	1112	constitutional convention (S. J. R. 3).....	247
ENGINEERS:		member of committee to notify Governor of	
steam and stationary		organization.....	71
Browne (H. B. 322).....	224	member of committee to conduct temporary	
Browne (H. B. 563).....	1018, 1069	Speaker to the chair.....	65
Boyd (H. B. 563).....	1069	member of committees on—	
Hubbard (H. B. 322).....	224	agriculture.....	130
Hubbard (H. B. 563).....	1018	license and miscellany.....	131
Pace (H. B. 563).....	1069	municipalities.....	131
Thomason (H. B. 322).....	224	senatorial apportionment.....	132
Wilson, G. H. (H. B. 322).....	224	Speaker, temporary vote for.....	5, 7
structural		FEEBLE MINDED:	
Browne (H. B. 406).....	1039	care and treatment	
Cooper (H. B. 406).....	1040	Browne (H. B. 655).....	593
Curran (H. B. 406).....	1038	Frankhauser (H. B. 655).....	593
Frankhauser (H. B. 406).....	1038	Garesche (H. B. 655).....	828
Lyle (H. B. 406).....	1040	commitment to institutions	
Pierson (H. B. 406).....	1039	Hamlin (H. B. 654).....	841
Shurtleff (H. B. 406).....	1039	Purdunn (H. B. 654).....	842
Vursell (H. B. 406).....	1038	FELTON, W. H.:	
Wilson, R. E. (H. B. 406).....	1040	contest.....	341
Young (H. B. 406).....	1038	FENCES:	
EMPLOYMENT AGENCIES, FREE:		viewers	
Madsen (S. B. 24).....	1219	Davis (S. B. 196).....	1276
Morrasy (S. B. 24).....	1164	FEES AND SALARIES:	
Smejkal (S. B. 24).....	1219	circuit judges	
private, appropriation for		Browne (H. B. 994).....	1258, 1261
Smejkal (H. B. 541).....	1081, 1109	Butler (H. B. 994).....	1258
EPSTEIN:		Cooper (H. B. 994).....	1258
Abrahams, Emanuel (H. R. 55).....	158	Devine (H. B. 994).....	1258
boxing bill (S. B. 15).....	723, 1203	DeYoung (H. B. 994).....	1261
firearms (S. B. 10).....	1221	Mitchell (H. B. 994).....	1260
mattresses (H. B. 704).....	593, 1042	Purdunn (H. B. 994).....	1260
member of committees on—		Shurtleff (H. B. 994).....	1257, 1260
congressional apportionment.....	130	Scholes (H. B. 994).....	1260
license and miscellany.....	131	probate clerk	
municipalities.....	131	Ellis (H. B. 328).....	842
revenue.....	131	Ellis (H. B. 292).....	842
sanitary district bridges (S. B. 126).....	794	FELTS:	
Speaker, temporary vote for.....	50, 52	member of committees on—	
equity, actions in (H. B. 624)		agriculture.....	130
Browne.....	384	judicial apportionment.....	131
Ellis.....	395	military affairs.....	131
Pierson.....	396	roads and bridges.....	131
Provine.....	356, 390, 393	FESTERLING:	
Roderick.....	390, 393	chairman committee on license and miscel-	
Rothschild.....	390, 393	lany.....	131
EXPLOSIVES:		member of committees on—	
manufacture		fish and game.....	131
Taylor (S. B. 51).....	1231	liberal committee.....	131
FACTORY INSPECTION:		roads and bridges.....	131
Holaday (H. B. 713).....	934	waterways.....	132
Morrasy (H. B. 713).....	934	to notify Governor of organization.....	71
FAHY:		Speaker, temporary vote for.....	48
bonds (H. B. 600).....	1091	FIELDSTACK:	
chairman committee on revenue.....	131	Constitution (H. J. R. 15).....	314
civil service (H. B. 157).....	762, 764	member of committees on—	
cities and villages, incorporation of (H. B. 29).....	857	congressional apportionment.....	131
member of committees on—		industrial affairs.....	131
appropriations.....	130	insurance.....	131
congressional apportionment.....	130	license and miscellany.....	131
fish and game.....	131	revenue.....	131
liberal committee.....	131		
one day rest in seven (H. B. 832).....	785		
taxation (H. B. 954).....	1127		
taxation, charitable institutions exempt from (H. B. 927).....	863		

	PAGE.
FIELDSTACK—Concluded.	
mileage (H. J. R. 20).....	505
parks (S. B. 353).....	1196
Speaker, temporary vote for.....	13, 19, 23, 26

FIREMEN, PENSIONS:

Bippus (H. B. 118).....	349, 351, 561
Browne (H. B. 118).....	350
Bruce (H. B. 118).....	351
Ellis (H. B. 118).....	561
Garesche (H. B. 534).....	563
Igoe (H. B. 118).....	351
Lipshulch (H. B. 118).....	351, 561
Rothschild (H. B. 118).....	336
Rothschild (H. B. 118).....	336, 349
Wilson, R. E. (H. B. 118).....	349, 560, 1134

FIREARMS:

discharge on highways	
Browne (S. B. 10).....	1221
Epstein (S. B. 10).....	1221
Foster (S. B. 10).....	1221
Holaday (S. B. 10).....	1221
Huston (S. B. 10).....	1223
Kane (S. B. 10).....	1221
Purdunn (S. B. 10).....	1221
Roe (S. B. 10).....	1221
Scholes (S. B. 10).....	1222
Vursell (S. B. 10).....	1223

FIRE INSURANCE:

See "Insurance, Fire."

FIREMEN'S ASSOCIATIONS:

appropriation (H. B. 165)	
Smejkal.....	305

FISH AND GAME CONSERVATION:

Foster (S. B. 439).....	1077, 1126
Graham, W. J. (S. B. 439).....	1123, 1127
Hubbard (S. B. 439).....	1123
McCormick (S. B. 439).....	1124
Mitchell (S. B. 439).....	1201
Morrasy (S. B. 439).....	1122, 1124, 1201
Roe (S. B. 439).....	1122, 1124, 1201
Scholes (S. B. 439).....	1123
Shephard (S. B. 439).....	1123

FLAGG:

banks (H. B. 202).....	980
constitutional convention.....	236
General Assembly employees (H. B. 372).....	319, 320, 321
insurance (S. B. 299).....	1277
levy and extension taxes (H. B. 687).....	445
liquor (H. B. 330).....	499
member of committees on—	
appropriations.....	130
contingent expenses.....	130
education.....	131
elections.....	131
to visit educational institutions.....	132
mileage (H. J. R. 20).....	504
Speaker, temporary vote for.....	5, 7, 71
statutes, Hurburgh.....	116

FLAGS:

Andrew Jackson	
Campbell (H. B. 18).....	1050
Tennessee Confederate	
Gorman (S. B. 420).....	782

FLOODS:

Mississippi river	
Butler (H. J. R. 5).....	122

FOOD:

adulteration and misbranding	
Boyer (H. B. 663).....	801, 803
Browne (H. B. 663).....	798, 809
Curran (H. B. 663).....	798
Ellis (H. B. 663).....	803
Gorman (H. B. 663).....	809
Holaday (H. B. 663).....	799
Igoe (H. B. 663).....	808
Kasserman (H. B. 663).....	797
O'Rourke (H. B. 663).....	799

FOOD—Concluded.

adulteration and misbranding—concluded.	
Perkins (H. B. 663).....	797, 808, 1074
Santry (H. B. 663).....	797
fraudulent labels	
Vickers (S. B. 383).....	1032

FOOT AND MOUTH DISEASE:

appropriation	
Browne (H. B. 415).....	348
Browne (H. B. 885).....	555, 1249
Dudgeon (H. B. 415).....	184, 213
Dudgeon (H. B. 885).....	1249
Graham, W. J. (H. B. 885).....	1250
Igoe (H. B. 885).....	1249
Merritt (H. B. 415).....	220
Perkins (H. B. 885).....	555
Shurtleff (H. B. 885).....	1229, 1249
Smejkal (H. B. 415).....	212, 215, 347
committee to investigate	
Smejkal (S. J. R. 35).....	1212
compensation for losses	
Browne (H. B. 562).....	18, 184, 212, 215, 265, 232, 295, 298, 324, 326, 330, 347
Butler (H. B. 562).....	284, 285
Cooper (H. B. 562).....	1213
Devine (H. B. 562).....	17, 19
DeYoung (H. B. 562).....	326, 332
Donahue (H. B. 562).....	325, 328, 581
Dudgeon (H. B. 562).....	100, 285, 325
Ellis (H. B. 562).....	18, 185, 1214
Graham, W. J. (H. B. 562).....	266, 282, 284, 332, 335, 582
Foster (H. B. 562).....	582
Hubbard (H. B. 562).....	18, 19
Huston (H. B. 562).....	265, 328, 1214
Igoe (H. B. 562).....	214, 325, 334
Kane (H. B. 562).....	214, 216, 264, 282, 294, 298, 324, 328, 330, 332, 1214
Kessinger (H. B. 562).....	184, 186, 265, 266, 285
Lantz (H. B. 562).....	325, 581, 1213
Madsen (H. B. 562).....	216
McCormick (H. B. 562).....	214, 265, 283, 296
Moore (H. B. 562).....	329
Provine (H. B. 562).....	1213
Purdunn (H. B. 562).....	331
Rothschild (H. B. 562).....	216, 265, 295, 325, 328, 335
Roe (H. B. 562).....	284
Ryan, F. J. (H. B. 562).....	286
Shanahan (H. B. 562).....	17, 18
Shurtleff (H. B. 562).....	215, 297, 330, 334
Smejkal (H. B. 562).....	283
Thomason (H. B. 562).....	330
Tice (H. B. 562).....	18, 100, 282, 283, 296, 318, 324, 331, 583
Wood (H. B. 562).....	266
Governor's message.....	102
Live Stock Commissioner report.....	132
Dudgeon (H. R. 45).....	125

FORSYTHE, DAVID:

memorial	
Hennebry (H. R. 79).....	317

FORTUNE TELLING:

prohibited	
Dalton (H. B. 153).....	891, 1127

FRANKHAUSER:

Auditor (H. B. 209).....	311
boxing (H. B. 820).....	726
cities and villages (H. B. 162).....	445, 464
(S. B. 295).....	466, 1197, 1198
engineers (H. B. 406).....	1038
feeble-minded (H. B. 655).....	593
home rule (H. B. 899).....	754, 895, 896
license (H. B. 356).....	438
member of committees on—	
education.....	130
judiciary.....	131
municipalities.....	131
rules.....	132
senatorial apportionment.....	132
practice in courts of records (H. B. 625).....	430
public utilities (H. B. 899).....	914, 946, 992, 996, 1007
rules committee.....	73
Speaker, temporary vote for.....	45, 48, 64

	PAGE.		PAGE.
FRANKHAUSER—Concluded.		GARESCHE:	
saccharine (H. B. 663).....	797, 801, 804	boxing (S. B. 15).....	1203
structural engineers (H. B. 456).....	1038	feeble-minded, State care (H. B. 655).....	828
submerged lands, transfer to park commis- sion (H. B. 781).....	681, 682	General Assembly, seats (H. R. 23).....	92
FRANZ:		Giblin, M. S., messenger (H. B. 34).....	117
election (H. B. 524).....	584, 1024	Hoiles, C. D., memorial (H. R. 48).....	133
judges of circuit courts (H. B. 957).....	1219	judges (H. B. 474).....	461
member of committees on—		liquor (H. B. 464).....	477
congressional apportionment.....	130	(H. B. 123).....	484
fish and game.....	131	(H. B. 321).....	485
insurance.....	131	(H. B. 222).....	494
public utilities and transportation.....	131	member of committees on—	
Speaker, temporary vote for.....	34	charities and corrections.....	130
FRATERNAL SOCIETIES:		education.....	131
insurance		fish and game.....	131
Davis (H. B. 105).....	515	judiciary.....	131
Kessinger (H. B. 105).....	517	judicial apportionment.....	131
Scanlan (H. B. 105).....	516, 550	rules.....	132
Smejkal (H. B. 105).....	290, 511, 513, 516	pensions (H. B. 534).....	563
FRAUD:		rules committee.....	73
criminal code (H. B. 620).....	1112	schools, county superintendent (S. B. 106)	1092, 1229
false statements		Speaker, temporary, vote for.....	5, 7, 27, 62
Browne (H. B. 199).....	262, 335, 943	speech.....	1224
Holaday.....	943	GENERAL ASSEMBLY:	
Lyle (H. B. 199).....	263	committees to visit State institutions (H. R. 77)	
Moore (H. B. 199).....	263	Brown.....	315
Pierson (H. B. 199).....	336	Purdunn.....	314
Purdunn (H. B. 199).....	336, 943	Ryan, Frank.....	315
Scholes (H. B. 199).....	262, 335, 943	doorkeeper.....	2, 67, 99, 115, 116, 121, 152
Watson (H. B. 199).....	943	employees	
Wilson (H. B. 199).....	943	Boyer.....	155, 156
FREE EMPLOYMENT OFFICES:		Boyer (H. R. 75).....	323, 324
See "Employment Agencies."		Browne.....	150
FOSTER:		employees (H. R. 52)	
chairman, committee to visit charitable in- stitutions.....	132	Holaday (H. R. 52).....	154
Bruce, Hannah (S. B. 425).....	1215	Hubbard (H. R. 52).....	149, 150, 151, 154, 157
civil service (S. B. 80).....	593, 1160, 1223	Igoe (H. R. 52).....	153
General Assembly employees (H. R. 60).....	186	Kane (H. R. 52).....	150
fees (S. B. 78).....	1267	Lyle (H. R. 52).....	152
firearms (S. B. 10).....	1221	McCormick (H. R. 52).....	149, 150, 152, 153, 155, 156
fish and game committee (S. B. 439).....	1077, 1126	McGlooin (H. R. 52).....	156, 157
member of committees on—		Moore (H. R. 52).....	150
appropriations.....	130	employees (H. R. 39)	
banks, banking and building and loan associations.....	130	O'Rourke (H. R. 39).....	151, 154
fish and game.....	131	employees (H. R. 64)	
public utilities (H. B. 899).....	914	Butler (H. R. 64, 70).....	292
schools (H. B. 357).....	1061	Jacobson.....	292
serum, hog (H. B. 894).....	1270	employees (H. R. 75)	
foot and mouth disease (H. B. 562).....	582	Lynch (H. R. 75).....	324
teachers' pensions (S. B. 135).....	573	employees (H. R. 107)	
text books (H. B. 697).....	1275	Brown, W. M. (H. R. 107).....	1278
GAMBLING:		employees (H. B. 372)	
prevention (H. B. 16)		Browne.....	320, 321
Holaday.....	525, 52	Flagg.....	319, 320, 321
Lyle.....	526	employees, clerk, Grubb, W. L.....	116
GAME AND FISH CONSERVATION:		employees, clerk, Gullick, E. M.....	115
Governor's message.....	81	employees, clerk, Hammond, J. L.....	3
GARDNER:		employees, clerk, Hill, J. H.....	115
children dependent (H. B. 296).....	1084	employees, clerk, McCann, Bert.....	3, 66, 71
county treasury (S. B. 542).....	1245	employees, doorkeeper, temporary (H. R. 14)	
judges (H. B. 951).....	1085, 1086	Burns.....	67
member of committees on—		employees, doorkeeper (H. R. 26)	
charities and corrections.....	130	Scanlan.....	115
civil service.....	130	employees, doorkeeper (H. R. 32)	
judiciary.....	131	Devine.....	117
municipalities.....	131	employees, doorkeeper (H. R. 38)	
waterways.....	132	Page.....	121
mortgages (S. B. 391).....	1199	employees, enrolling and engrossing clerks (H. R. 26)	
non-support (H. B. 35).....	181, 183, 184	Butler.....	115
pension (H. B. 37).....	562, 1135	Jackson.....	116
probation (H. B. 163).....	843	Lyon.....	116
prostitution (H. B. 164).....	587, 588, 591, 592, 916	Moore.....	115
Speaker, temporary, vote for.....	7, 32	O'Rourke.....	116
uniform laws.....	761	Purdunn.....	116
wife and child abandonment (H. B. 35).....	761	Scanlan.....	115, 116
		Shanahan.....	116
		Watson.....	116
		employees, enrolling and engrossing clerk (H. R. 60)	
		Foster.....	186
		Hubbard.....	186
		Moore.....	186

	PAGE.
GENERAL ASSEMBLY—Concluded.	
employees, enrolling and engrossing clerk (H. R. 60)—Concluded.	
Mitchell.....	186
Perkins.....	186
Turnbaugh.....	186
employees, messengers	
Giblin, M. S. (H. R. 34).....	118, 149
Hawkins, Jesse (H. R. 40).....	123
Schowers, A. N. (H. R. 35).....	118
employees, postmaster	
McCabe, Mollie (H. R. 26)	
Vest, Henrietta (H. R. 26)	
Scanlan.....	115
expenses (S. B. 5)	
Mitchell.....	147, 153
expenses (S. B. 438).....	1051
members, seats	
Garesche (H. R. 23).....	92
members, telephone service	
Igoe.....	358
mileage (S. B. 459)	
Boyer.....	504, 839
Browne.....	177, 184, 212, 213
Bruce.....	505
Burres.....	505
Fieldstack.....	505
Flagg.....	504
Gregory.....	861
Green, E. W.....	840
Hubbard.....	505, 860
Igoe.....	214
Kessinger.....	184, 860
Lyon.....	839
Maucker.....	860
McCormick.....	505
Merritt.....	861
Roderick.....	861
Roe.....	504
Smejkal.....	839, 840
nominating speeches for Speaker	4
roll call, electrical devices (H. J. R. 22)	
Hicks.....	624
salaries (H. B. 386)	
Browne.....	862
Igoe.....	861, 862
McCormick.....	862
Moore.....	861
Shephard.....	862
GIBLIN, M. S.:	
messenger (H. R. 34).....	118, 149, 150, 151
Garesche.....	117
GLACKIN:	
earthquakes in Italy (S. J. R. 6).....	120
GLADE, ALBERT:	
memorial (H. R. 53).....	148
GORMAN:	
athletic commission (H. B. 820).....	574, 575
auctioneer (H. B. 218).....	378
Auditor, State (H. B. 209).....	311
blind, support.....	809, 811, 813, 814
blind, support by county (H. B. 38).....	927, 929
boxing.....	722, 726, 737
Cahill, Peter (H. R. 59).....	182
civil service (H. B. 937).....	1027
commission plan of government.....	786, 911
committee to conduct speaker to chair.....	71
Constitutional amendment (H. J. R. 17).....	665, 669
Constitution (H. J. R. 17).....	316
corporations, ownership of real estate.....	893
Downs, John.....	208
embalmers (H. B. 335).....	597
elections (H. B. 524).....	1024
farm drainage (H. B. 50).....	677
flag, Confederate (S. B. 420).....	782
food adulteration.....	809
grain (H. B. 333).....	1068
home rule (H. B. 899).....	721, 744, 745, 746, 747, 749, 752, 754, 755, 758, 896
libraries (S. B. 114).....	253, 255, 593, 689, 1161
Lincoln park (H. B. 735).....	508

	PAGE.
GORMAN—Concluded.	
liquor (H. B. 822).....	476
member of committees on—	
appropriations.....	130
fish and game.....	131
judicial apportionment.....	131
municipalities.....	131
public utilities and transportation.....	131
rules.....	132
mutual fire insurance.....	771
national tax association.....	665
one day of rest in seven.....	772
pensions (S. B. 195).....	1231
pensions (H. B. 426).....	562
pensions (S. J. R. 17).....	346
public utilities (H. B. 899).....	902, 911, 947, 1009
public utilities (H. B. 22).....	1094
Quinn, M. C., memorial (H. R. 37).....	118
railroads, car limits (H. B. 239).....	599, 851, 1012, 1016, 1101
rules committee.....	73
schools (H. B. 539).....	1106
Shanahan, D. E., portrait, presentation speech.....	1238
Speaker, temporary, vote for.....	15, 19, 27, 48, 50, 51, 53, 54, 55, 59, 60
teachers' pensions (H. B. 947).....	1036, 1037
university, appropriation (H. B. 963).....	886
GOVERNOR:	
foot and mouth disease hearing.....	16
House, organization, notification of.....	71
messages	
agricultural extension.....	128
Auditor, State.....	85
capital punishment.....	127, 359
Chicago park consolidation.....	86
convict labor.....	85
dairies.....	89
Dixon State School.....	86
foot and mouth disease.....	86, 102
Game and Fish Commission.....	81
grain inspection.....	90
labor statistics.....	90
Legislative Reference Bureau.....	79, 91
levees.....	82
militia.....	83
normal schools.....	85
Panama Pacific Exposition.....	88
penal reformatory.....	85
pharmacy board.....	90
waterway.....	73
GRAHAM:	
appropriation (H. B. 989).....	1081
appropriation (S. B. 364).....	934
Auditor, State (H. B. 209).....	305, 306
bonds (H. B. 698).....	1089
boxing (S. B. 15).....	734, 1205
Bruce (H. B. 274).....	987
child labor.....	717
cities and villages (H. B. 168).....	1056, 1057
city manager (H. B. 167).....	337, 338
civil service (H. B. 301).....	1031
committee to conduct temporary Speaker to the chair.....	65, 71
contagious diseases (H. B. 562).....	582
criminal code (H. B. 620).....	1113
drainage districts (H. B. 40).....	259, 585
(H. B. 50).....	377
(H. B. 507).....	584
election committee.....	94
elections, primary (H. B. 12).....	143
fish and game (S. B. 439).....	1123, 1127
foot and mouth disease (H. B. 562).....	266, 282, 284, 285, 332, 333, 335, 1250
hog serum (H. B. 894).....	1272
House organization, notifying Governor.....	71
injunctions (H. B. 195).....	817, 818
insurance (H. B. 105).....	551
jails (H. B. 772).....	1251
labor agreements.....	817, 819, 820
labor (H. B. 832).....	1043, 1047
liquor (H. B. 321).....	482, 484
local improvement (S. B. 394).....	1233

- | | PAGE. | | PAGE. |
|--|------------------------------|--|------------------------------|
| GRAHAM—Concluded. | | GREGORY—Concluded. | |
| member of committees on— | | member of committees on— | |
| elections..... | 131 | agriculture..... | 130 |
| enrolled and engrossed bills..... | 131 | banks, banking, and building and loan | |
| farm drainage..... | 131 | associations..... | 130 |
| fish and game..... | 131 | public utilities and transportation..... | 131 |
| judicial apportionment, chairman..... | 131 | senatorial apportionment, chairman..... | 132 |
| judiciary..... | 131 | visiting penal institutions..... | 132 |
| mortgages (S. B. 391)..... | 1199 | mileage appropriation..... | 861 |
| omnibus bill (H. B. 975)..... | 929 | monuments (H. B. 43)..... | 935 |
| practice in courts (H. B. 625)..... | 415, 420, 430 | Speaker, temporary, vote for..... | 45 |
| primaries, judicial..... | 143 | | |
| prostitution (H. B. 164)..... | 590 | GRIFFIN: | |
| public utilities (H. B. 480)..... | 301, 302 | member of committees on— | |
| public utilities (H. B. 899)..... | 913, 991, 1008 | agriculture..... | 130 |
| reformatories (S. B. 164)..... | 1196 | appropriations..... | 130 |
| roads and bridges (H. B. 575)..... | 519 | banks, banking and building and loan | |
| schools (H. B. 357)..... | 1059 | associations..... | 130 |
| Speaker, temporary, vote for..... | | temperance..... | 132 |
| taxation (H. B. 529)..... | 915 | | |
| (H. B. 530)..... | 915 | GROVES: | |
| township organization (S. B. 198)..... | 875, 1187 | banks (H. B. 202)..... | 978, 979, 980 |
| vital statistics (S. B. 213)..... | 1158 | justice of peace (S. B. 261)..... | 1276 |
| watchman, Statehouse (H. B. 993)..... | | liquor petitions..... | 475 |
| ..... | 1021, 1022, 1115, 1116, 1118 | member of committees on— | |
| GRAHAM, T. E.: | | banks, banking, and building and loan | |
| member of committees on— | | associations..... | 130 |
| agriculture..... | 130 | charities and corrections..... | 130 |
| farm drainage..... | 130 | congressional apportionment..... | 130 |
| fish and game..... | 131 | education..... | 130 |
| insurance..... | 131 | temperance..... | 132 |
| visiting penal institutions..... | 132 | Speaker, temporary, vote for..... | 13, 16, 53 |
| mortgages (H. B. 471)..... | 257 | | |
| Speaker, temporary, vote for..... | 53, 54 | GRUBB, W. L.: | |
| | | General Assembly, employee..... | 116 |
| GRAIN: | | | |
| car sweepings (H. B. 333) | | GULLICK, E. M.: | |
| Browne..... | 1067 | General Assembly, employee..... | 116 |
| Cooper..... | 1068 | | |
| Curran..... | 1068 | GYPSIES: | |
| Gorman..... | 1068 | camping on highways (H. B. 504) | |
| Lyle..... | 1067 | Donahue..... | 674 |
| Madsen..... | 1068 | | |
| Scholes..... | 1068 | HALLOWELL, W. C.: | |
| inspection department | | press committee | |
| Governor's message..... | 90 | Shanahan..... | 161 |
| | | | |
| GRAY, N. E.: | | HAMLIN: | |
| relief (H. B. 398) | | accounting (H. B. 565)..... | 1034 |
| Smejkal..... | 832 | Bruce (H. B. 274)..... | 987 |
| | | Butler (H. B. 949)..... | 945, 986 |
| GREEN, CARL: | | circuit court judges (H. B. 176)..... | 168 |
| mason contractors (H. B. 84)..... | 322 | contest, election..... | 341 |
| member of committees on— | | feeling-minded (H. B. 654)..... | 841, 842 |
| congressional apportionment..... | 130 | fire (H. B. 949)..... | 988, 999 |
| industrial affairs..... | 131 | indictments (H. R. 84)..... | 434 |
| judiciary..... | 131 | insurance (H. B. 949)..... | 988, 989 |
| judicial department and practice..... | 131 | judges of courts of records (H. B. 426)..... | 1261, 1262 |
| teachers' certificates (H. B. 886)..... | 593 | jury commissioners (S. B. 426)..... | 1165, 1167 |
| teachers' pensions (S. B. 135)..... | 567, 568 | lands for harbor purposes (H. B. 676)..... | 680, 682 |
| | | member of committees on— | |
| GREEN, E. W.: | | congressional apportionment..... | 130 |
| appropriations (H. B. 989)..... | 1081 | insurance..... | 131 |
| election contest..... | 3, 103 | judiciary..... | 131 |
| General Assembly, mileage (S. B. 459)..... | 840 | judicial department and practice..... | 131 |
| horseshoeing (H. B. 15)..... | 338 | public utilities and transportation..... | 131 |
| liquor petitions..... | 475 | to notify Governor of organization..... | 71 |
| member of committees on— | | parks (S. B. 327)..... | 1163, 1169, 1170, 1172, 1229 |
| agriculture..... | 130 | public utilities (H. B. 899)..... | 901 |
| efficiency and economy..... | 131 | Speaker, temporary vote for..... | 45, 46, 48, 64 |
| enrolled and engrossed bills..... | 131 | speech..... | 1239 |
| military affairs..... | 132 | submerged lands (H. B. 781)..... | 682 |
| revenue..... | 131 | | |
| senatorial apportionment..... | 131 | HAMMOND, J. L.: | |
| oath of office (H. R. 23)..... | 104 | clerk, provisional appointment..... | 3 |
| Speaker, temporary, vote for..... | 13 | | |
| | | HANDWRITING: | |
| GREGORY: | | proof of | |
| Atchison, O. T., memorial (H. R. 92)..... | 825 | Browne (H. B. 501)..... | 469, 471, 472 |
| election pledges (H. B. 285)..... | 765, 766 | Devine (H. B. 501)..... | 470, 471, 585 |
| Hill, J. H., clerk..... | 115 | Pierson (H. B. 501)..... | 471, 472 |
| hog serum (H. B. 894)..... | 1110 | Scholes (H. B. 501)..... | 472 |
| Hubbard, W. C. (H. R. 109)..... | 1278 | Wilson, G. H. (H. B. 501)..... | 472 |
| McDaniel, T. L., memorial..... | 780 | | |
| | | HARLAN, CAPTAIN EDWIN: | |
| | | memorial | |
| | | Purdunn (H. R. 80)..... | 340 |

	PAGE.		PAGE.
HARRIS, B. F:		HIGHWAY COMMISSIONERS:	
constitutional convention.....	201	Bentley (H. B. 601).....	625, 626, 630
HARRISON, OLIVER:		Tice (H. B. 601).....	966
enrolling and engrossing clerk		HILL, JACOB H.:	
Perkins (H. R. 60).....	186	clerk, assistant.....	115
HARVEY:		Gregory	
elections committee.....	94	Garesche	
member of committees on—		HILTON:	
appropriations.....	130	chairman committee to visit educational	
contingent expenses.....	130	institutions.....	132
judicial apportionment.....	131	civil service (H. B. 716).....	449, 455
waterways.....	131	(H. B. 399).....	1064
Speaker, temporary vote for.....	27, 29, 36, 37, 39, 45, 46	member of committees on—	
HATCH, PROFESSOR:		agriculture.....	130
vocational training		industrial affairs.....	131
Pierson.....	257, 258	liberal committee.....	131
HAYNES, WM.:		public utilities and transportation.....	131
doorkeeper		supplies (H. R. 27).....	116
Pace (H. R. 38).....	121	HOILES, HON. CHARLES D.:	
HAWKINS, JESSE:		memorial for	
Browne (H. R. 40).....	291	Garesche (H. R. 48).....	133
Ryan, F. J. (H. R. 40).....	292	HOFFMAN:	
Scanlan (H. R. 40).....	122	constitutional convention (S. J. R. 3).....	250
HEALTH, STATE BOARD:		member of committees on—	
Lipshulch (H. R. 65).....	208	appropriations.....	130
HELWIG:		military affairs.....	131
member of committees on—		senatorial apportionment.....	131
municipalities.....	131	waterways.....	132
public utilities and transportation.....	131	Speaker, temporary vote for.....	29, 34
senatorial apportionment.....	132	HOG SERUM:	
waterways.....	132	Browne (H. B. 894).....	1271, 1272
Spaker, temporary vote for.....	46, 48, 51	Dudgeon (H. B. 894).....	1270
HENNEBRY:		Foster (H. B. 894).....	1270
blind (H. B. 782).....	760	Gregory (H. B. 894).....	1110
contest.....	341	Grahan (H. B. 894).....	1272
Forsythe, David (H. R. 79) memorial.....	317	Hubbard (H. B. 894).....	1272
member of committees on—		Huston (H. B. 894).....	1273
fish and game.....	131	Igoe (H. B. 894).....	1270
judiciary.....	131	Kessinger (H. B. 894).....	1270
liberal committee.....	131	Smejkal (H. B. 894).....	1110
senatorial apportionment.....	131	Shurtleff (H. B. 894).....	1274
waterways.....	132	HOLADAY:	
prevention of infant blindness (H. B. 582).....	760	armories, sale of site (H. B. 211).....	859, 860
Riley, T. H. (H. R. 44) memorial.....	124	Auditor of Public Accounts, appropriation	
HENKE, HENRY:		(H. B. 209).....	309
relief		blind (H. B. 38).....	813
Smejkal (H. R. 116).....	830, 1090	(H. B. 582).....	761
HICKS:		bond (S. B. 698).....	1089
assessors (S. B. 7).....	1207	chairman committee on judiciary.....	131
brokers (H. B. 297).....	1132	commission, county text book (H. B. 697).....	1275
bonds (H. B. 45).....	1092	committee to notify Governor of organiza-	
buildings (H. B. 268).....	970	tion.....	71
circuit court judges, Cook County (H. B. 176).....	167	Constitution.....	278
corporations (H. B. 268).....	893, 1055	drugs (S. B. 300).....	1200
eight-hour law.....	624	election commission (H. B. 524).....	584, 1024
electrical devices (H. J. R. 22).....	624	embezzlement (H. B. 148).....	1112
judges (H. B. 474).....	462	factory inspection (H. B. 713).....	934
member of committees on—		fifty-car limit (H. B. 239).....	607
education.....	130	firearms (S. B. 10).....	1221
industrial affairs.....	131	food adulteration (H. B. 663).....	799
judiciary.....	131	gambling (H. B. 16).....	525, 526
judicial apportionment.....	131	garbage (H. B. 123).....	598
municipalities.....	131	General Assembly employees (H. R. 52).....	154, 309, 676
public utilities (H. B. 899).....	996, 997	judges, circuit (H. B. 474).....	1086
real estate (H. B. 268).....	893, 895	libraries (H. B. 175).....	252, 253, 255
schools (H. B. 559).....	263, 264	liability (H. B. 199).....	943
schools (H. B. 45).....	1092	marriage (H. B. 47).....	267, 270
text books (H. B. 697).....	1010	Mississippi River (S. J. R. 4).....	476
HIGH SCHOOL DISTRICTS:		member of committee on congressional ap-	
(H. B. 516).....	353, 891	portionment.....	130
Meents (H. B. 77).....	526, 593	mortgages (S. B. 391).....	1199
(H. B. 357).....	1057	pre-election pledges (H. B. 285).....	767
Shanahan (S. B. 384).....	972	press messenger (H. R. 41).....	123
(S. B. 107).....	1079	prevention of infant blindness (H. B. 582).....	761
Browne (S. B. 107).....	1208	public utilities (H. B. 899).....	912, 913
Stanfield (S. B. 107).....	1208	roads and bridges (H. B. 457).....	441, 443
		(H. B. 972).....	1051
		school (H. B. 376).....	257
		(H. B. 559).....	264

	PAGE.
HOLADAY—Concluded.	
schools (H. B. 394).....	318, 524
(H. B. 516).....	1040
(H. B. 697).....	1010
(H. B. 823).....	583
(H. B. 831).....	1058, 1062
(H. B. 947).....	1036
(H. B. 967).....	1079
(S. B. 463).....	1079
Speaker, temporary vote for.....	7, 45, 53, 54, 59
textbooks (H. B. 697).....	1275
HOLLENBECK, GEORGE M.:	
memorial for	
Kessinger (H. R. 74).....	259
HOLTERMANN, FRANK:	
relief	
Purdunn (S. B. 400).....	1200
Smejkal (S. B. 400).....	1200
HOLLISTER, T. E.:	
memorial for	
Turnbaugh (H. R. 98).....	1064
HOME RULE:	
Basel (H. B. 844).....	752, 753
Browne (H. B. 899).....	
.....	749, 751, 753, 754, 757, 758, 896, 951
Donahue (H. B. 899).....	758
Frankhauser (H. B. 899).....	754, 895, 896
Gorman (H. B. 899).....	
.....	721, 744, 749, 752, 754, 755, 758, 896
Lantz (H. B. 899).....	758
LePage (H. B. 899).....	744, 752
McCormick (H. B. 899).....	721, 722, 744, 749, 751, 758
Purdunn (H. B. 899).....	752, 755
Shurtleff.....	903
Shurtleff (H. B. 899).....	757, 758
Tice (H. B. 899).....	751, 752, 753, 754
HORSESHOEING:	
Butler (H. B. 15).....	338
Green, E. W. (H. B. 15).....	338
HORTICULTURAL SOCIETY:	
appropriation for	
Smejkal (H. B. 935).....	825
HOURS OF LABOR:	
nine-hour law	
Bippus (H. B. 207).....	543, 546, 787
Brinkman (H. B. 207).....	787
Browne (H. B. 207).....	787, 789
Brown (H. B. 207).....	543
Burns (H. B. 207).....	790
Burres (H. B. 207).....	790
Butler (H. B. 207).....	541, 788
Devine (H. B. 207).....	788, 790
Ellis (H. B. 207).....	537, 791
Graham, W. J. (H. B. 207).....	788
Kane (H. B. 207).....	539, 788, 792
LePage (H. B. 207).....	539
Lipshulch (H. B. 207).....	789
Madsen (H. B. 207).....	541, 546
McCormick (H. B. 207).....	537, 788, 792
Merritt (H. B. 207).....	787, 792
O'Rourke (H. B. 207).....	789
Pierson (H. B. 207).....	792
Purdunn (H. B. 207).....	540, 542
Ray (H. B. 207).....	793
Roe (H. B. 207).....	543, 790
Scholes (H. B. 207).....	537
Smejkal (H. B. 207).....	538
Taylor (H. B. 207).....	789
Thomason (H. B. 207).....	538, 540, 543
Turnbaugh (H. B. 207).....	541, 545, 787
Vursell (H. B. 207).....	793
Weber (H. B. 207).....	542
Wilson, G. H. (H. B. 207).....	540
Wilson, R. E. (H. B. 207).....	794
Young (H. B. 207).....	794

HOUSES OF CORRECTION:
See under "Cities and Villages, H. B. 786.

	PAGE.
HOUSE OF ILL-FAME:	
Browne (H. B. 164).....	586
Gardner (H. B. 164).....	586
Graham (H. B. 164).....	590
Kessinger (H. B. 164).....	591
Lyle (H. B. 164).....	586
Scholes (H. B. 164).....	586, 590
Rothschild (H. B. 164).....	591
Wilson (H. B. 164).....	589
HRUBY, J. O.:	
member of committees on—	
banks, banking, and building and loan	
associations.....	130
charities and corrections.....	130
insurance.....	130
license and miscellany.....	131
reformatories (S. B. 164).....	1192, 1196
Speaker, temporary vote for.....	27, 29, 45, 46
HUBBARD, W. C.:	
memorial for	
Gregory (H. R. 109).....	1278
HUBBARD:	
advertising (S. B. 109).....	871
auctioneers (H. B. 218).....	322, 378
bonds (H. B. 698).....	1089
boxing bill (H. B. 820).....	725
chief examiner of steam and stationary engi-	
neers (H. B. 322).....	224, 225
collection agencies, bond of (H. B. 124).....	586
commission form of government.....	914
constitutional convention (S. J. R. 3).....	245
court (H. B. 903).....	1084
(H. B. 994).....	1147
election contest.....	104
engineers (H. B. 563).....	1018, 1019
(H. B. 322).....	224
fish and game (S. B. 439).....	1123
foot and mouth disease (H. B. 562).....	18, 19
General Assembly employees (H. R. 52).....	
.....	149, 151, 154, 157
Hennepin Canal.....	711
Illinois waterway, appropriation (H. B. 973)	
.....	935, 939
injunction and abatement bill (S. B. 362)...	884
judges (H. B. 474).....	461
libraries in counties (H. B. 366).....	852
member of committees on—	
appropriations.....	130
congressional apportionment.....	130
education.....	130
rules.....	132
temperance.....	132
mileage (H. J. R. 20).....	505, 860
mausoleums (H. B. 215).....	1075, 1076
newspaper advertising (S. B. 109).....	871, 872
pensions, teachers (S. B. 138).....	551, 566
prostitution (H. B. 164).....	918
public utilities (H. B. 899).....	
.....	897, 899, 901, 908, 909, 911, 912, 913, 953, 955, 1005
(S. B. 108).....	1155
pages.....	1152
Rainey, H. T.....	660
rules committee.....	73, 97
schools (H. B. 394).....	318
(S. B. 182).....	1227
serum, hog (H. B. 894).....	1272
Speaker, temporary, vote for.....	
.....	7, 9, 10, 11, 15, 24, 37, 39, 53, 59, 62, 71
tax, University of Illinois (H. B. 611).....	
.....	551, 553, 566, 567, 568
text book (H. B. 697).....	1010
University of Illinois, appropriation for (H.	
B. 963).....	888
watchman (H. B. 993).....	1118
waterway bill (H. B. 914).....	
.....	657, 691, 692, 694, 697, 699, 703, 709, 710, 712, 714
(H. B. 806).....	1041
HUSTON:	
advertising (S. B. 109).....	872
corporations permitted to own real estate	
(H. B. 639).....	759
deficiency appropriations.....	223, 224
firearms (S. B. 10).....	1223

	PAGE.
HUSTON—Concluded.	
foot and mouth disease (H. B. 562).....	265, 266, 328, 1214
liquor petition.....	475
newspaper advertising for transportation (S. B. 109).....	872
pre-election pledges (H. B. 285).....	768
prostitution (H. B. 164).....	922
public utilities (H. B. 899).....	914, 955
serum, hog (H. B. 894).....	1283
Speaker, temporary vote for.....	5, 7, 11, 26, 27, 29, 34, 36, 40, 50, 51, 71
IGOE:	
advertising (S. B. 109).....	873
appellate court.....	164
Auditor of Public Accounts (H. B. 209).....	309, 310, 311
blind, support of (H. B. 38).....	814
boxing bill (S. B. 15).....	1204, 1205
(H. B. 820).....	725, 1204, 1208
budgetary act.....	211
capital punishment (H. B. 58, 67, 68).....	370
chairman committee on waterways.....	132
circuit court of Cook County (H. B. 176).....	162, 167
circuit court judges.....	167
cities and villages (H. B. 162).....	469
civil service (H. B. 301).....	342
(H. B. 716).....	445, 448, 452
(S. B. 132).....	579, 1208
committee to conduct temporary Speaker to chair.....	65, 71
Constitution, amendment (H. J. R. 7).....	501, 503
constitutional convention (S. J. R. 3).....	242
county treasurer of Cook County (S. B. 184).....	1198
dentistry (S. B. 314).....	1220
depositoriers (S. B. 185).....	1199
fireman's pension fund (H. B. 118).....	351
food adulteration (H. B. 663).....	808
foot and mouth disease (H. B. 562).....	214, 325, 334
(H. B. 885).....	1249
General Assembly employees.....	153, 154, 291, 309, 358
hog serum (H. B. 894).....	1270, 1271, 1274
inheritance (S. B. 38).....	1032
insurance, fire (H. B. 949).....	937, 984, 985, 991, 992
jails (H. B. 772).....	826, 1251
judges (H. B. 992).....	1091
labor (H. B. 832).....	1047, 1048
legislative voters league.....	862
Legislature salary increase (H. B. 386).....	861, 862
liquor (H. B. 844).....	473
Maloney, John (doorkeeper) (H. R. 32).....	116
marriage (H. B. 47).....	270
member of committees on—	
appropriations.....	130
civil service.....	130
efficiency and economy.....	131
judiciary.....	131
rules.....	132
one day rest in seven (H. B. 832).....	773, 775
parole (S. B. 179).....	1184, 1185
pension (S. J. R. 17).....	279, 347
(H. B. 231).....	560, 1135
prisoners (H. B. 89).....	1054
public utilities (H. B. 899).....	899, 954
(S. B. 159).....	941
(S. B. 347).....	1188
(H. B. 22).....	1094
(H. B. 480).....	301, 302
reformatory (H. B. 228).....	354
(S. B. 164).....	1247
rules.....	73
rivers, pollution of (H. B. 914).....	665
saccharine (H. B. 663).....	807
sanitary district (S. B. 132).....	1208
Secretary of State, deficiency (S. B. 263).....	310
Speaker, temporary, vote for.....	4, 5, 7, 29,
32, 34, 43, 44, 45, 46, 48, 50, 51, 53, 54, 55, 59, 60, 63	
submerged lands (H. B. 781).....	678
superior court.....	163
tax (H. B. 611).....	558
teachers pension (S. B. 135).....	566
telephone service, free.....	358
text books (H. B. 697).....	1010
University of Illinois (H. B. 963).....	885
unemployment (S. J. R. 12).....	1049

	PAGE.
IGOE—Concluded.	
Voris, Wm. (H. B. 248).....	1216, 1218
waterway bill (H. J. R. 23).....	623, 624
(H. B. 914).....	624, 691, 693, 701, 712, 713
watchman (H. B. 993).....	1113, 1116, 1118, 1119
wills (S. B. 338).....	1163
INGHAM, ALICE:	
appropriation for Smejkal (H. B. 241).....	397
INHERITANCE:	
Browne (S. B. 38).....	1032
Devine (S. B. 38).....	1032
Donahue (S. B. 38).....	1032
Igoe (S. B. 38).....	1032
O'Rourke (S. B. 38).....	1032
Wilson, G. H. (S. B. 38).....	1032
tax, fees, counties Gardner (S. B. 542).....	1245
INITIATIVE AND REFERENDUM:	
Browne.....	749
Hubbard.....	700
Rothschild.....	668
Turnbuagh.....	659
Wilson.....	661, 766
petitions Morris (H. J. R. 16).....	315
INJUNCTIONS:	
picketing Graham, R. J. (H. B. 195).....	817, 818
INJUNCTION AND ABATEMENT BILL:	
Brinkman (S. B. 362).....	883
Browne (S. B. 362).....	883, 885
Devine (S. B. 362).....	924
Hubbard (S. B. 362).....	884
Lipshulch (S. B. 362).....	881, 882
Lyle (S. B. 362).....	878, 879, 882, 884
Moore (S. B. 362).....	879, 884
Pierson (S. B. 362).....	875, 880
Richardson (S. B. 362).....	875, 881
Roe (S. B. 362).....	882
Wilson, G. H. (S. B. 362).....	876
Young (S. B. 362).....	881
INSANE:	
expert testimony regarding Browne (H. B. 161).....	689
INSURANCE:	
fraternal societies	
Butler (H. B. 105).....	290
Donahue (H. B. 105).....	541
Graham, W. J. (H. B. 105).....	551
Smejkal (H. B. 105).....	549, 551
Kessinger (H. B. 105).....	551
fire	
Browne (H. B. 667).....	769
Bippus (H. B. 949).....	989
Butler (H. B. 949).....	982, 984, 985, 989
Bruce (H. B. 949).....	988
Donahue (H. B. 949).....	986, 988, 992
Gorman (H. B. 667).....	771
Hamlin (H. B. 949).....	988, 989
Igoe (H. B. 949).....	984
Lyle (H. B. 949).....	982
Merritt (H. B. 949).....	992
Purdunn (H. B. 949).....	990
Roderick (H. B. 949).....	989
Scanlan (H. B. 949).....	982, 988
Scanlan (H. B. 667).....	769, 770
Schuberth (H. B. 949).....	990
Tuttle (H. B. 949).....	988
Rinehart (H. B. 949).....	855, 984, 988
Ryan (H. B. 949).....	990
mutual Scanlon (H. B. 718).....	1049
IRELAND, H. T.:	
doorkeeper.....	115, 116
ITALY:	
earthquake.....	120

	PAGE.		PAGE.
JACKSON:		JUDGES—Concluded.	
boxing (S. B. 15).....	1205, 1206	circuit court, Cook County, compensation—	
Buckner, J. C., memorial for (H. R. 60)....	187	concluded.	
civil service (S. B. 80).....	686	Pierson (H. B. 957).....	1144
civil service, Cook county (H. B. 716).....	455	Purdunn (H. B. 176).....	147
election contest (H. R. 39).....	121	(H. B. 957).....	1085
General Assembly employees.....	116	Roe (H. B. 957).....	1145
member of committees on—		Smejkal (H. B. 957).....	1085, 1088, 1128, 1135
insurance.....	131	courts of record	
license and miscellany.....	131	Browne (H. B. 426).....	1262
military affairs.....	131	Bruce (H. B. 426).....	1262
revenue.....	131	Burres (H. B. 426).....	1262
senatorial apportionment.....	132	DeYoung (H. B. 426).....	1262
moving pictures (S. B. 382).....	1162	Hamlin (H. B. 426).....	1261, 1262
public records, destruction of (H. B. 88)....	620	Madsen (H. B. 426).....	1261, 1263
race riot (H. B. 131).....	614	Weber (H. B. 426).....	1263
Speaker, temporary, vote for.....	55, 59	salaries of	
		Devine (H. B. 994).....	1127
JACKSONVILLE:		McGlooin (H. B. 994).....	1127
repeal of incorporation act		Purdunn (H. B. 994).....	1258
Merritt (S. B. 450).....	1196	Shurtleff (H. B. 994).....	1127, 1145
JACOBSON:		JUSTICE OF THE PEACE:	
bonds (H. B. 968).....	1088, 1090	(S. B. 261).....	1079
civil service (H. B. 716).....	455	Dahlberg (H. B. 775).....	593
elections (H. B. 54).....	289	Groves (S. B. 261).....	1276
General Assembly employees.....	292	JUUL LAW:	
member of committees on—		amendment to (H. B. 687).....	509
judicial apportionment.....	131	JURORS:	
military affairs.....	131	fees and salaries	
municipalities.....	131	Bippus (S. B. 72).....	1267
public utilities and transportation.....	131	Browne (S. B. 72).....	1267
occupation, dangerous (H. B. 787).....	970	Foster (S. B. 72).....	1267
Speaker, temporary, vote for.....	37, 39, 43, 50, 54	JURY COMMISSIONERS:	
JAILS:		Hamlin (S. B. 426).....	1165, 1167
Campbell (H. B. 772).....	1251	Madsen (S. B. 426).....	1165
Graham, W. J. (H. B. 772).....	1251	KANE:	
Igoe (H. B. 772).....	826, 1251	advertising (S. B. 109).....	873
Maucker (H. B. 772).....	1251	bond (H. B. 968).....	1088
JITNEY BUSES:		Bruce, Hannah (S. B. 425).....	1215
Browne.....	869, 904	capital punishment (H. B. 58, 67, 68).....	375
Burres.....	906	child labor (H. B. 104).....	531
JONES, W. A.:		committee to conduct temporary Speaker	
(H. R. 94).....	973	to chair.....	65
JONES, W. O.:		Constitution, amendment to (H. J. R. 7)....	503
relief		drainage district (H. B. 50).....	376, 377, 378, 677
Smejkal (H. B. 85).....	832, 1083	foot and mouth disease (H. B. 562).....	214, 216, 264, 265,
JUDGES:		282, 284, 294, 298, 324, 325, 328, 329, 330, 332, 1214	
See, also, "Courts." ■		farm drainage bill.....	677
(H. B. 957).....	1085, 1135, 1137, 1140, 1144	fifty-car limit (H. B. 239).....	599, 608
(H. B. 176).....	147, 161, 207	firearms (S. B. 10).....	1221
(H. B. 992).....	1091, 1092	General Assembly employees.....	150, 156, 324
circuit		Henke, Henry (H. B. 116).....	1090
Barker (H. B. 474).....	463	judges (H. B. 474).....	458
Browne (H. B. 474).....	456	(H. B. 957).....	1085, 1137, 1138
Devine (H. B. 474).....	339, 398, 463	labor (H. B. 832).....	1044, 1045, 1047, 1269
Garesche (H. B. 474).....	461	license (H. B. 563).....	958, 959, 961, 962
Hicks (H. B. 474).....	462	liquor (H. B. 232).....	499
Holladay (H. B. 474).....	1086	liquor petitions.....	475
Hubbard (H. B. 474).....	461	local improvements (H. B. 246).....	321, 322
Kane (H. B. 474).....	458	libraries (S. B. 114).....	1161
Lyle (H. B. 474).....	463	masonry (H. B. 185).....	1151
McCormick (H. B. 474).....	456	member of committees on—	
Perkins (H. B. 474).....	456, 458, 460	farm drainage.....	131
Pierson (H. B. 474).....	459	judiciary.....	131
Provine (H. B. 474).....	459	judicial department and practice.....	131
Purdunn (H. B. 474).....	339	revenue.....	131
Roe (H. B. 474).....	461	temperance.....	132
Shurtleff (H. B. 474).....	467	mortgages (H. B. 471).....	225
Taylor (H. B. 474).....	461	moving pictures (S. B. 382).....	1230, 1234
Tuttle (H. B. 474).....	460	newspaper advertising for transportation	
circuit court, Cook County, compensation		bill.....	873
Browne (H. B. 957).....	1139, 1187, 1188	one day rest in seven (H. B. 832).....	689, 771, 773, 774, 777, 779, 780, 783, 784, 785, 1269
Burres (H. B. 957).....	1142	omnibus bill (H. B. 975).....	1255
Butler (H. B. 957).....	1088	Normal schools (H. B. 948).....	1264
Cooper (H. B. 957).....	437, 1142	pleading and practice (S. B. 526).....	1180, 1181
Devine (H. B. 957).....	1085, 1086, 1135	practice in courts of record (H. B. 625).....	414, 415, 427, 428
DeYoung (H. B. 957).....	1142	proceedings and debates.....	138
Franz (H. B. 957).....	1219	public utilities (S. B. 109).....	1155
McGlooin (H. B. 176).....	145	(H. B. 480).....	302, 303
(H. B. 957).....	1087	(H. B. 899).....	1008
Murphy (H. B. 957).....	1087		

	PAGE.		PAGE.
KANE—Concluded.		KINNEY, JAMES:	
railroads (H. B. 239).....	599, 608, 1015	enrolleing and engrossing clerk.....	115
school fund (H. B. 48).....	319	Moore.....	186
(H. B. 357).....	1061	KING, E. F.:	
Speaker, temporary, vote for.....		jury commissioners (S. B. 426).....	1167
...4, 5, 7, 9, 10, 11, 19, 21, 23, 26, 27, 29, 32, 34,		KIPLING, WM.:	
35, 36, 37-40, 43-46, 48, 50, 51, 53-55, 59, 60, 64, 71		doorkeeper (H. R. 38).....	121
submerged lands (H. B. 781).....	682	LABOR:	
teachers pensions (S. B. 135).....	573	agreements (H. B. 195)	
textbooks (H. B. 697).....	1010	Browne.....	815, 816, 820, 1043
Vickers, A. K., committee to attend fun-		Ellis.....	594
eral of.....	32	Graham.....	817, 819, 820
vital statistics (S. B. 213).....	1157	Lyle.....	1042, 1043
Voris (H. B. 248).....	1217, 1218	Rothschild.....	815, 820, 822
women's nine-hour law (H. B. 207).....		Ryan.....	594, 815, 822, 824, 1042, 1043
...539, 540, 541, 788, 792		Shurtleff.....	819, 820, 824, 1042
waterway bill (H. B. 914).....	786	Smejkal.....	815
KASSERMAN:		Turnbaugh.....	815
Constitution, amendment (H. J. R. 7).....	503	Bureau, Labor Statistics	
election contest (H. R. 42).....	123, 160	Governor's message.....	90
foot and mouth disease (H. 9. 885).....	555	injunctions	
food, adulteration (H. B. 663).....	797	Graham, W. J. (H. B. 195).....	817, 818
General Assembly, committee expenses (H.		one day rest in seven (H. B. 832)	
B. 989).....	1081	Brown, W. M.....	783
judicial primaries.....	144, 146	Browne.....	772, 775, 780
justice of the peace.....	594	Bruce.....	784, 786
member of committees on—		Burres.....	782
civil service.....	130	Curren.....	783
congressional apportionment.....	130	Devine.....	774, 775, 786
elections.....	130	Donahue.....	1044, 1045, 1048
judiciary.....	131	Ellis.....	773, 1048
pre-election pledges.....	766	Fahy.....	785
public utilities (H. B. 22).....	1094	Gorman.....	772
schools (S. B. 182).....	1227	Graham, W. J.....	1043
title (H. B. 88).....	274	Igoe.....	1047, 1048
Vickers, A. K., committee to attend funeral		Kane.....	689, 771, 773, 774, 1044, 1047, 1269
of.....	32	Madsen.....	776, 777
KECK, FRED:		Mason.....	775, 776
memorial (H. R. 45)		McCormick.....	786
Rentschler.....	125	Pace.....	774, 784, 785, 1045, 1269
KESSINGER:		Perkins.....	1044, 1047
advertising (S. B. 109).....	870-873	Provine.....	1045
boxing bill.....	726	Purdunn.....	785, 786
charitable organizations exempt from taxa-		Roe.....	773, 775
tion (H. B. 927).....	863	Scanlan.....	780, 782
civil service (S. B. 80).....	1160, 1161, 1223	Shanahan.....	1048
constitutional convention.....	235	Shurtleff.....	778, 779
foot and mouth disease (H. B. 562).....		Turnbaugh.....	689, 1269
...184, 186, 265, 266, 285		Weber.....	783, 784
fraternal insurance (H. B. 105).....	517	LANDS:	
Hollenback, George M., memorial for (H.		harbors and other public purposes (H. B.	
J. R. 74).....	259	676)	
member of committees on—		Browne.....	678
appropriations.....	130	Hamlin.....	682
civil service.....	130	Young.....	682
efficiency and economy.....	131	LANTZ:	
insurance.....	131	contagious diseases, suppression (H. B. 867).....	926
senatorial apportionment.....	132	foot and mouth disease (H. B. 562).....	
mileage appropriation.....	860	...325, 581, 1213, 1214	
newspaper advertising for transportation		home rule.....	758
(S. B. 109).....	867, 870, 873	member of committees on—	
prostitution (H. B. 164).....	592	agriculture.....	130
public play grounds (H. B. 63).....	771	congressional apportionment.....	131
public utilities (S. B. 109).....	1253	public utilities and transportation.....	131
serum, hog (H. B. 894).....	1270	roads and bridges.....	131
Speaker, temporary, vote for.....	45, 46, 48	railroads, car limit (H. B. 239).....	600
taxes, charitable institutions exempt (H. B.		Speaker, temporary, vote for.....	45, 46, 48
927).....	863, 1049	LARCENY:	
transportation (S. B. 109).....	1232, 1233	taking horse, vehicle or other property (H.	
KENESAW MOUNTAIN, GEORGIA:		B. 620)	
(H. B. 365).....	507	Browne.....	1066
KILENS:		Scholes.....	1066
member of committees on—		LARSEN:	
appropriations.....	130	Browne.....	252
efficiency and economy.....	131	LAWYERS:	
industrial affairs.....	131	disbarment	
waterways.....	132	Mulcahy (H. B. 616).....	509, 674, 675
optometry (H. B. 9).....	838, 839		
Speaker, temporary, vote for.....	35		

	PAGE.
LEECH:	
city manager.....	337
member of committees on—	
appropriations.....	130
industrial affairs.....	131
judicial apportionment.....	131
judiciary.....	131
Speaker, temporary, vote for.....	37, 43
LEGISLATIVE REFERENCE BUREAU:	
appropriation, deficiency (H. B. 574).....	397
circuit court judges, reports (H. B. 474).....	339
Devine (H. R. 81).....	349
Governor's message.....	79, 91
LEGISLATIVE VOTERS' LEAGUE:	
Browne.....	877
Igoe.....	862
LEONARD, FRANK:	
doorkeeper, assistant.....	115
LEPAGE:	
home rule (H. B. 899).....	744, 752
member of committees on—	
fish and game.....	131
insurance.....	131
judicial apportionment.....	131
liberal.....	131
public utilities and transportation.....	131
public utilities (S. B. 447).....	1172
railroads, car limit (H. B. 239).....	599
school trustees, petitions (H. B. 134).....	676
Speaker, temporary, vote for.....	9, 11
Vickers, A. K., attendance at funeral.....	32
woman's nine-hour bill (H. B. 207).....	539
LEVEES:	
Governor's message.....	82
Igoe.....	655
LEWIS, J. H.	625, 713
LIBRARIES:	
city and township (S. B. 114)	
Gorman.....	689, 1169
Kane.....	1161
Ryan.....	593
county (H. B. 366)	
Brewer.....	852
Browne.....	852
Burres.....	321
Hubbard.....	852
Rothschild.....	321
public, free (H. B. 175)	
Browne.....	255
Davis.....	252
Holiday.....	252
O'Rourke.....	252
Purdunn.....	255
Rothschild.....	253
Wilson, R. E.....	255
LICENSES:	
commission merchants (H. B. 356)	
Brown, W. M.....	437
Frankhauser.....	438
Perkins.....	438
Rothschild.....	437
Thomason.....	437
Turnbaugh.....	437
embalmers (H. B. 335)	
Burres.....	597
McCormick.....	597
Young.....	597
investment companies (H. B. 146).....	525
mason contractors (H. B. 84).....	926
motor vehicles (H. B. 804).....	525
steam and operating engineers (H. B. 563)	
Browne.....	957-961, 964, 1021
Burres.....	960
Devine.....	964
Ellis.....	961, 965
Kane.....	958-961
Madsen.....	962
Provine.....	962
Rothschild.....	957-963
Tompkins.....	959
Wilson, G. H.....	958

	PAGE.
LIMITATIONS:	
statute amended (H. B. 429).....	794
LIPSHULCH:	
boxing.....	741, 1206
boxing (S. B. 15).....	1206
Bruce, Hannah (S. B. 425).....	1216
capital punishment (H. B. 67).....	973, 1134
constitutional convention.....	206, 231, 232
Constitution, amendment (H. J. R. 7).....	293
child labor (H. B. 104).....	535
circuit court judges.....	166
civil service (H. B. 716).....	449
drugs (H. B. 65).....	208
drugs (S. B. 300).....	1200
elections (H. B. 54).....	289
firemen's pension (H. B. 118).....	351, 561
injunction and abatement (S. B. 362).....	881, 882
liquor traffic (H. B. 464).....	478
liquor traffic (H. B. 321).....	482, 488
liquor traffic (H. B. 642).....	477
marriage (H. B. 47).....	269
member of committees on—	
banks, banking, and building and loan	
associations.....	130
charities and correction.....	130
congressional apportionment.....	130
efficiency and economy.....	131
military affairs.....	131
optometry (H. B. 9).....	837
public utilities (H. B. 899).....	910
railroad, car limit (H. B. 239).....	600
Speaker, temporary, vote for.....	25, 35, 38, 56
teachers' pension (S. B. 135).....	553
vital statistics (S. B. 213).....	1159
university, appropriation (H. B. 963).....	886
women's nine-hour day.....	789
LIQUOR:	
aliens not to operate saloons (H. B. 642)	
Curran.....	477
Garesche.....	477
Lipshulch.....	478
Lyle.....	478
Richardson.....	478
Wilson, G. H.....	478
anti-saloon territory (H. B. 232)	
Curran.....	499
Kane.....	499
Moore.....	499
O'Rourke.....	499
anti-saloon territory (H. B. 422)	
Curran.....	494
Ellis.....	493
Garesche.....	494
Moore.....	496
home rule (H. B. 844).....	473
petitions	
Atwood.....	475
Benson.....	475
Boyd.....	475
Green, E. W.....	475
Groves.....	475
Huston.....	475
Kane.....	475
Lyle.....	475
Mentz.....	475
Perkins.....	475
Richardson.....	475
Wilson, G. H.....	475
Wilson, Harry.....	475
residential districts (H. B. 362)	
Burns.....	498
Bruce.....	497, 498
Curran.....	497, 498
Wilson.....	496, 497, 498
sale near naval station (H. B. 321)	
Brown, W. M.....	486
Bruce.....	483
Donahue.....	482
Garesche.....	485
Graham, W. J.....	482, 488
Lipshulch.....	482, 488
Lyle.....	483, 485
Maucker.....	485, 491
Ryan, F. J.....	489
Scholes.....	482, 489

	PAGE-
LIQUOR—Concluded.	
sale near naval station (H. B. 321)—con-	
cluded.	
Shurtleff.....	479, 482
Taylor.....	491
Vickers.....	486
Williamson.....	490
Wilson, G. H.....	479, 487, 490
Sunday closing (H. B. 822)	
Butler.....	477
Curran.....	476
Merritt.....	477
Wilson, G. H.....	473
Sunday closing (H. B. 844.)	
Curran.....	473
Gorman.....	476
Igoe.....	473
Scholes.....	473
treating (H. B. 330)	
Butler.....	500
Curran.....	500
Flagg.....	499
Madsen.....	500
LIVE STOCK:	
breeders' association, appropriation (H. B.	
935)	
Smejkal.....	825
commissioners, State board.....	132
LOANS:	
assignments of wages (S. B. 72)	
Rothschild.....	1187
brokers' licenses (H. B. 297).....	1132
LOBBYING:	
registration (H. B. 358)	
Browne.....	178
McCormick.....	177, 179
McGlooin.....	177
Thomason.....	971
Turnbaugh.....	978
LOCAL IMPROVEMENTS:	
assessments as liens (S. B. 394)	
Burns.....	1233
Graham, W. J.....	1233
assessments paid before bond issue (H. B.	
246)	
Browne.....	322
Kane.....	321
Scanlan.....	322
assessments paid in installments (S. B. 137)	
Browne.....	1234
Burres.....	1234
Devine.....	1234
Ray.....	1235
LOTTERIES:	
prohibited (H. B. 901)	
Seif.....	1133
Vickers.....	1133
LOWDEN, F. O.:	
constitutional convention, address.....	196, 198
LYLE:	
accounting (H. B. 565).....	1034, 1035
advertising, fraudulent.....	721
Auditor, State (H. B. 209).....	309, 312
banks (H. B. 202).....	978, 979, 980
boxing (S. B. 15).....	1203
boxing (H. B. 820).....	575, 576
charitable institutions (H. B. 723).....	945, 946
children, delinquent (H. B. 317).....	1088, 1093
cities and villages (H. B. 162).....	468
civil service (H. B. 399).....	1064, 1079
civil service (H. B. 716).....	452
courts, circuit, Cook County (H. B. 176)	
.....	165, 167, 168, 468
detention homes (H. B. 827).....	942
elections (H. B. 13).....	286, 288
elections (H. B. 448).....	1065
engineers (H. B. 406).....	1040
fire (H. B. 949).....	982
fraud (H. B. 199).....	263
gambling (H. B. 16).....	562

	PAGE.
LYLE—Concluded.	
General Assembly, employees... 152, 155, 156, 292	
grain (H. B. 333).....	1067
injunction and abatement (S. B. 362).....	878, 882-885
insurance commission (H. B. 949).....	992
judges (H. B. 474).....	463
judges (H. B. 957).....	1086
judicial ballots (H. B. 419).....	853
labor (H. B. 195).....	1042, 1043
liquor petitions.....	475
liquor (H. B. 464).....	478
liquor (H. B. 321).....	483, 485
marriage (H. B. 47).....	267
masters-in-chancery.....	164
mausoleum (H. B. 215).....	1080, 1131, 1132
member of committees on—	
charities and correction.....	130
judiciary.....	131
judicial department and practice.....	131
municipalities.....	131
revenue.....	131
temperance.....	132
mothers' pension (H. B. 10).....	566
moving pictures (S. B. 382).....	1162, 1230
parole (S. B. 179).....	1184, 1185
prisoners (H. B. 89).....	1054, 1055
prostitution (H. B. 164).....	524, 588, 591, 916, 918, 919, 924
prostitution (S. B. 362).....	1191
public utilities (H. B. 899).....	901, 909
railroads (H. B. 239).....	1018, 1104
schools (H. B. 559).....	263
Speaker, temporary, vote for.....	48
LYNCH:	
banner, State (S. B. 446).....	1266
building commission (H. B. 441).....	577
constitutional convention.....	248
courts, circuit.....	134
credentials committee.....	67
detention home (H. B. 827).....	942
foot and mouth disease.....	217
General Assembly, employees (H. R. 75)...	324
member of committees on—	
appropriations.....	130
education.....	130
enrolled and engrossed bills.....	131
fish and game.....	131
judicial apportionment.....	131
public utilities (H. B. 970).....	1056
registration (H. B. 137).....	942
Scholes, Mrs., memorial (H. R. 90).....	688
Speaker, temporary, vote for.....	27, 29, 36, 37, 39
tax collections (H. B. 319).....	381
LYON:	
blind (S. B. 239).....	1199
bulk sales (H. B. 73).....	261, 262, 281
capital punishment (H. B. 58, 67, 68).....	365
Connolly, J. A., memorial (H. R. 101).....	1201
General Assembly, employees.....	116
General Assembly, mileage (S. B. 459).....	839
member of committees on—	
appropriations.....	130
judiciary.....	130
judicial apportionment.....	131
rules.....	132
mortgages (H. B. 72).....	956
Speaker, temporary, vote for.....	5, 45, 46, 51
McCABE:	
election, contest.....	6
member of committees on—	
civil service.....	130
education.....	130
industrial affairs.....	131
waterways.....	132
McCABE, MOLLIE:	
postmaster, assistant (H. R. 26).....	115, 116
(H. R. 95) memorial for mother	
Shephard.....	974
McCANN, B. H.:	
clerk.....	3, 66, 71
McCONNELL, W. H.:	
press messenger.....	149, 154

	PAGE.		PAGE.
McCORMICK:		McCULLOUGH, J. S.:	
adjournment.....	42, 49, 61, 66	memorial (H. R. 56)	
bills (H. R. 53).....	158	Burres.....	176
Bruce, Hannah (S. B. 425) relief.....	1216	McGUIRE, W. P.:	
capital punishment (H. B. 67).....	1134	appropriation (H. B. 374).....	891
chairman committee on public utilities and		McDANIEL, T. L.:	
transportation.....	131	memorial	
charitable institutions (H. B. 723).....	945, 946	Gregory (H. R. 91).....	780
civil service (S. B. 80).....	1223	McGLOON:	
(H. B. 716).....	448, 453	armories, sale of site (H. B. 211).....	850
(H. B. 301).....	344, 345, 1028, 1029, 1099	boxing (S. B. 15).....	1206
(H. J. R. 7).....	663	(H. B. 820).....	1206
committee appointment to wait on Chief		Chicago Telephone Company (H. J. R. 29).....	1128
Justice.....	3	civil service (H. B. 716).....	448, 449, 454
committee to conduct Speaker to chair....	71	(H. B. 301).....	1028, 1031
Constitution, amendment to (H. J. R. 7)500, 502		courts of records (S. B. 72).....	935
constitutional convention (S. J. R. 3).....	232, 250, 666	Culver, Kathryn relief (S. B. 45).....	843
corporations (H. B. 268).....	1055	farms, name their (S. B. 142).....	1198
Cushing's manual.....	117	General Assembly employees (H. R. 52) 156, 157	
debates, stenographic reports.....	139	judges (H. B. 957).....	1087
deficiency bills.....	210	(H. B. 994).....	1127
drainage (S. B. 272).....	1168, 1169	lobbying, registration (H. B. 358).....	177-179
elections (S. B. 448).....	1065, 1183	Mehassy, Paul.....	156
(H. B. 13).....	286	member of committees on—	
farms, name their (S. B. 142).....	1198	civil service.....	130
fifty-car limit (H. B. 239).....	598, 599	efficiency and economy.....	131
fish and game (S. B. 439).....	1124	industrial affairs.....	131
foot and mouth disease (H. B. 562).....	214, 265, 283, 284, 296, 297	public utilities and transportation.....	131
General Assembly employees (H. R. 52).....	149, 151-153, 155, 156, 291	pharmacy (H. B. 180).....	1068
home rule bill (H. B. 899).....	721, 722, 744, 745, 746, 747, 749, 751, 752, 753, 754, 755, 757, 758	public utilities (S. B. 447).....	1173
Joliet penitentiary (S. B. 316).....	684	(H. B. 480).....	303
judges (H. B. 474).....	456	railroads (H. B. 239).....	1017, 1018, 1100
(H. B. 13).....	286	Second Regiment armory sale.....	859
labor, one day rest in seven (H. B. 832)....	786	street railroad extension (H. B. 126).....	1097
leave of absence.....	1254	MACKENZIE, CLELAND:	
Legislative Reference Bureau, appropria-		capital punishment (H. B. 58, 67, 68).....	362
tion (H. B. 574).....	397	MADSEN:	
legislative salary increase (H. B. 386).....	862	child labor (H. B. 104).....	532, 777
license (H. B. 335).....	597	civil service (H. B. 716).....	452
lobbying registration (H. B. 358).....	177, 179	Constitution, State (H. J. R. 7).....	294, 249
mattresses (H. B. 704).....	593, 1042	constitutional convention (S. J. R. 3).....	248
mileage (H. J. R. 20).....	505	employment agencies (S. B. 24).....	1219
mortgages (H. B. 263) and (H. B. 471).....	225	foot and mouth disease (H. B. 562).....	216
mother's pension (H. B. 10).....	564, 565	free employment offices (S. B. 24).....	1219
municipal pension (H. B. 119).....	562	General Assembly employees (H. B. 372)...	321
parks (H. B. 890).....	1057	grain (H. B. 333).....	1068
pensions (H. B. 119).....	562	judges (H. B. 957).....	1138
(S. J. R. 7).....	663	judges of courts of records (H. B. 426) .1261, 1263	
pension fund (H. B. 244).....	336	jury commissioners (S. B. 426).....	1165
police (H. B. 320).....	558-560	labor, one day rest in seven (H. B. 832) .776, 777	
practice in court of records (H. B. 625).....	401, 403, 416	license (H. B. 563).....	962
public utilities.....	897, 898, 901, 902, 906	liquor (H. B. 330).....	500
(S. B. 447).....	1173	member of committees on—	
(S. B. 108).....	1188	education.....	130
(H. B. 480).....	222, 279, 301	efficiency and economy.....	131
(H. B. 899).....	1002	elections.....	131
(H. R. 100).....	1150	industrial affairs.....	131
member of committees on—		mother's pensions (H. B. 10).....	566
civil service.....	131	practice in courts of records (H. B. 625)....	409, 412, 413, 426, 427
efficiency and economy.....	131	public utilities (H. B. 899).....	910, 955
elections.....	131	roads and bridges (H. B. 457).....	441-443
industrial affairs.....	131	Speaker, temporary, vote for.....	5
rules.....	132	strikes (S. B. 203).....	1235
railroads (H. B. 239).....	1018, 1100	(H. J. R. 28).....	1137
reformatories (S. B. 164).....	1194, 1246	taxes (H. B. 280).....	524
roads and bridges (H. B. 575).....	517	University of Illinois appropriation (H. B.	
rules committee.....	73, 96, 97	963).....	887
school taxes.....	251, 252	women's nine-hour law (H. B. 207).....	541, 546
schools, free (H. B. 204).....	221	watchmen (H. B. 993).....	1122
Speaker, temporary, vote for.....	16, 26, 45, 46, 48, 51, 54, 70, 71	MALONEY, J. P.:	
street railroads extension (H. B. 126).....	1097	doorkeeper (H. R. 32).....	3, 67, 116, 117
submerged lands transfer to park commis-		Igoe.....	116
sion (H. B. 781).....	682	O'Rourke.....	268, 270
waterway bill (H. B. 914).....	702, 711, 715	Roe, A.....	269
(H. B. 806).....	1041	Taylor.....	269
wills (S. B. 338).....	1162	Turnbaugh.....	267
women's nine-hour law (H. B. 207).....	537-543, 545-547, 788, 789, 790, 792	Wilson (Adams).....	268, 269, 270

	PAGE.
MARRIAGE:	
(H. B. 47).....	266
(H. B. 525).....	827
Browne, L. O'N.....	266
Holaday.....	267, 268, 269
Igoe.....	270
Lipshulch.....	267, 269
MASON:	
one day rest in seven.....	775, 776
member of committees on—	
charities and correction.....	130
enrolled and engrossed bills.....	131
license and miscellany.....	131
revenue.....	132
MASON CONTRACTORS:	
(H. B. 84).....	322
Green, Carl.....	322
Ryan, F. J.....	322
MASONRY:	
(H. B. 185).....	1064, 1079, 1100
Devine.....	1152
Kane.....	1151
Smejkal.....	1100
MATERNITY HOSPITALS:	
(H. B. 724).....	583, 850
Curren, Thos.....	850
MATTRESSES:	
(H. B. 704)	
Curren, Thos.....	1042
Devereaux.....	1041
Epstein.....	593, 1042
McCormick.....	593
MAUCKER:	
annexation proceedings (H. B. 812).....	853
boxing bill (H. B. 820).....	737
child labor (H. B. 104).....	717, 721
cities and villages (H. B. 812).....	968
Cole, G. E., constitutional convention.....	230
Constitution.....	667
constitutional convention (S. J. R. 3).....	667
Constitution, amendment to (H. J. R. 7).....	503
drainage, clerk of (H. B. 50).....	377
jails (H. B. 772).....	1252
judges (H. B. 957).....	1088
liquor (H. B. 321).....	485, 491
mileage appropriation.....	860
member of committees on—	
farm drainage.....	131
judicial apportionment.....	131
municipalities.....	131
revenue.....	131
parole (S. B. 179).....	1186
railroads, (H. B. 239).....	1104
Rock Island Free Employment Agency (H. B. 76).....	304
Speaker, temporary, vote for.....	63
tax collection (H. B. 319).....	379, 381
waterway bill (H. B. 914).....	701
mausoleums (H. B. 215).....	1075, 1076, 1079, 1131
Lyle.....	1080, 1131, 1132
Burres.....	1079
Hubbard.....	1075, 1076
Pierson.....	1132
Purdunn.....	1131
MEENTS:	
commission, county textbook (H. B. 697).....	1275
farms, name their (S. B. 142).....	1197, 1198
high school districts (H. B. 77).....	526
liquor petition.....	475
member of committees on—	
appropriations.....	130
banks, banking, and building and loan associations.....	130
congressional apportionment.....	130
contingent expenses.....	130
Speaker, temporary, vote for.....	46
uniform textbook (H. B. 697).....	926, 1010
MERRITT:	
advertising (S. B. 109).....	874
Butler, Wirt, memorial (H. R. 93).....	834, 853

	PAGE.
MERRITT—Concluded.	
Civil Service Commission (H. B. 301).....	342, 344, 796, 1027, 1029, 1097, 1099
(H. B. 937).....	1213
civil service (H. B. 937).....	1213
commission form of government (H. B. 937).....	1213
courts of record (H. R. 71).....	258
fire (H. B. 949).....	992
foot and mouth disease (H. B. 415).....	220
insurance (H. B. 949).....	992
(H. B. 801).....	1109, 1270
Jacksonville, city of (S. B. 450).....	1196
Kenesaw Mountain monument appropriation (H. B. 365).....	442
liquor (H. B. 822).....	477
member of committees on—	
appropriations.....	130
education.....	130
insurance.....	131
mileage appropriation.....	861
mothers' pensions (H. B. 10).....	440
newspaper advertising for transportation (S. B. 109).....	874
roads and bridges (H. B. 727).....	1053
Southern Illinois Penitentiary (H. B. 586).....	443
Speaker, temporary, vote for.....	10, 13, 15, 34, 62
textbook commission (H. B. 697).....	929, 931, 1010
tipping (H. B. 143 and 144).....	524, 597, 598
vital statistics (S. B. 213).....	1158
woman's nine-hour bill.....	787, 792
MILITARY AFFAIRS:	
Governor's message.....	83
Burns (H. B. 939).....	1057
Rothschild (H. B. 939).....	1057
Ryan, F. J. (H. B. 939).....	1057
MINES:	
(H. B. 858).....	931, 1092
Turnbaugh (H. B. 857, 859).....	109
(H. B. 860).....	1109
mine examiners county (H. B. 859).....	931, 1109
Mine Investigation Commission (H. B. 860).....	931, 1109
mine operators	
Atwood (S. B. 109).....	593
miners ommission appropriation (H. B. 855).....	1083
miners, Royaltan relief	
Smejkal (H. B. 854).....	840
MISSISSIPPI RIVER:	
Holaday (S. J. R. 4).....	475, 476
(H. J. R. 5).....	122
MITCHELL:	
absent.....	132
civil service (H. B. 301).....	1027
(S. B. 135).....	580
Cook County, treasurer (S. B. 184).....	972
contracts, State board of (H. B. 528).....	279
county treasurer, Cook County (S. B. 184).....	972
enrolling and engrossing clerks.....	186
fish and game (S. B. 439).....	1201
foot and mouth disease (H. B. 885).....	555
General Assembly, employees (S. B. 5).....	147, 153
member of committees on—	
banks, banking, and building and loan association.....	130
civil service.....	130
industrial affairs.....	131
municipalities.....	131
waterways.....	132
omnibus bill (H. B. 975).....	1255, 1256
public utilities (H. B. 22).....	972
roads and bridges (H. B. 547).....	1254
salaries of judges of Supreme court (H. B. 994).....	1260
Speaker, temporary, vote for.....	5, 6, 7, 13, 15, 44, 45, 51
strikes.....	1079
MONUMENT:	
Altgeld, John P. (H. B. 964).....	933
Grant, Ulysses S., station	
Curran (H. B. 406).....	1249
Gregory (H. B. 43).....	935
Oglesby, Richard J.	
Smejkal (S. B. 388).....	931, 1196

	PAGE.
MONUMENT—Concluded.	
Soldier's and Sailor's (H. B. 43).....	935
Wilson, (Cook) (H. J. R. 30).....	1251

MORGAN PARK:	
Browne, Lee O'Neil (H. B. 472).....	509
Dahlberg (H. B. 472).....	509

MORRASY:	
agricultural and sanitary drainage (H. B. 550).....	355
chairman committee on farm drainage.....	131
drainage districts (H. B. 50).....	677
drainage (S. B. 272).....	1168, 1169
elections (H. B. 81).....	1035
employment agencies (S. B. 24).....	1164
factory inspection (H. B. 713).....	934
farm drainage (H. B. 50).....	677
fifty-car limit (H. B. 239).....	607, 1101
fish and game (S. B. 439).....	1126
serum, hog (H. B. 894).....	1271
member of committees on—	
education.....	130
industrial affairs.....	131
judicial apportionment.....	131
roads and bridges.....	131
Speaker, temporary, vote for.....	34
railroads (H. B. 239).....	1101

MOORE:	
circuit court judges (H. B. 474).....	339
cities and villages (H. B. 168).....	1057
civil service (H. B. 716).....	455
Constitution, amendment (H. J. R. 21).....	669
Constitution, amendment to (H. J. R. 7).....	502
constitutional convention (S. J. R. 3).....	669
embezzlement (H. B. 148).....	1112
enrolling and engrossing clerk.....	115
foot and mouth disease (H. B. 562).....	329
fraud (H. B. 199).....	263
General Assembly, employees (H. B. 52).....	150
Illinois reformatory law (H. B. 228).....	354
injunction and abatement bill (S. B. 362).....	879, 884
judges, circuit court (H. B. 474).....	462
Kinney, James.....	186
legislative salary increase (H. B. 386).....	861
liquor traffic (H. B. 222).....	496
liquor, anti-saloon (H. B. 232).....	499
member of committees on—	
agriculture.....	130
education.....	130
elections.....	131
judicial department and practice.....	131
judiciary.....	131
liberal committee.....	131
public utilities (S. B. 435).....	1182, 1267, 1268
(H. B. 899).....	907
reformatory law (H. B. 228).....	354
révenue amendment to the Constitution.....	669
Speaker, temporary, vote for.....	19, 23, 26, 40, 43, 44, 52

MORRIS:	
Constitution (H. J. R. 16).....	315
Higgins, J. J., memorial (H. R. 82).....	352
initiative and referendum (H. J. R. 16).....	315
member of committees on—	
agriculture.....	130
congressional apportionment.....	130
enrolled and engrossed bills.....	131
industrial affairs.....	131
petitions (H. J. R. 16).....	315
public utilities (H. B. 969).....	1056
school funds, (S. B. 404).....	1267
Speaker, temporary, vote for.....	35

MORTGAGES:	
Browne (H. B. 471).....	225, 255
(H. B. 695).....	355, 456
Davis (S. B. 391).....	1199
Ellis (H. B. 471).....	256
(H. B. 695).....	1063, 1107, 1108
Gardner (S. B. 391).....	1199
Graham, T. E. (H. B. 471).....	257
Graham, W. J. (S. B. 391).....	1199
Holaday (S. B. 391).....	1199
Kane (H. B. 471).....	225

	PAGE.
MORTGAGES—Concluded.	
Lyon (H. B. 72).....	956
McCormick (H. B. 263).....	225
(H. B. 471).....	225
Shurtleff (H. B. 695).....	1063
Wilson, G. H. (H. B. 471).....	257
(H. B. 372).....	957

MOTHERS PENSION:	
Butler (H. B. 10).....	565, 566
Bruce (H. B. 10).....	440, 441, 563, 564, 565
Curran (H. B. 10).....	564
Lyle (H. B. 10).....	566
Madsen (H. B. 10).....	566
McCormick (H. B. 10).....	564, 565
Merritt (H. B. 10).....	440
Rothschild (H. B. 10).....	563, 564, 565, 566
Ryan, F. J. (H. B. 10).....	565
Thomason (H. B. 10).....	564, 565
Tice (H. B. 10).....	440
Turnbaugh (H. B. 10).....	441
Walsh (H. B. 10).....	564
Weber (H. B. 10).....	565

MOTOR VEHICLES:	
(H. B. 804).....	525
Browne (S. B. 380).....	1182
Rothschild (S. B. 380).....	863, 1181
Tice (H. B. 766).....	826

MOVING PICTURES:	
board of censors (H. B. 815).....	935
Browne (S. B. 382).....	1162
Curran (H. B. 815).....	1162, 1230
Jackson (H. B. 815).....	1162
Kane (H. B. 815).....	1234
Lyle (H. B. 815).....	1162
Pierson (H. B. 815).....	1162
Vickers (H. B. 815).....	1162

MULCAHY:	
advertising, fraudulent.....	721
courts, county Crawford (H. B. 739).....	508
disbarment, attorneys (H. B. 616).....	509, 674, 675
fifty-car limit (H. B. 239).....	599, 601, 605, 606
license (H. B. 84).....	926
member of committees on—	
agriculture.....	130
municipalities.....	131
public utilities and transportation.....	130
revenue.....	131
pension commission (S. J. R. 17).....	346, 347
public utilities (H. B. 899).....	996
railroads (H. B. 239).....	1012, 1100, 1101
Speaker, temporary, vote for.....	19

MURPHY:	
boxing (S. B. 15).....	1206, 1207
judges (H. B. 957).....	1087
member of committees on—	
appropriations.....	130
banks, banking, and building and loan associations.....	130
civil service.....	130
efficiency and economy.....	131
public utilities and transportation.....	131
Normal schools (H. B. 948).....	1264
public utilities (H. B. 899).....	956
Speaker, temporary, vote for.....	9, 10, 40, 54

MURRAY, W. G.:	
assistant clerk	
Butler.....	116

NAVAL TRAINING STATION:	
Shurtleff (H. B. 321).....	479

NELSON, W. J.:	
Brown (H. R. 94).....	973

NEWSPAPERS:	
Browne.....	134, 137
See "Advertising."	

NORMAL SCHOOLS:	
Governor's message.....	85

	PAGE.
NORMAL SCHOOL:	
omnibus bill	
Smejkal (H. B. 948)...	829, 1023, 1263, 1264, 1265
Kane (H. B. 948).....	1264
Murphy (H. B. 948).....	1264
Purdunn (H. B. 948).....	1265
Wilson, Perry (H. B. 948).....	1264, 1265
OATH OF OFFICE:	
Burns (H. R. 1).....	3
Burres.....	9
DeYoung.....	105
Drake.....	105
Kane (H. R. 5).....	9
Purdunn (H. R. 23).....	105
Williamson (H. R. 23).....	9
OCCUPATIONS:	
Jacobson (H. B. 787).....	970
O'CONNELL:	
member of committees on—	
banks, banking, and building and loan	
associations.....	130
insurance.....	130
judicial apportionment.....	131
waterways.....	132
Speaker, temporary, vote for.....	19, 44
OMNIBUS BILL:	
Graham (H. B. 975).....	929
Kane (H. B. 975).....	1255
Mitchell (H. B. 975).....	1255, 1256
Purdunn (H. B. 975).....	892
Smejkal (H. B. 975).....	892, 929, 1255
OPTOMETRY:	
Brown, W. M. (H. B. 9).....	837, 838
Burres (H. B. 9).....	839
Kilens (H. B. 9).....	838, 839
Lipshulch (H. B. 9).....	837
Shanahan (H. B. 9).....	829
ORGANIZATION:	
Farrell (H. R. 19).....	71
Scanlan (H. R. 18).....	71
O'ROURKE:	
adjournment.....	42
armories, sale of site (H. B. 211).....	858
Auditor of Public Accounts (H. B. 209).....	306
banks (H. B. 202).....	975, 978
blind (H. B. 38).....	812
capital punishment (H. B. 58, 67, 68).....	370
chairman, committee on civil service.....	130
Chicago armory (H. B. 570).....	436
circuit court judges, Cook County (H. B.	
176).....	165
civil service (H. B. 301).....	342
(H. B. 716).....	446, 449, 450, 451
(H. B. 157).....	764
(S. B. 80).....	1223, 1224
(S. B. 132).....	579, 1163, 1164
collectors, town (S. B. 39).....	1225
committees.....	95, 341
constitutional convention (S. J. R. 3).....	232
county fairs (H. B. 605).....	1023
criminal code (H. B. 620).....	1113
debates (H. R. 96).....	1022
food adulteration bill (H. B. 663).....	799
General Assembly employees.....	116, 151, 154
Illinois Centennial Commission.....	204
inheritance (S. B. 38).....	1032
lavatory, resolution for.....	45
libraries, free (H. B. 175).....	255
(H. B. 175).....	253
liquor (H. B. 232).....	499
Maloney, J. P., doorkeeper (H. R. 32).....	268, 270
marriage (H. B. 47).....	268, 270
member of committees on—	
appropriations.....	130
efficiency and economy.....	131
license and miscellany.....	131
senatorial apportionment.....	132
municipal court (H. B. 500).....	522
newspaper comments.....	19

	PAGE.
O'ROURKE—Concluded.	
Ostrom.....	6
public utilities (H. B. 899).....	911
reformatory, Illinois State (S. B. 164).....	1248
roads and bridges (H. B. 575).....	511
sanitary district (S. B. 132).....	1208
State aid roads (H. B. 838).....	931
schools (H. B. 316).....	353, 891, 1040
(S. B. 182).....	1227
Second Regiment armory (H. B. 211).....	858
Speaker, temporary, vote for.....	
10, 38, 43, 45, 46, 54, 55, 62, 64	
State building, Chicago (H. J. R. 4).....	121
taxes (H. B. 280).....	523
(H. B. 611).....	558
teachers' pension (S. B. 135).....	568
unemployment commission (S. J. R. 12).....	1049
watchmen (H. B. 993).....	1119
waterway bill (H. B. 177).....	710, 712
woman's nine-hour law (H. B. 207).....	789
workmen's compensation law (S. B. 66).....	
.....	864, 1159
PACE:	
engineers (H. B. 565).....	1069
General Assembly employees.....	1278
member of committees on—	
appropriations.....	130
education.....	130
roads and bridges.....	131
to visit educational institutions.....	132
one day rest in seven bill (H. B. 832).....	
.....	774, 784, 785, 1045
primary elections (H. B. 12).....	145
roads and bridges (H. B. 240).....	1083
(H. B. 457).....	442
schools (S. B. 182).....	1228
(H. B. 357).....	1058, 1059, 1060, 1061
(H. B. 948).....	1265
Speaker, temporary, vote for.....	
44, 45, 46, 48, 51, 53, 62, 64	
State aid roads (H. B. 838).....	933
PANAMA COMMISSION:	
moving picture exhibition.....	45, 54, 88
PARKS:	
Brown (H. B. 8).....	598
Browne (H. B. 417).....	221, 222
Burns (H. B. 925).....	1084
Brown (H. B. 776).....	1084
Browne (S. B. 327).....	1165, 1171
Ellis (S. B. 274).....	973
Fieldstack (S. B. 353).....	1196
Governor's message.....	86
Hamlin (S. B. 327).....	1171, 1172, 1229
McCormick (H. B. 890).....	1057
Pierson (H. B. 188).....	1092
(H. B. 310).....	1131
Purdunn (H. B. 274).....	973
Roe (H. B. 274).....	1203
Rothschild (S. B. 271).....	1172
Young (S. B. 327).....	1172
(H. B. 27).....	593
(H. B. 174).....	593
(H. B. 189).....	524, 1037
(H. B. 231).....	336
(H. B. 310).....	593
(H. B. 676).....	583
(H. B. 781).....	1084
Lincoln commissioners, bond issue	
Conlon (H. B. 735).....	507
Gorman (H. B. 735).....	508
PAROLE:	
Browne (S. B. 179).....	1187
Devine (S. B. 179).....	1184, 1186
Igoe (S. B. 179).....	1184, 1185
Lyle (S. B. 179).....	1184, 1185
Maucker (S. B. 179).....	1186
Purdunn (S. B. 179).....	1184
Ray (S. B. 179).....	1186
Vursell (S. B. 179).....	1186
Watson (S. B. 179).....	1187
Wilson (S. B. 179).....	1187
(H. B. 568).....	1079

	PAGE.		PAGE.
PARLIAMENTARY PRACTICE. 46, 171, 179, 180		PERKINS—Concluded.	
Bentley.....	318	member of committees on—	Concluded.
Desmond.....	218	revenue.....	131
Dahlberg.....	177	roads and bridges.....	131
Dudgeon (H. B. 110).....	1280	passenger rates (H. R. 61).....	187
Lee.....	304	pure food (H. B. 663).....	801, 1211
PASSENGER RATES:		revenue amendment to Constitution.....	670
Perkins (H. R. 61).....	187	roads and bridges (H. B. 575).....	511, 517, 518
PASSES:		saccharine (H. B. 663).....	804, 806, 807
for members		Speaker, temporary, vote for.....	46
Butler.....	871	stock food law (S. B. 356).....	1248, 1249
Curran.....	871	(H. R. 61).....	187
PENAL INSTITUTIONS:		PHARMACY, BOARD OF:	
Smejkal (H. B. 951).....	825	Governor's message.....	90
(S. B. 316).....	684	(S. B. 300).....	1079
penitentiary, Joliet		McGlooin (H. B. 180).....	1068
McCormick (H. B. 316).....	684	PHILLIPS, E. O.:	
Purdunn (H. B. 316).....	685	press committee	
Smejkal (H. B. 316).....	685	Shanahan.....	161
PENSIONS:		PHYSICAL EDUCATION:	
Brown (S. B. 195).....	1231	Trandel (S. B. 401).....	1266
Browne (H. J. R. 17).....	346	PIERSON:	
Burns (S. J. R. 7).....	664	adjournment.....	303
Butler (S. J. R. 17).....	279	Auditor of Public Accounts (H. B. 209).....	312
Donlan (H. B. 426).....	561	bulk sales law (H. B. 73).....	281
Donahue (H. J. R. 17).....	347	chairman, committee on education.....	130
Garesche (H. B. 534).....	563	circuit court judges (H. B. 474).....	339
Gardner (H. B. 37).....	562, 1135	cities and villages (H. B. 786).....	1106
Gorman (S. B. 195).....	1231	Cole, Geo. E.....	229
Gorman (H. B. 426).....	562	collection agencies (H. B. 124).....	586
Gorman (H. J. R. 17).....	346	drugs (S. B. 300).....	1199, 1200
Igoe (H. B. 231).....	560, 1135	education.....	257
Igoe (H. J. R. 17).....	279, 347	election (H. B. 13).....	286
McCormick (H. B. 119).....	562	(H. B. 54).....	289
McCormick (H. B. 224).....	336	elections, cost of.....	631
McCormick (S. J. R. 7).....	663	engineers (H. B. 406).....	1039
Mulcahy (S. J. R. 17).....	346, 347	equity bill (S. B. 526).....	1179
Purdunn (H. J. R. 17).....	346	free schools (H. B. 204).....	221
Rothschild (H. B. 244).....	336	fraud (H. B. 199).....	336
Rothschild (H. J. R. 17).....	346, 347	handwriting (H. B. 501).....	471, 472
Ryan (H. B. 244).....	336, 337, 562	Hatch.....	257, 258
Wilson (H. B. 244).....	336	injunction and abatement bill (S. B. 362) ..	875, 880, 882, 883, 884
Young (H. B. 119).....	562	judges (H. B. 474).....	459
Young (H. B. 119).....	1134	(H. B. 957).....	1144
civil service employees (H. B. 426).....	337, 561	mausoleum (H. B. 215).....	1132
(S. B. 271).....	1134	member of committees on—	
(H. B. 38).....	928	banks, banking, and building and loan	
(H. B. 320).....	337	associations.....	130
(H. B. 442).....	1079	congressional apportionment.....	130
police pensions		fish and game.....	131
Boyer (H. B. 320).....	558	judiciary and judicial department and	
McCormick (H. B. 320).....	558, 559, 560	practice.....	131
Weber (H. B. 320).....	560	moving pictures (S. B. 382).....	1162
(S. B. 509).....	1265	narcotic bill (S. B. 300).....	1200
(H. R. 47).....	132	parks (H. B. 188).....	1092
PEORIA:		(H. B. 189).....	1037
Implement and Vehicle Show		(H. B. 310).....	1131
building commission		prostitution (S. B. 362).....	1188
Lynch (H. B. 441).....	577	sanitary district bridges.....	795
Scholes (H. B. 441).....	577	schools (S. B. 337).....	1263
Hubbard (H. B. 441).....	577	(H. B. 516).....	353
PERKINS:		(H. B. 204).....	2216
banks (H. B. 352).....	1133	Speaker, temporary, vote for.....	5, 46
boxing bill (H. B. 820).....	726, 729, 737	strikes (S. B. 203).....	1079, 1163, 1235, 1236
bulk sale law (H. B. 73).....	282	submerged lands (H. B. 781).....	683, 684
circuit court judges.....	166	taxation (H. B. 204).....	473
cities and villages (H. B. 876).....	1076	teachers' pension (S. B. 135).....	551, 552, 554, 556, 566, 567
constitutional convention.....	236, 669, 670	(H. B. 947).....	1036
enrolling and engrossing clerks.....	186	textbooks.....	926
food adulteration bill (H. B. 663).....	797, 798, 799, 800, 808, 1074	Thiemann.....	258
foot and mouth disease (H. B. 885).....	555	title (H. B. 88).....	270, 271, 273, 274
General Assembly employees.....	156, 186	uniform textbooks (H. B. 697).....	926
judges, circuit court (H. B. 474).....	456, 458, 460, 461	woman's nine-hour law (H. B. 207).....	792
labor (H. B. 832).....	1044, 1047, 1048	PLACEK:	
license (H. B. 356).....	438	member of committees on—	
liquor.....	475	fish and game.....	131
member of committees on—		industrial affairs.....	131
congressional apportionment.....	130	judicial apportionment.....	131
elections.....	131	license and miscellany.....	131
judiciary.....	131	waterways.....	132

	PAGE.
PLACEK—Concluded.	
Speaker, temporary, vote for	44, 45, 52
Steiner (H. R. 58)	180

PLAYGROUNDS, PUBLIC:	
Kessinger (H. B. 63)	771

PLEADING AND PRACTICE:	
Browne (S. B. 562)	1173, 1174
Browne (S. B. 72)	971
Browne (H. B. 624)	384, 390, 391, 394, 396
Browne (H. B. 625)	402, 413, 416, 417, 421, 423, 427, 428, 429, 434
Browne (H. B. 462)	1044
Butler (H. B. 625)	402, 408, 422
Cooper (S. B. 526)	1179
DeYoung (H. B. 290)	844, 846
Frankhauser (H. B. 625)	430
Graham (H. B. 625)	415, 420, 430
Kane (S. B. 526)	1179
Kane (H. B. 625)	414, 415, 427, 428
McCormick (H. B. 625)	401, 403, 416
McGlooin (S. B. 72)	935
Pierson (S. B. 526)	1179
Provine (S. B. 526)	1173, 1177, 1181
Provine (H. B. 624)	356, 390, 394, 670
Provine (H. B. 625)	413, 417, 420, 421, 422, 427, 432, 433
Rinehart (H. B. 462)	1040
Roe (H. B. 390)	845, 846
Rothschild (H. B. 624)	390
Rothschild (H. B. 625)	403
Rothschild (S. B. 72)	935
Rothschild (S. B. 526)	1177
Rothschild (S. B. 72)	971
Scholes (H. B. 625)	433
Scholes (S. B. 526)	1179
Turnbaugh (H. B. 625)	430
Tuttle (H. B. 462)	1043
Weber (H. B. 625)	409, 412, 413, 426, 427
Wilson, G. H. (H. B. 290)	485
Wilson, R. E. (S. B. 72)	935

POLICE:	
magistrates	
Scholes (S. B. 509)	1265
(H. B. 320)	337, 558, 1135
(H. R. 47)	132

POLLUTION OF RIVERS:	
Igoe (H. B. 914)	665

POLL TAX:	
Devine (H. B. 921)	1037
Donahue (H. B. 921)	1037
Thomason (H. B. 921)	1037
Tice (H. B. 921)	1037

POSTMASTER:	
Vest, Henrietta (H. R. 26)	115
McCabe, Mollie, assistant (H. R. 26)	115

"POTTS, RUFUS M.":	
Butler (H. B. 949)	983

POULTRY ASSOCIATIONS:	
Shurtleff	120
Smejkal (H. B. 935)	825

PRENDERGAST:	
circuit court judges of Cook county	165, 166
member of committees on—	
civil service	130
fish and game	131
industrial affairs	131
senatorial apportionment	132
waterways	132
prisoners (H. B. 89)	1054
sanitary district bridges	795
Speaker, temporary, vote for	36, 43, 46, 51

PRESS COMMITTEE:	
Brunk	161
Call, S. Leigh	161
Hallowell	161
Phillips	161
Salkeld	161

PRESS MESSENGER:	
HOLADAY (H. R. 41)	123
McConnell	149, 154

PRIMARIES:	
See "Elections."	

PRINTING, STATE:	
Devine (S. B. 247)	1026
Purdunn (S. B. 247)	1027
Rothschild (S. B. 247)	1026
Smejkal (S. B. 247)	1026
Smejkal (H. B. 728)	1027

PRISONERS, CARE OF:	
Cooper (H. B. 89)	1054
Igoe (H. B. 89)	1054
Lyle (H. B. 89)	1054, 1055
Prendergast (H. B. 89)	1054
Rothschild (H. B. 89)	1055

PROBATION OFFICERS:	
Buxton (H. B. 645)	1067
Gardner (H. B. 163)	843

PROCEEDINGS AND DEBATES:	
Butler (H. R. 50)	139
Donahue (H. R. 50)	138
Kane (H. R. 50)	138

PROSTITUTION:	
Brown (H. B. 164)	590, 611, 916, 920, 924
Browne (S. B. 362)	1189
Brinkman (S. B. 362)	1188
Bruce (S. B. 362)	1190
Burres (H. B. 164)	931
Burres (S. B. 362)	1190
Butler (H. B. 164)	922
Dahlberg (H. B. 164)	524
Donahue (H. B. 164)	925
Devine (H. B. 164)	924
DeYoung (S. B. 362)	1190
DeYoung (H. B. 164)	925
Ellis (S. B. 362)	1191
Gardner (H. B. 164)	587, 588, 591, 592, 596
Hubbard (H. B. 164)	918
Huston (H. B. 164)	922
Kessinger (H. B. 164)	592
Lyle (H. B. 164)	524, 588, 916, 918, 919, 924
Lyle (S. B. 362)	1191
Rothschild (S. B. 362)	1188
Rothschild (H. B. 164)	591
Scholes (H. B. 164)	590
Wilson, G. H. (H. B. 164)	919

PROVINE:	
armories (H. B. 211)	858
Auditor of Public Accounts (H. B. 209)	307, 308, 310, 314
Bruce (S. B. 425)	1215
chairman, committee on judicial department and practice	131
courts of record (H. B. 624, 625)	356
deficiency appropriations	308, 310
engineers (H. B. 563)	962
equity bill (S. B. 526)	1173, 1177, 1181
(H. B. 624)	356, 390, 391, 394, 396, 670
foot and mouth disease (H. B. 562)	1213, 1214
judges, circuit court (H. B. 474)	459
labor (H. B. 832)	1045
license (H. B. 563)	962, 963, 964
member of committees on—	
civil service	130
efficiency and economy	131
judiciary	131
public utilities and transportation	131
temperance	132
practice (H. B. 625)	413, 417, 420, 421, 422, 427, 432, 433
public utilities (S. B. 435)	1268
(H. B. 480)	309
resolution	222
Second Regiment armory (H. B. 211)	858, 859
Speaker, temporary, vote for	4, 5, 7, 9, 10, 11, 13, 15, 16, 19, 23, 26, 27, 29, 32, 34, 35, 36, 37, 39, 40, 43, 44

PSYCHOLOGICAL LABORATORY:	
Governor's message	80

	PAGE.
PUBLIC UTILITIES:	
Barker (H. B. 899).....	1006
Basel (H. B. 899).....	903, 948
Boyer (S. B. 347).....	1188
Boyer (S. B. 108).....	1188
Brown (H. B. 899).....	1009
Browne (S. B. 447).....	1173
Browne (S. B. 435).....	1268
Browne (S. B. 108).....	1188
Browne (S. B. 159).....	941
Browne (H. B. 484).....	300, 302, 303
Browne (H. B. 480).....	222, 279
Browne (H. B. 575).....	627, 628
Browne (H. B. 899).....	911, 914
Burres (H. B. 899).....	899, 1003
Burres (H. B. 899).....	952
Burres (H. B. 899).....	898, 906, 908, 912
Butler (H. B. 480).....	279
Butler (H. B. 899).....	911, 913
Cooper (S. B. 108).....	1154
Curran (H. B. 899).....	909, 912, 992, 1009
Curran (H. B. 899).....	956
Devine (S. B. 349).....	1207
Donahue (S. B. 22).....	972
Donahue (H. B. 899).....	900
DeYoung (H. B. 899).....	910, 911, 1003, 1007
Foster (H. B. 899).....	914
Frankhauser (H. B. 899).....	914, 946, 947, 992, 996, 1007
Gorman (H. B. 899).....	912
Gorman (H. B. 22).....	1094
Graham (H. B. 899).....	913, 998, 1008
Graham (H. B. 480).....	301, 302
Hamlin (H. B. 899).....	901
Hicks (H. B. 899).....	996
Holaday (H. B. 899).....	912, 913
Hubbard (H. B. 899).....	908, 909
Hubbard (S. B. 108).....	1155
Huston (H. B. 899).....	914, 915
Igoe (S. B. 347).....	1188
Igoe (H. B. 22).....	1094
Igoe (H. B. 480).....	301, 302
Igoe (H. B. 899).....	954
Kane (S. B. 108).....	1155
Kane (H. B. 899).....	1008
Kane (H. B. 480).....	302, 303
Kasserman (H. B. 22).....	1094
Kessinger (S. B. 108).....	1253
LePage (S. B. 447).....	1172
Lipshulch (H. B. 899).....	910
Lyle (H. B. 899).....	901
Lynch (H. B. 970).....	1056
Madsen (H. B. 899).....	910, 995
McCormick (H. R. 100).....	1150
McCormick (S. B. 447).....	1173
McCormick (S. B. 108).....	1188
McCormick (H. B. 899).....	897, 898, 899, 901, 902, 906, 1002
McCormick (H. B. 480).....	222
McGlooin (H. B. 480).....	303
McGlooin (S. B. 477).....	1173
Mitchell (H. B. 22).....	972
Moore (S. B. 435).....	1182, 1267, 1268
Moore (H. B. 899).....	907
Morris (H. B. 969).....	1056
Mulcahy (H. B. 899).....	996
Murphy (H. B. 899).....	956
O'Rourke (H. B. 899).....	911
Provine (S. B. 435).....	1268
Provine (H. B. 484).....	309
Purdunn (S. B. 108).....	1252
Purdunn (H. B. 159).....	941
Purdunn (H. B. 899).....	914, 915, 956
Purdunn (H. R. 77).....	315
Purdunn (H. B. 480).....	302
Rentchler (S. B. 477).....	1172, 1173
Rothschild (H. B. 109).....	1252
Rothschild (H. B. 899).....	911, 912
Ryan, F. J. (H. B. 480).....	303
Ryan, F. J. (H. B. 899).....	1008
Santry (H. B. 899).....	912, 995, 996
Schuberth (H. B. 899).....	992, 995, 996, 1009
Shurtleff (S. B. 108).....	1153
Smejkal (S. B. 251).....	944
Smejkal (H. B. 480).....	222, 279, 280, 300
Thomason (H. B. 899).....	914
Turner (S. B. 109).....	1154

	PAGE.
PUBLIC UTILITIES—Concluded.	
Vursell (S. B. 108).....	1153
Vursell (H. B. 899).....	1009
(S. B. 108).....	1032, 1188
committee on.....	131
(H. B. 22).....	972
(H. B. 480).....	210, 222, 279, 300
(H. B. 969).....	1056
(H. B. 970).....	1056
(H. R. 100).....	1150, 1212
PURDUNN:	
adjournment (S. J. R. 8).....	125
(H. R. 4).....	7
(H. R. 9).....	44
amendment to constitution (S. J. R. 21).....	667
armories (H. B. 211).....	858
art commissions (S. B. 131).....	1164
Auditor of Public Accounts (H. B. 209).....	314
banks (H. B. 202).....	980, 1127
bills.....	157
building and loan (H. B. 258).....	597
capital punishment (H. B. 67).....	973
child labor (H. B. 104).....	717, 719
circuit court judges.....	166
city manager.....	337
civil service (H. B. 301).....	1029, 1031
Cole, Geo. E.....	249
collectors (S. B. 39).....	1225
commission plan (H. B. 900).....	1093
committees.....	94, 95, 98
committee to visit institutions (H. R. 77).....	314
Constitution (H. J. R. 7).....	501, 502
constitutional convention.....	249, 667
courts (H. B. 994).....	1145, 1146, 1147
criminal code (H. B. 620).....	1113
Culver, Kathryn (S. B. 45).....	843
debates and proceedings.....	137, 139
feeble-minded (H. B. 654).....	842
firearms (S. B. 10).....	1221
foot and mouth disease (H. B. 562).....	331
fraud (H. B. 199).....	336
General Assembly, employees.....	116
Harlan (H. R. 80).....	340
Holtermann, Frank (S. B. 400).....	1220
home rule bill (H. B. 899).....	752, 755
Illinois waterway (H. B. 973).....	935
insurance (H. B. 949).....	990
(H. B. 953).....	1132, 1133
Joliet penitentiary (S. B. 316).....	685
judges (H. B. 176).....	147
(H. B. 474).....	339
(H. B. 957).....	1085
(H. B. 994).....	1258, 1260
judicial primary (H. B. 12).....	146
liability (H. B. 199).....	943, 944
libraries (H. B. 175).....	253, 255
mausoleum (H. B. 215).....	1131
member of committees on—	
appropriations.....	130
banks, banking, and building and loan	
associations.....	130
elections.....	131
enrolled and engrossed bills.....	131
judicial apportionment.....	131
Normal schools (H. B. 948).....	1265
oath of office.....	105
omnibus bill (H. B. 975).....	892
one day rest in seven.....	785, 786
parks (H. B. 274).....	973
parole (S. B. 179).....	1184
pension commission (S. J. R. 17).....	346
printing (S. B. 247).....	1027
public utilities (S. B. 109).....	1252
(S. B. 159).....	941
(H. B. 480).....	302
(H. B. 899).....	914, 915, 956
(H. R. 77).....	315
roads (H. B. 93).....	584
(H. B. 727).....	1052, 1053
Rock Island Free Employment Agency (H. B. 76).....	304
reformatories (S. B. 164).....	1193, 1195, 1196
sale (H. B. 557).....	1094, 1095
school, high (H. B. 357).....	1059, 1060
Second Regiment armory.....	858
Southern Illinois Penitentiary (H. B. 586).....	506

	PAGE.		PAGE.
PURDUNN—Concluded.		RECORDS, PUBLIC:	
Speaker, temporary, vote for.....	12, 13, 23, 50	destruction of	
State's attorney (H. B. 958).....	1145, 1149	Jackson (H. B. 88).....	620
State institution (H. R. 77).....	314		
stockyards (H. B. 899).....	915	REFORMATORY, PONTIAC:	
State fair grounds (S. B. 495).....	1214	Basel (S. B. 164).....	1247
Supreme court (H. B. 994).....	1260	Browne (S. B. 164).....	1192 1194
taxes (H. B. 280).....	524	Drake (S. B. 164).....	1248
(H. B. 319).....	380	Dudgeon (S. B. 164).....	1193
(H. B. 611).....	558	Cooper (S. B. 164).....	1193
teachers' pensions (S. B. 135).....	554	Graham, W. J. (S. B. 164).....	1196
(H. B. 947).....	1036	Hruby (S. B. 164).....	1192 1196
textbooks (H. B. 697).....	1011	Igoe (S. B. 164).....	1247
title (H. B. 88).....	273	McCormick (S. B. 164).....	1194, 1246
tuberculosis (H. B. 828).....	1050	O'Rourke (S. B. 164).....	1248
watchmen (H. B. 993).....	1122	Purdunn (S. B. 164).....	1193 1195
waterways (H. B. 806).....	1041	Scholes (S. B. 164).....	1247
women's nine-hour law (H. B. 207).....	540, 542	Smejkal (S. B. 164).....	1192, 1245
		Thomason (S. B. 164).....	1245, 1248
QUINCY DAILY JOURNAL:		Wilson, G. H. (S. B. 164).....	1194, 1195, 1246
waterway		Governor's message.....	80
Wilson, R. E.....	695		
QUINN, M. C.:		REFORMATORY LAW:	
memorial		Igoe (H. B. 228).....	354
Gorman (H. R. 37).....	118	Moore (H. B. 228).....	354
QUISENBERRY:			
member of committees on—		RENTCHLER:	
agriculture.....	130	Keck, Fred (H. R. 45).....	125
appropriations.....	130	levy and extension (H. B. 687).....	445
banks, banking, and building and loan		member of committees on—	
associations.....	130	agriculture.....	130
senatorial apportionment.....	132	congressional apportionment.....	130
schools (S. B. 162).....	1266	industrial affairs.....	131
Speaker, temporary, vote for.....	34, 39, 51, 52	revenue.....	131
teachers' pension (S. B. 135).....	574	roads and bridges.....	131
		rules.....	132
RACE RIOT:		public utilities (S. B. 447).....	1172, 1173
ackson (H. B. 831).....	614	schools (H. B. 357).....	1061
Wilson.....	619	Speaker, temporary, vote for.....	11, 12, 40, 45, 46
		tuberculosis (H. B. 828).....	1050
RAILROADS:		Vickers, A. K., committee to attend funeral	
car limit		of.....	32
Brown, W. M. (H. B. 239).....	1013 1100, 1103		
Browne, L. O'N. (H. B. 239).....	599, 603, 609, 851	RETHMEIER:	
Burns (H. B. 239).....	691	member of committees on—	
Burres (H. B. 239).....	1018	agriculture.....	130
Davis (H. B. 239).....	599	fish and game.....	131
Dudgeon (H. B. 239).....	1018	liberal committee.....	131
Gorman (H. B. 239).....	599, 851, 1016, 1012, 1101	roads and bridges.....	131
Holaday (H. B. 239).....	607	senatorial apportionment.....	132
Kane (H. B. 239).....	599, 608, 1015	Thomas, Hon. John E. (H. R. 97).....	1033
Lantz (H. B. 239).....	600	Speaker, temporary, vote for.....	13
LePage (H. B. 239).....	599		
Lipshulch (H. B. 239).....	600	RICHARDSON:	
Lyle (H. B. 239).....	1018, 1104	committee to notify Governor of organiza-	
Maucker (H. B. 239).....	1104	tion.....	71
McCormick (H. B. 239).....	1018, 1100	Constitution, amendment to (H. J. R. 7)....	502
McGlooin (H. B. 239).....	1107, 1100	injunction and abatement bill (S. B. 362)	
Morrasy (H. B. 239).....	607, 1101	.....	875, 881, 882
Mulcahy (H. B. 239).....	599, 601, 605, 606, 851, 1012, 1100	liquor petition.....	475
Shurtleff (H. B. 239).....	600, 603, 605, 1014	liquor traffic (H. B. 464).....	478
Smith (H. B. 239).....	1015, 1102	member of committees on—	
Thomason (H. B. 239).....	1102	agriculture.....	130
Turnbaugh (H. B. 239).....	599	appropriations.....	130
Vursell (H. B. 239).....	600, 1013	contingent expenses.....	130
medicine chests (H. B. 969).....	863	temperance.....	132
		prostitution (S. B. 362).....	1188
RAY:		Speaker, temporary, vote for.....	
funds (S. B. 374).....	1224	.....	11, 15, 23, 34, 36, 44, 50, 51, 54, 57
local improvements (S. B. 137).....	1235	speech.....	1240
member of committees on—			
judiciary.....	131	RILEY, T. H.:	
municipalities.....	131	memorial for	
roads and bridges.....	132	Hennebry (H. R. 44).....	124
senatorial apportionment.....	132		
parole (S. B. 179).....	1186	RINEHART:	
roads and bridges (H. B. 727).....	1053	Bruce (H. B. 274).....	987
Speaker, temporary, vote for.....	40, 64	Butler (H. B. 949).....	983, 985, 986
woman's nine-hour law.....	793	circuit court terms (H. B. 777).....	521, 1034
REAL ESTATE:		Constitution, amendment to (H. J. R.).....	276 277, 292, 294
agencies incorporations of (H. B. 629).....	509	fire (H. B. 949).....	855, 984, 988
—83 H D		General Assembly, employees (H. R. 47)....	132
		insurance (H. B. 949).....	855, 984, 988, 989, 990

	PAGE.		PAGE.
RINEHART—Concluded.		ROE:	
member of committees on—		capital punishment (H. B. 67).....	973
civil service.....	130	chairman, committee on fish and game.....	131
insurance.....	131	charitable institutions (H. B. 723).....	946
judiciary.....	131	compensation for losses (H. B. 562).....	284
judicial department and practice.....	131	Constitution, amendment to (H. R. 14) .277, 278	
pleading and practice (H. B. 462).....	1044	(H. J. R. 7).....	503
sessions (H. R. 6).....	251	Cook county, State's attorney, compensa-	
Speaker, temporary, vote for.....		tion (H. B. 958).....	1149
.....7, 16, 23, 26, 45, 48, 50, 51, 52, 53, 55		courts (H. B. 764).....	1149
teachers' pensions (H. B. 947).....	1036	firearms (S. B. 10).....	1221
Watts, R. A. (H. R. 47).....	132	fish and game (S. B. 439).....	
		.....1122, 1124, 1125, 1126, 1201	
RIVERS AND LAKES COMMISSION:		foot and mouth disease (H. B. 562).....	284, 285
Hubbard.....	654, 655	General Assembly, committee expenses (H.	
		B. 989).....	1081
RIVERS IMPROVEMENT BILL:		injunction and abatement bill (S. B. 362),	882
Hubbard (H. B. 806).....	1041	insurance commission (H. J. R. 17).....	491
McCormick (H. B. 806).....	1041	judges (H. B. 957).....	1145
Purdunn (H. B. 806).....	1041	(H. B. 474).....	461
Shurtleff (H. B. 806).....	1041	marriage (H. B. 47).....	269, 270
		mileage, members of General Assembly (H.	
ROADS AND BRIDGES:		J. R. 20).....	504
bridges in towns		member of committees on—	
Watson (H. B. 532).....	853	appropriations.....	130
contracts		contingent expenses.....	130
DeYoung (H. B. 727).....	1053	judiciary.....	131
Merritt (H. B. 727).....	1053	judicial apportionment.....	131
Purdunn (H. B. 727).....	1052	rules.....	132
Ray (H. B. 727).....	1053	one day rest in seven (H. B. 832).....	773, 775
Roe (H. B. 727).....	1052	parks, township (S. B. 274).....	1203
Tice (H. B. 727).....	1052	pleading and practice (H. B. 290).....	845, 846
county board to transfer fund to State aid		practice and procedure (H. B. 290).....	845, 846
roads		roads and bridges (H. B. 727).....	1052, 1053
Holaday (H. B. 457).....	441	Speaker, temporary, vote for 5, 7, 9, 10, 12, 23,	
Madsen (H. B. 457).....	441	26, 27, 32, 34, 35, 43, 45, 48, 50, 51, 52, 53, 59, 60, 64	
Pace (H. B. 457).....	442	University of Illinois appropriation (H. B.	
Tice (H. B. 457).....	441	963).....	889, 890
Turnbaugh (H. B. 457).....	442	waterways (H. B. 806).....	1041
highway commission		woman's nine hour law (H. B. 207).....	543, 790
Barker (H. B. 601).....	967		
Bentley (H. B. 601).....	966	ROGUES' GALLERY:	
Davis (H. B. 601).....	968	Browne (H. B. 492).....	1095
Donahue (H. B. 601).....	967	Turner (H. B. 492).....	1095
Shurtleff (H. B. 601).....	967		
Tice (H. B. 601).....	968	ROSTENKOWSKI:	
(H. B. 147).....	211	Glode, Albert (H. R. 53).....	148
type of roads		member of committees on—	
Browne (H. B. 575).....	517	charities and corrections.....	130
Davis (H. B. 575).....	511, 515, 521	elections.....	131
DeYoung (H. B. 575).....	510, 516	industrial affairs.....	131
Graham, W. J. (H. B. 575).....	519	liberal committee.....	130
McCormick (H. B. 575).....	517	license and miscellany.....	131
O'Rourke (H. B. 575).....	511	senatorial apportionment.....	132
Perkins (H. B. 575).....	511, 517		
Shurtleff (H. B. 575).....	520	ROTHSCHILD:	
Thomason (H. B. 575).....	524	actions in equity (H. B. 624).....	390, 393
Tice (H. B. 575).....	510, 519, 551, 931	advertising (S. B. 109).....	864, 869, 872
ROBERTS, JOHN:		bathing beaches (S. B. 326).....	1229
anti-capital punishment (H. B. 58, 67, 68).....	366	boxing bill.....	725
ROCK ISLAND FREE EMPLOYMENT		bulk sales law.....	261
BUREAU:		Calumet lake district.....	679
appropriation for		circuit judges of Cook County.....	161, 164
Maucker (H. B. 76).....	304	children (H. B. 296).....	1084
Purdunn (H. B. 76).....	304	cities and villages (H. B. 162).....	467, 468
Smejkal (H. B. 76).....	303, 304	(H. B. 786).....	1105
		(H. B. 876).....	1076
RODERICK:		civil service (S. B. 132).....	578, 579
actions in equity (H. B. 624).....	390, 393	(H. B. 426).....	337
banks (H. B. 202).....	1127	compensation for losses (H. B. 562).....	
circuit court judges.....	167, 168	.....216, 265, 295, 325, 328, 335	
civil service (H. B. 716).....	455	constitutional convention.....	668
Constitution, State (H. J. R. 7).....	294	courts, circuit judges (H. B. 994).....	1147
equity (H. B. 565).....	1034	courts of records (S. B. 72).....	935
fire (H. B. 949).....	989	equity bill (S. B. 526).....	1177
insurance (H. B. 949).....	989	(H. B. 624).....	390
member of committees on—		fireman's pension fund (H. B. 118).....	336, 349, 350
banks, banking, and building and loan		foot and mouth disease (H. B. 562).....	
associations.....	130	.....216, 265, 266, 295, 297, 325, 328, 329, 335	
insurance.....	131	initiative and referendum.....	668
judicial department and practice.....	131	labor agreements (H. B. 195).....	815, 816, 820, 822, 823
judiciary.....	131	libraries, free.....	253, 255
mileage appropriation.....	131	libraries (H. B. 366).....	321
municipal court of Chicago (H. B. 500).....	861	license (H. B. 356).....	437
sanitary district bridge (S. B. 126).....	794, 1152	(H. B. 563).....	957, 958, 963
Speaker, temporary, vote for.....	522, 676	limitations (H. B. 695).....	355, 456
		loan shark bill (S. B. 72).....	1187

	PAGE.
ROTHSCHILD—Concluded.	
member of committees on—	
civil service.....	130
efficiency and economy.....	131
judicial department and practice.....	131
judiciary.....	131
revenue.....	131
rules.....	132
military affairs (H. B. 939).....	1057
mothers' pension (H. B. 10).....	563, 566
motor vehicle tax bill (S. B. 380).....	863, 1181, 1182
newspaper advertising for transportation (S. B. 109).....	864, 865, 869, 872
parks (S. B. 327).....	1172
pension funds (H. B. 244).....	336, 337
pension commission (S. J. R. 17).....	346
pension, civil service employees (H. B. 37).....	336
pension, police (H. B. 320).....	337, 558, 1135
pleading and practice (S. B. 72).....	971
practice in courts of records (H. B. 625).....	403, 412, 416, 427, 428, 430, 434, 489
printing, State (S. B. 247).....	1026, 1027
prisoners (H. B. 89).....	1055
prostitution (H. B. 164).....	591
public utilities (H. B. 899).....	911, 912
(H. B. 109).....	1252
railroads (S. B. 109).....	1152
schools, free (H. B. 204).....	220
(H. B. 109).....	319
St. Patrick's day (H. R. 54).....	158
Speaker, temporary, vote for.....	46, 48, 51, 52, 53, 62
submerged lands, transfer (H. B. 781).....	677, 679, 681
ROWE:	
member of committees on—	
agriculture.....	130
banks, banking, and building and loan associations.....	130
roads and bridges.....	132
senatorial apportionment.....	132
RYAN, FRANK J.:	
armories, sale of site (H. B. 211).....	858
chairman, committee to visit penal institu- tions.....	132
credentials committee.....	67
elections (H. B. 54).....	289
(H. B. 952).....	1092, 1251
foot and mouth disease.....	286
insurance commission created (H. B. 949).....	990
judges and clerks, salaries (H. B. 952) ..	109, 1251
labor agreements (H. B. 195).....	594, 815, 816, 817, 822, 824, 1042
libraries (S. B. 114).....	593
liquor traffic (H. B. 321).....	489
mason contractors (H. B. 84).....	322
mothers' pensions (H. B. 10).....	565
pension fund (H. B. 244).....	336, 337, 562
public utilities (H. B. 899).....	1008
Southern Illinois Penitentiary, appropria- tion (H. B. 586).....	443
Speaker, temporary, vote for.....	46, 50, 54
strikes (S. B. 203).....	1236
teachers' pension (S. B. 135).....	568
textbook (H. B. 697).....	1010
watchmen (H. B. 993).....	1119
RYAN, FRANK:	
cities and villages (H. B. 786).....	1065, 1104
member of committees on—	
liberal committee.....	131
military affairs.....	131
municipalities.....	131
roads and bridges.....	132
to visit educational institutions.....	132
military affairs (H. B. 939).....	1057
public utilities (H. B. 480).....	303
speaker, temporary vote for.....	57
State institutions (H. B. 77).....	315
RYAN, J. W.:	
cities and villages (S. B. 295).....	1197, 1263
member of committees on—	
banks, banking, and building and loan associations.....	130
congressional apportionment.....	130

	PAGE.
RYAN, J. W.—Concluded.	
member of committees on—concluded.	
municipalities.....	131
revenue.....	131
SACCHARINE:	
Boyer (H. B. 663).....	801-803
Browne (H. B. 663).....	801
Burres (H. B. 663).....	803
Buxton (H. B. 663).....	804-806
DeYoung (H. B. 663).....	807
Ellis (H. B. 663).....	804
Frankhauser (H. B. 663).....	797, 801, 804
Igoe (H. B. 663).....	807
Perkins (H. B. 663).....	804, 806, 807
SALARIES OF CIRCUIT COURT JUDGES OF COOK COUNTY:	
DeYoung (H. B. 13).....	287
(H. B. 957).....	1142, 1143, 1144
Shurtleff (H. B. 994).....	1257, 1259
SALARY INCREASE, SECRETARIES OF SUPREME COURT JUDGES:	
Davis (H. B. 764).....	863
SALARIES, STATE OFFICERS:	
Smejkal (H. B. 931).....	930
SALES, UNIFORM:	
DeYoung (H. B. 557).....	1094
Purdunn (H. B. 557).....	1094
Wilson, G. H. (H. B. 557).....	1095
SALE, BULK:	
Browne, Lee O'Neil (H. B. 73).....	257, 261, 262, 281
Lyons (H. B. 73).....	261, 262, 281
Perkins (H. B. 73).....	282
Pierson (H. B. 73).....	281
Rothschild (H. B. 73).....	261, 262
SALKELD, JOSEPH:	
press committee	
Shanahan.....	161
SANITARY DISTRICT BRIDGES:	
Epstein (S. B. 126).....	794
Roderick (S. B. 126).....	794, 1152
Pierson (S. B. 126).....	795
Prendergast (S. B. 126).....	795
SANTRY:	
armories, sale of site (H. B. 211).....	858
Boxing (S. B. 15).....	1207
(H. B. 820).....	723, 729, 734, 740
committee to notify Governor of organiza- tion.....	71
circuit court judges of Cook county (H. B. 176).....	165, 166
food adulteration (H. B. 663).....	797
member of committees on—	
industrial affairs.....	131
license and miscellany.....	131
municipalities.....	131
waterways.....	132
public utilities (H. B. 899).....	912, 995, 996, 1008
Speaker, temporary, vote for.....	46, 64
watchman (H. B. 993).....	1116
SCANLAN:	
alderman (S. B. 467).....	1208, 1248
annexation (H. B. 284).....	278
blind, support of (H. B. 38).....	815
chairman committee on insurance.....	131
cities and villages (S. B. 467).....	1248
coal oil inspection of (S. B. 442).....	1248
corporations (H. B. 268).....	1055
election primary (H. B. 12).....	170, 173, 174
final adjournment (H. R. 104).....	1278
Fraternal insurance (H. B. 105).....	516, 550
General Assembly, employees (H. R. 26).....	115, 116
Hawkins, Jesse, messenger (H. R. 40).....	122
insurance, accident (H. B. 801).....	1110
insurance commission created (H. B. 949).....	982, 988, 989, 990, 991
insurance, discrimination (H. B. 953).....	1132, 1133
insurance, fire (H. B. 667).....	769, 770

	PAGE.
SCANLAN—Concluded.	
insurance, fire (H. B. 989).....	982, 988
insurance, mutual companies (H. B. 718)....	1048
local improvements (H. B. 246).....	322
member of committees on—	
education.....	130
judicial apportionment.....	131
judiciary.....	131
waterway.....	132
one day rest in seven (H. B. 832).....	780, 782
organization, notify Senate of (H. R. 18)....	71
real estate ownership by corporations (H. B. 268).....	894
roads and bridges (H. B. 147).....	
(S. B. 527).....	1266
schools (S. B. 221).....	1277
(H. B. 394).....	318
(H. B. 516).....	1040
Speaker, vote for.....	5, 23, 45, 46, 50, 53, 54
taxation, life insurance companies (H. B. 954).....	1127
textbooks (H. B. 697).....	1011
Trowbridge, I. H., memorial (H. R. 24).....	114
Utica bridge disaster (H. B. 393).....	841
workmen's compensation (S. B. 66).....	864
SCHAEFER, DOROTHEA:	
appropriations for	
Smejkal (H. B. 344).....	1109
SCHOLES:	
accounting, State board of (H. B. 565).....	1035
building commission, Peoria (H. B. 441)....	577
chairman, committee on elections.....	131
civil service, Cook County (H. B. 716).....	454, 1067
crime (H. B. 620).....	1066, 1067, 1112
dogs, stealing (H. B. 395).....	1132
electons (H. R. 40).....	160
equity bill (S. B. 526).....	1179
firearms (S. B. 10).....	1222
fish and game (S. B. 439).....	1123
fraudulent statements (H. B. 199).....	262, 263, 335, 336
grain (H. B. 323).....	1068
handwriting (H. B. 501).....	472
inmates of houses of ill-fame (H. B. 164)....	587
larceny (H. B. 620).....	1066
liability, false statement (H. B. 199).....	943
liquor, home rule (H. B. 844).....	473
liquor traffic, naval station (H. B. 321).....	
.....	482, 489, 490, 491
member of committees on—	
charities and corrections.....	131
judicial department and practice.....	131
judiciary.....	131
waterways.....	132
memorial of death of mother (H. R. 90).....	688
police magistrates (S. B. 509).....	1265
practice in courts of record (H. B. 625).....	433
prostitution (H. B. 164).....	590
reformatory (S. B. 164).....	1247
roads and bridges (H. B. 575).....	520
salaries of judges of Supreme court (H. B. 994).....	1260
Speaker, temporary, vote for.....	
.....	23, 37, 39, 43, 48, 54, 55, 59, 60, 62, 64
taxation (H. B. 319).....	380, 381
women's nine-hour law (H. B. 207).....	537
SCHOOLS:	
Atwood (H. B. 4).....	181, 212
(H. B. 45).....	264, 1092
(H. B. 48).....	319
(H. B. 166).....	264
(H. B. 284).....	251
(H. B. 357).....	1057, 1060, 1161
Brewer (S. B. 337).....	1263
Browne (S. B. 182).....	1226
(S. B. 337).....	1264
(S. B. 384).....	973
(H. B. 48).....	319
(H. B. 204).....	25
(H. B. 394).....	318
(H. B. 559).....	263
Burns (S. B. 384).....	972
Burres (S. B. 182).....	1226
(H. B. 357).....	1060

	PAGE.
SCHOOLS—Concluded.	
Cooper (S. B. 182).....	1226
Curran (H. B. 204).....	221
Curren (S. B. 182).....	1226
Doanhue (H. B. 561).....	691
(S. B. 106).....	1079
(S. B. 107).....	1079
(S. B. 182).....	1079
(S. B. 384).....	972
Drake (S. B. 182).....	1227
Garesche (S. B. 106).....	1092
Graham, W. J. (H. B. 357).....	1059
Gorman (H. B. 559).....	1106
Hicks (H. B. 45).....	1092
(H. B. 559).....	263, 264
Holaday (H. B. 376).....	257
(H. B. 394).....	318, 524
(H. B. 516).....	1040
(H. B. 559).....	263, 264
(H. B. 697).....	1010
(H. B. 823).....	583
(H. B. 831).....	1058, 1062
(H. B. 947).....	1036
(H. B. 967).....	1079
(S. B. 463).....	1079
Hubbard (S. B. 182).....	1227
(H. B. 394).....	318
Kane (H. B. 48).....	319
(H. B. 357).....	1061
Kasserman (S. B. 182).....	1227
Lyle (H. B. 559).....	263
McCormick (H. B. 204).....	221
O'Rourke (S. B. 182).....	1227
Pace (H. B. 357).....	1058
(H. B. 948).....	1265
(S. B. 182).....	1228
Pierson (H. B. 204).....	221
(H. B. 516).....	353
(S. B. 337).....	1263
Purdunn (H. B. 357).....	1059
Quisenberry (S. B. 162).....	1277
Rentchler (S. B. 357).....	1061
Rothschild (H. B. 48).....	319
(H. B. 204).....	220
Scanlan (H. B. 394).....	318
(H. B. 516).....	1040
Smejkal (H. B. 48).....	319
Shurtleff (H. B. 357).....	1062
Thomason (S. B. 182).....	1228
(H. B. 357).....	1057, 1060
Trandel (S. B. 401).....	1265
Weber (H. B. 204).....	220
(H. B. 516).....	1040
Williamson (S. B. 182).....	1225
Wood (S. B. 182).....	1228
SCHUBERTH:	
armories, sale of site (H. B. 211).....	859
Bruce, Hannah (H. B. 274).....	987
counties, maps, plats, etc. (S. B. 309).....	1201, 1202
insurance (S. B. 407).....	1207
insurance (H. B. 949).....	990
member of committees on—	
appropriations.....	130
insurance.....	131
military affairs.....	131
senatorial apportionment.....	132
public utilities (H. B. 899).....	992, 995, 996
Speaker, temporary, vote for.....	11
street railroad extension (H. B. 126).....	1096
Voris, Wm. (H. B. 248).....	1218
SCHWABA, PETER H.:	
relief	
Smejkal (H. B. 461).....	840
SCHWARZE, ISABEL:	
enrolling and engrossing	
Turnbaugh (H. R. 60).....	186
SECOND REGIMENT ARMORY SALE:	
Provine (H. B. 211).....	858
SECOND REGIMENT ARMORY:	
Smejkal (S. B. 551).....	1276

	PAGE.
SECRETARY TO THE JUDGES OF THE SUPREME COURT:	
Brown (H. B. 764).....	1151
Cooper (H. B. 764).....	1149
Donahue (H. B. 764).....	1149, 1151
Kane (H. B. 764).....	1151
Roe (H. B. 764).....	1149
Smejkal (H. B. 764).....	1151
SECRETARY OF STATE:	
Tice (H. R. 13).....	66
SECRETARY OF STATE STEVENSON:	
Speaker, nominating speeches.....	4, 5, 13, 29
SEIF:	
child labor (H. B. 104).....	535
lotteries (H. B. 901).....	1133
member of committees on—	
education.....	130
liberal committee.....	131
military affairs.....	131
municipalities.....	131
SHANAHAN:	
address accepting speakership.....	65, 71
constitutional convention.....	242
foot and mouth disease.....	17, 18
refusal to accept nomination.....	57
rules committee.....	73
Speaker, vote for.....	5, 6, 7, 15, 22, 23, 26
28, 37, 39, 43, 44, 45, 46, 48, 50, 51, 53, 55, 59, 60, 71	
(For Speaker's remarks on all measures <i>See</i> subjects.)	
SHELDON, H. L.:	
memorial (H. R. 103).....	1219
SHEPARD:	
accounting, State board of (H. B. 565).....	1034
banks, private, examination by State Auditor (H. B. 202).....	975, 976, 980
chairman committee on banks.....	130
fish and game (S. B. 439).....	1123
legislative salary increase (H. B. 386).....	862
Mollie McCabe, memorial on the death of her mother (H. R. 95).....	974
member of committee on—	
banking, and building and loan associations.....	130
appropriations.....	130
contingent expense.....	130
roads and bridges.....	132
Speaker, temporary, vote for.....	46, 54, 59
SHERIDAN ROAD ACT:	
McCormick (H. B. 890).....	1057
SHURTLEFF, EDWARD D.:	
acting Speaker.....	882
advertising (S. B. 109).....	874, 1231
art commission (S. B. 131).....	1163, 1164
assessment of property (H. B. 397).....	507, 855, 856
Auditor of Public Accounts (H. B. 209).....	312
blind, support of (H. B. 38).....	814, 815
car limit (H. B. 239).....	600, 603, 605, 1014
child labor (H. B. 104).....	529, 534, 536, 715, 716, 717, 719, 720, 721
collectors, town (S. B. 39).....	1225
committee appointment, to wait on chief justice.....	3
Constitution, amendment of (H. J. R. 7).....	501, 503
constitutional convention (S. J. R. 3).....	205
convict labor (H. B. 57).....	354
courts, circuit judges, compensation (H. B. 994).....	1146, 1147
drainage districts (H. B. 507).....	584
employment of convicts on roads (H. B. 57).....	354
engineers, structural (H. B. 406).....	1039
foot and mouth disease (H. B. 562).....	215, 297, 330, 334
(H. B. 885).....	1229, 1249, 1250
hog serum (H. B. 894).....	1274
home rule bill (H. B. 899).....	757, 758
judges, circuit court (H. B. 474).....	457
judges, salaries (H. B. 994).....	1127, 1145, 1260

	PAGE.
SHURTLEFF, EDWARD D.—Concluded.	
Journal (H. R. 105).....	1279
labor agreements (H. B. 195).....	819, 820, 821, 822, 1042, 1043
liquor traffic, Naval Station (H. B. 321).....	479, 482, 483
member of committees on—	
agriculture.....	130
judicial apportionment.....	131
judiciary.....	131
public utilities and transportation.....	132
rules.....	132
temperance.....	132
waterways.....	132
mortgages, limitations (H. B. 695).....	1063
one day rest in seven.....	778, 779
public utilities (S. B. 109).....	1153, 1182
roads and bridges (H. B. 575).....	520
roads and bridges, highway commission (H. B. 601).....	967, 968
rules (H. R. 20).....	71
salaries of circuit court judges of Cook County (H. B. 994).....	1257, 1259, 1260
schools, high, tuition (H. B. 357).....	1062
Speaker, vote for.....	5, 7, 45, 46, 48, 50, 51, 52, 53, 62, 64, 65, 71
State aid roads, appropriation (H. B. 838).....	931
speech, presentation of Shanahan portrait.....	1236
teachers' pension (S. B. 135).....	566
textbook (H. B. 697).....	1010
waterway development bill (H. B. 892).....	891
waterways, improvement districts (H. B. 806).....	1041
SMEJKAL:	
adjournment, <i>sine die</i> (S. J. R. 41).....	1279
agricultural advisers (H. B. 26).....	398
agricultural boards, appropriation (H. B. 935).....	825
Allen, H. C., relief (H. B. 514).....	841
Alling, Charles, relief (H. B. 558).....	840
Altgeld, John P., monument, appropriation (H. B. 964).....	933
Anderson, L. B., relief (H. B. 493).....	841
armories, Aurora (H. B. 641).....	507, 1050
armories, Chicago (H. B. 570).....	436
armories, Chicago, Second Regiment (S. B. 551).....	1276
armories, Kankakee (S. B. 515).....	1276
armories, Peoria (H. B. 653).....	595, 839
armory, monument (H. B. 841).....	662
art commission (S. B. 131).....	1163
Auditor of Public Accounts (H. B. 209).....	305, 307, 314
(H. B. 340).....	280
Barnes, Van Roy, appropriation (H. B. 14).....	832, 1109
Beekeepers' Association (H. B. 935).....	825
blind, support of (H. B. 38).....	814, 815
Brown, John, relief (H. B. 103).....	842
Bruce, Hannah (S. B. 425).....	1215
building commission, Peoria (H. B. 441).....	577
building laws (S. J. R. 29).....	1213
Carlin, Thomas, monument (S. B. 208).....	1196
chairman, committee on appropriations.....	130
charitable institutions, (H. B. 929).....	662
children, care of (H. J. R. 18).....	578
clerk Supreme court, appropriation (H. B. 730).....	397
contracts, State board of (H. B. 528).....	279, 842
committee rooms of Senate and House, repairs of, appropriation (H. B. 912).....	687
Cook County, State's attorney's compensation (H. B. 958).....	1145, 1149
courts, circuit judges, compensation (H. B. 994).....	1146, 1147
courts, Supreme, secretary to justices, compensation (H. B. 764).....	1151
county fairs and agricultural societies (H. B. 605).....	687
Dairymen's Association (H. B. 935).....	825
elections (H. B. 13).....	287
election committee expenses (H. B. 989).....	1100
elevators in Statehouse, appropriation (H. B. 912).....	1022

	PAGE.
SMEJKAL—Continued.	
foot and mouth disease (H. B. 415).....	212, 215, 216, 347
(H. B. 562).....	288
(H. B. 885).....	525, 555
(H. B. 980).....	1025
(S. J. R. 35).....	1212
fraternal insurance (H. B. 105).....	290, 511, 513, 516
free employment offices (S. B. 24).....	1219
private employment offices (H. B. 541).....	1081, 1109
General Assembly committee expenses (S. B. 438).....	1076
(H. B. 898).....	1081, 1082
General Assembly expenses (H. R. 102).....	1211
General Assembly, mileage (S. B. 459).....	459, 839, 840
Gray, N. E., relief (H. B. 398).....	832
Henke, Henry, relief (H. B. 116).....	830, 1090, 1091, 1224
hog serum (H. B. 894).....	1110
Holterman, Frank, relief (S. B. 400).....	1200
Horticultural Society (H. B. 935).....	825
Illinois Firearms Association (H. B. 165).....	305
Illinois National Guard and Naval Reserve (H. B. 633).....	505
incidental expenses General Assembly (S. B. 3).....	207
Ingham, Alice A., relief (H. B. 241).....	397
inspector private employment agencies (H. B. 541).....	1109
insurance, fraternal rates (H. B. 105).....	511, 513, 516, 549, 551
interest on bond, Illinois waterway appropriation (H. B. 973).....	935, 937
Jasper, John, appropriation (H. B. 648).....	1099
Jones, Walter O., relief (H. B. 85).....	1083
judges, Cook County, circuit, compensation (H. B. 957).....	1085, 1086, 1135, 1138
Kenesaw Mountain (H. B. 365).....	507
labor agreements (H. B. 195).....	815
levees, repairing (S. B. 364).....	934
Live Stock Breeders' Association (H. B. 935).....	825
masonry, inspector of (H. B. 185).....	1100, 1115
member of committee on waterways.....	132
mileage (H. B. 882).....	861
(S. B. 459).....	860
monument, Vicksburg battlefield (H. B. 856).....	662
miners, Royalton, relief (H. B. 854).....	840
National Guard and Naval Reserve (H. B. 626).....	505
Normal schools (H. B. 948).....	829, 1273, 1264
Oglesby, Richard J., (S. B. 388).....	1196
omnibus bill (H. B. 975).....	892, 929, 1050, 1254, 1255
penal institutions (H. B. 951).....	825
penitentiary, Joliet, deficiency (S. B. 316).....	684
(H. B. 586).....	506
poultry association (H. B. 935).....	825
printing, State (S. B. 247).....	1026
printing, State Superintendent (H. B. 728).....	1027
Public Utilities Commission (H. B. 480).....	222, 279, 280, 300
(S. B. 159).....	940, 941
(S. B. 251).....	944
railroads, car limit (H. B. 239).....	1015, 1102
reformatories (S. B. 164).....	1192, 1245
Rock Island Employment Bureau, emergency (S. B. 76).....	303, 304
salaries, judges and clerks (H. B. 13).....	287
salaries, State officers (H. B. 931).....	930
school fund (H. B. 48).....	319
schools, Normal (H. B. 948).....	1023
Schwaba, Peter H., relief (H. B. 461).....	840
(H. B. 558).....	840
Schaefer, Dorothea (H. B. 344).....	1109
Secretary of State, deficiency (H. B. 256).....	256, 278
Speaker, temporary, resolution relating to.....	4, 44, 45, 46, 70
State aid roads (H. B. 838).....	931, 940
State Factory Inspector.....	210
State fair grounds (S. B. 495).....	1214
State officers' salaries (H. B. 931).....	830, 1257
State reports, uniform system (S. B. 423).....	942
Stilley, Bertha (H. B. 647).....	831, 981
Taylor, L. E., relief (H. B. 359).....	831, 1091, 1215
unemployment commission (S. J. R. 12).....	1049
(S. B. 154).....	1220

	PAGE.
SMEJKAL—Concluded.	
University of Illinois (H. B. 963).....	885, 890, 939
University of Illinois, committee to visit (H. J. R. 25).....	834, 836
Utica bridge disaster (H. B. 392).....	841
(H. B. 393).....	842
Vickers, Justice, widow of (H. B. 235).....	305
vital statistics (S. B. 213).....	936
Voris, Wm. (H. B. 248).....	831, 1216
watchman (H. B. 993).....	1077, 1113, 1114, 1115, 1117, 1118
woman's nine-hour law (H. B. 207).....	538
workmen's compensation (S. B. 66).....	1023
SONNEMANN:	
court, term, Macoupin county (H. B. 903).....	1084
member of committees on—	
appropriations.....	130
education.....	130
judicial apportionment.....	131
waterway.....	132
Speaker, temporary, vote for.....	45, 50
SPANISH WAR VETERANS:	
civil service (S. B. 80).....	686
Foster (S. B. 80).....	686
Jackson (S. B. 80).....	686
Thon (S. B. 80).....	686
SOLDIERS AND SAILORS:	
burial place	
Campbell (H. B. 425).....	934
SOUTHERN ILLINOIS PENITENTIARY:	
Merritt (H. B. 586).....	443
Ryan F. J. (H. B. 586).....	443
SMITH:	
car limit (H. B. 239).....	1015, 1102
civil service, Spanish-American War veterans (S. B. 80).....	1161
member committees on—	
agriculture.....	130
fish and game.....	131
liberal committee.....	131
public utilities and transportation.....	131
STANFIELD:	
member of committees on—	
agriculture.....	130
charities and corrections.....	131
farm drainage.....	131
industrial affairs.....	131
revenue.....	131
schools, high (S. B. 107).....	1208
Stilley, Bertha, relief (H. B. 647).....	831
STATEHOUSE:	
elevators	
Smejkal (H. B. 693).....	506
(H. B. 912).....	1022
SAINT PATRICK'S DAY:	
Rothschild.....	158
STOCK FOOD LAW:	
Perkins (S. B. 356).....	1248, 1249
STRIKES:	
Madsen (H. J. R. 28).....	127
(S. B. 203).....	1235
Ryan, F. J. (S. B. 203).....	1236
STRUBINGER:	
member of committee on—	
agriculture.....	130
banks, banking, and building and loan associations.....	130
license and miscellany.....	132
temperance.....	133
Speaker, temporary, vote for.....	21
SUBMERGED LANDS:	
Basel (H. B. 781).....	684
Browne (H. B. 781).....	677, 678, 681
Frankhauser (H. B. 781).....	681, 682

	PAGE.
SUBMERGED LANDS—Concluded.	
Hamlin (H. B. 781).....	682
Igoe (H. B. 781).....	678
Kane (H. B. 781).....	682
McCormick (H. B. 781).....	682
Pierson (H. B. 781).....	683, 684
Rothschild (H. B. 781).....	677, 679
Wilson, R. E. (H. B. 781).....	678, 682
Young (H. B. 781).....	677, 679, 684
SUPREME COURT:	
librarian, salary (H. B. 257).....	505
TAXATION:	
assessment list	
Graham, W. J. (H. B. 530).....	915
charitable institutions, exempt	
Kessinger (H. B. 937).....	1049
collections.....	353
Browne (H. B. 319).....	378
Boyd (H. B. 319).....	379
Basel (H. B. 319).....	381
Donahue (H. B. 319).....	380
Maucker (H. B. 319).....	379, 381
Purdunn (H. B. 319).....	380
Lynch (H. B. 319).....	381
Scholes (H. B. 319).....	380
delinquent list	
Graham, W. J. (H. B. 529).....	915
deputy assessors	
Madsen (H. B. 280).....	524
O'Rourke (H. B. 280).....	223
Purdunn (H. B. 280).....	524
dogs	
Watson (H. B. 971).....	1069
exemptions and levy (H. B. 687)	
Browne.....	445
Burns.....	444
Flagg.....	445
Rentchler.....	445
life insurance companies	
Fahy (H. B. 954).....	1127
Scanlan (H. B. 954).....	1127
national tax association	
Gorman.....	665
poll	
Devine (H. B. 921).....	1037
Donahue (H. B. 921).....	1037
Thomason (H. B. 921).....	1037
Tice (H. B. 921).....	1037
schools	
Pierson (H. B. 204).....	473
Weber (H. B. 204).....	473
sewers, repair of	
Curran (H. B. 19).....	1027
titles	
Wilson, R. E. (S. B. 256 and 466)....	1268, 1229
University of Illinois	
Burres (H. B. 611).....	557
Hubbard (H. B. 611).....	556
Igoe (H. B. 611).....	558
Purdunn (H. B. 611).....	558
O'Rourke (H. B. 611).....	558
TAYLOR:	
explosives (S. B. 51).....	1231
judges (H. B. 474).....	461
liquor (H. B. 321).....	491
Maloney, J. P., doorkeeper (H. R. 32).....	269
marriage (H. B. 47).....	269
member of committees on—	
farm drainage.....	131
industrial affairs.....	131
judicial department and practice.....	131
judiciary.....	131
Speaker, temporary, vote for.....	23, 26, 53
teachers' pension (S. B. 135).....	573
woman's nine-hour law.....	789
TAYLOR, L. E.:	
relief for	
Smejkal (H. B. 359).....	831, 1215
TEACHERS:	
certificates	
Donahue (H. B. 886).....	593
Green, Carl (H. B. 886).....	593

	PAGE.
TEACHERS—Concluded.	
pensions	
Basel (S. B. 138).....	551
Browne (S. B. 138).....	552, 551
Browne (H. B. 947).....	1036, 1042
Foster (S. B. 138).....	573
Gorman (H. B. 947).....	1036
Green, Carl (S. B. 138).....	567
Hubbard (S. B. 138).....	551 , 566
Igoe (S. B. 138).....	566
Kane (S. B. 138).....	573
Lipshulch (S. B. 138).....	551
O'Rourke (S. B. 138).....	538
Pierson (H. B. 947).....	1036
Pierson (S. B. 138).....	551, 551 , 556
Purdunn (S. B. 138).....	551
Purdunn (H. B. 947).....	1036
Quisenberry (S. B. 138).....	574
Rinehart (H. B. 947).....	1036
Ryan, F. J. (S. B. 138).....	568
Shurtleff (S. B. 138).....	566
Taylor (S. B. 138).....	573
Weber (S. B. 138).....	551
Watson (S. B. 138).....	572
Wilson, R. E. (S. B. 138).....	551
TELEPHONES:	
Chicago Telephone Co.	
McGlooin (H. J. R. 29).....	1128
TEXTBOOKS:	
Bruce (H. B. 697).....	1010, 1011
Burns (H. B. 697).....	1012
Foster (H. B. 697).....	1275
Hicks (H. B. 697).....	1010
Holaday (H. B. 697).....	1275
Hubbard (H. B. 697).....	1010
Igoe (H. B. 697).....	1010
Kane (H. B. 697).....	1010
Meents (H. B. 697).....	926, 1010, 1275
Merritt (H. B. 697).....	929, 931, 1010
Pierson (H. B. 697).....	926
Purdunn (H. B. 697).....	1011
Ryan, F. J. (H. B. 697).....	1010
Scanlan (H. B. 697).....	1011
Shurtleff (H. B. 697).....	1010
Vursell (H. B. 697).....	1011
THIEMAN, WM.:	
memorial	
Pierson (H. R. 73).....	258
THOMAS, J. E.:	
memorial for	
Rethmeier (H. R. 97).....	1033
THOMASON:	
blind, support of.....	810
engineers (H. B. 322).....	224
foot and mouth disease (H. B. 562).....	330
license (H. B. 356).....	437
lobbying (H. B. 358).....	971
member of committees on—	
agriculture.....	130
farm drainage.....	131
judicial department and practice.....	131
judiciary.....	131
mothers' pensions (H. B. 10).....	564, 565
poll tax (H. B. 921).....	1037
public utilities (H. B. 899).....	914
railroads, car limit (H. B. 239).....	1102
reformatory, Ill., State (S. B. 164).....	1245, 1248
roads and bridges (H. B. 575).....	520
schools (H. B. 357).....	1057, 1060
(S. B. 182).....	1228
Speaker, temporary, vote for.....	53-55
stallions (S. B. 139).....	1229
support of blind (H. B. 38).....	927, 929
taxation (H. B. 921).....	1037
women's nine-hour law (H. B. 207).....	538, 540, 543
THOMPSON:	
member of committees on—	
fish and game.....	131
judicial apportionment.....	131
license and miscellany.....	131
public utilities and transportation.....	131
steam and stationary engineers (H. B. 322).....	224

	PAGE.
THON:	
banks (H. B. 202).....	975, 976, 978, 979, 980
blindness, prevention (H. B. 582).....	759
member of committees on—	
civil service.....	130
fish and game.....	131
judicial department and practice.....	131
judiciary.....	131
revenue.....	131
municipal court of Chicago (H. B. 500).....	522, 676
Spanish-American War veterans, civil service (S. B. 80).....	686
Speaker, temporary, vote for.....	48
workmen's compensation law amendment..	864
TICE:	
armories (H. B. 211).....	525
auctioneers (H. B. 218).....	322
chairman committee on roads and bridges..	131
College of Physicians and Surgeons.....	888
Commercial Club of Dwight.....	629
committee to conduct temporary Speaker to chair.....	65
county superintendent of highways (H. B. 601).....	966
credentials committee.....	67
elections returns (H. J. R. 1).....	92
foot and mouth disease (H. B. 1).....	18, 100
foot and mouth disease (H. B. 562).....	282, 296, 318, 324, 331
highway legislation.....	629
home rule bill (H. B. 899).....	751-754
mothers' pensions (H. B. 10).....	440
motor vehicles (H. B. 766).....	826
poll tax (H. B. 921).....	1037
roads and bridges (H. B. 457).....	441, 442
roads and bridges (H. B. 575).....	510, 519, 521, 551, 931
roads and bridges (H. B. 601).....	966, 968
roads and bridges (H. B. 765).....	1051
roads and bridges (H. B. 727).....	1052-1054
roads and bridges (H. B. 838).....	931, 932
session, joint (H. J. R. 22).....	921
Speaker, temporary, vote for.....	50, 55, 59
member of committees on—	
appropriations.....	130
judicial apportionment.....	131
rules.....	132
temperance.....	132
mothers' pensions (H. B. 10).....	440
Stevenson, L. G., vote of thanks (H. R. 13).....	66
taxation (H. B. 921).....	1037
University of Illinois, appropriation (H. B. 963).....	887, 890
University of Illinois, investigation (H. J. R. 24).....	687
University of Illinois, visiting committee (H. J. R. 25).....	834
watchmen, State house (H. B. 993).....	1119
TIPPING:	
prohibited	
Merritt (H. B. 143 and 144).....	524, 597
TITLE, ABSTRACT OF:	
Browne (H. B. 88).....	271
DeYoung (H. B. 88).....	274
Kasserman (H. B. 88).....	274
Pierson (H. B. 88).....	270, 273
Purdunn (H. B. 88).....	273
TOMPKINS:	
contest.....	341
license, steam engineers (H. B. 563).....	959
member of committees on—	
appropriations.....	130
charities and correction.....	130
industrial affairs.....	131
liberal committee.....	131
waterways.....	132
schools (H. B. 884).....	1133
Speaker, temporary, vote for.....	45
TOWN COLLECTORS:	
commission	
O'Rourke (S. B. 39).....	1225
Purdunn (S. B. 39).....	1225
Shurtleff (S. B. 39).....	1225

	PAGE.
TOWN COLLECTORS—Concluded.	
abolished	
Browne (H. B. 319).....	354
TOWNSHIP ORGANIZATIONS:	
Browne (S. B. 198).....	875
Graham, W. J. (S. B. 198).....	877, 1187
TRANDEL:	
member of committees on—	
education.....	130
municipalities.....	131
revenue.....	131
roads and bridges.....	131
schools, physical education (S. B. 401).....	1265
TRANSPORTATION IN EXCHANGE FOR ADVERTISING:	
Browne (S. B. 109).....	1232
Kessinger (S. B. 109).....	1232
Shurtleff (S. B. 109).....	1231
Weber (S. B. 109).....	1233
TROWBRIDGE, I. H.:	
memorial	
Scanlan (H. R. 24).....	114
TRUST COMPANIES:	
acting as receivers	
Browne (H. B. 538).....	1130
DeYoung (H. B. 538).....	1130
TUBERCULOSIS:	
Purdunn (H. B. 828).....	1050
Rentschler (H. B. 828).....	1050
TURNBAUGH:	
boxing bill.....	726
chairman, committee on industrial affairs.....	131
chancery jurisdiction in county courts (H. B. 290).....	849
credentials committee (H. B. 15).....	67
child labor (H. B. 104).....	536
courts, circuit judges, compensation (H. B. 994).....	1146, 1147
enrolling and engrossing clerk (H. R. 60).....	186
fifty-car limit (H. B. 239).....	599
Hollister, Hon. T. E. (H. R. 98).....	1064
initiative and referendum.....	659
labor agreements (H. B. 195).....	815
(H. B. 832).....	1269
license (H. B. 356).....	437
lobbying.....	178
marriage (H. B. 47).....	267
member of committees on—	
education.....	130
judicial apportionment.....	131
judiciary.....	131
public utilities and transportation.....	131
mines (H. B. 857, 859, 860).....	1109
(H. B. 858).....	1092
mothers' pension (H. B. 10).....	441
one day rest in seven.....	689
practice in courts of records (H. B. 625).....	430
railroad car limit (H. B. 239).....	599
roads and bridges (H. B. 457).....	442
Speaker, temporary, vote for.....	7, 45, 48, 50
Schwarze, Isabel (H. R. 60).....	186
Sullivan, Michael (H. R. 60).....	186
women's nine-hour law (H. B. 207).....	541, 545, 546, 547, 787
waterway bill.....	693, 694, 703
TURNER:	
campaign pledges (H. R. 43).....	123
Chicago armory (H. B. 570).....	436
constitutional convention.....	227
civil service (H. B. 301).....	345
(H. B. 716).....	454
member of committees on—	
civil service.....	130
insurance.....	131
liberal committee.....	131
license and miscellany.....	131
public utilities and transportation.....	131
public utilities (S. B. 109).....	1154
rogues' gallery (H. B. 492).....	1095
Speaker, temporary, vote for.....	34, 35, 52
temporary committee to conduct to chair.....	65, 71

	PAGE.		PAGE.
TUTTLE:		VORIS, WM.:	
boxing bill.....	726	appropriation for	
Bruce (H. B. 274).....	987	Burres (H. B. 248).....	1217
fire (H. B. 949).....	988	Curren (H. B. 248).....	1218
insurance (H. B. 949).....	988	Igoe (H. B. 248).....	1216
judges (H. B. 474).....	460	Kane (H. B. 248).....	1217
member of committees on—		Schuberth (H. B. 248).....	1218
congressional apportionment.....	130	Smejkal (H. B. 248).....	831, 1216
industrial affairs.....	131	Wood (H. B. 248).....	1219
insurance.....	131		
judiciary.....	131	VOTING MACHINE:	
pleading and practice (H. B. 462).....	1043, 1044	Butler (H. R. 78).....	317
UNIVERSITY OF ILLINOIS:		VURSELL:	
appropriation		blind, support of.....	812-814
Curran (H. B. 963).....	886	courts, circuit judges (H. B. 994).....	1148
Gorman (H. B. 963).....	886	engineers (H. B. 406).....	1038
Hubbard (H. B. 963).....	888	fifty-car limit (H. B. 239).....	600
Igoe (H. B. 963).....	885	firearm (S. B. 10).....	1222
Lipshulch (H. B. 963).....	886	member of committees on—	
Madsen (H. B. 963).....	887	education.....	130
Roe (H. B. 963).....	889	public utilities and transportation.....	131
Smejkal (H. B. 963).....	885, 890, 939	senatorial apportionment.....	132
Tice (H. B. 963).....	887, 890	temperance.....	132
Wilson, R. E. (H. B. 963).....	888	parole (S. B. 179).....	1186
investigation		public utilities (S. B. 109).....	1155
Tice (H. J. R. 24).....	687	(H. B. 899).....	1009
visiting committee		railroad car limit (H. B. 239).....	600, 1013
Burres (H. J. R. 25).....	834	Speaker, temporary, vote for.....	46
Smejkal (H. J. R. 25).....	834	structural (H. B. 406).....	1038
Tice (H. J. R. 25).....	834	textbooks (H. B. 697).....	1011
		women's nine-hour law.....	793
UNEMPLOYMENT:		WALSH:	
Igoe (S. J. R. 12).....	1049	election contest.....	6, 341
O'Rourke (S. J. R. 12).....	1049	member of committees on—	
Smejkal (S. J. R. 12).....	1049	industrial affairs.....	131
UTICA BRIDGE DISASTER:		revenue.....	131
relief		senatorial apportionment.....	132
Scanlan (H. B. 393).....	841	waterways.....	132
Smejkal (H. B. 393).....	841	mothers' pensions (H. B. 10).....	564
VEST, MRS. HENRIETTA		WATCHMEN:	
postmaster, appointment.....	115	Springfield public buildings	
VICKSBURG MONUMENT:		Browne (H. B. 993).....	1114, 1117, 1120
appropriation		Butler (H. B. 993).....	1117, 1121
Smejkal (H. B. 856).....	662	Devine (H. B. 993).....	1115
VICKERS:		DeYoung (H. B. 993).....	1117
accounting (H. B. 565).....	1034	Graham (H. B. 993).....	1115
Beck, R. J., memorial (H. R. 76).....	290	Hubbard (H. B. 993).....	1118
food (S. B. 383).....	1032	Igoe (H. B. 993).....	1113, 1116, 1118
fraudulent labels (S. B. 383).....	1032	Madsen (H. B. 993).....	1122
liquor traffic (H. B. 321).....	486	O'Rourke (H. B. 993).....	1119
lotteries (H. B. 901).....	1133	Purdunn (H. B. 993).....	1122
member of committees on—		Ryan, F. J. (H. B. 993).....	1119
elections.....	131	Smejkal (H. B. 993).....	1077, 1113, 1117
liberal committee.....	131	Santry (H. B. 993).....	1116
license and miscellany.....	131	Tice (H. B. 993).....	1119
military affairs.....	131		
public utilities and transportation.....	131	WATERWAYS:	
to visit charitable institutions.....	132	appropriation to pay interest on bonds (H. B. 973).....	935, 937
moving pictures (S. B. 382).....	1162	commission	
Speaker, temporary, vote for.....	5, 15, 16, 48	Browne (H. B. 914).....	
VICKERS, ALONZO K:		.....243, 648, 653, 661, 664, 694, 697, 700, 712	
appropriation for widow of		Burns (H. B. 914).....	703
Smejkal (H. B. 235).....	305	Butler (H. B. 914).....	701, 709, 712, 714
funeral of		Donahue (H. B. 914).....	699, 937
Cooper (H. R. 8).....	32	Ellis (H. B. 914).....	697, 786
VITAL STATISTICS:		Hubbard (H. B. 914).....	
Brown, Wm. (S. B. 213).....	1157	.....657, 691, 692, 697, 703, 704, 708, 709, 712, 714, 884	
Browne (S. B. 213).....	1157	Igoe (H. B. 914).....	624, 691, 696, 701, 712
Burns (S. B. 213).....	936	Kane (H. B. 914).....	786
Burres (S. B. 213).....	1156, 1158	Maucker (H. B. 914).....	701
Buxton (S. B. 213).....	1158	McCormick (H. B. 914).....	702, 711, 715
Cooper (S. B. 213).....	1156	O'Rourke (H. B. 177).....	710, 712
Graham, W. J. (S. B. 213).....	1158	Purdunn.....	935
Kane (S. B. 213).....	1157	Turnbaugh (H. B. 914).....	693, 703
Lipshulch (S. B. 213).....	1159	Williamson (H. B. 914).....	715
Merritt (S. B. 213).....	1158	Young (H. B. 914).....	700
Smejkal (S. B. 213).....	936	improvement districts	
Wilson, G. H. (S. B. 213).....	1157	McCormick (H. B. 806).....	1041
		Purdunn (H. B. 806).....	1041
		Roe (H. B. 806).....	1041
		Shurtleff (H. B. 806).....	1041

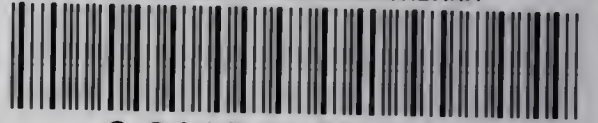
	PAGE.
WATERWAYS—Concluded.	
joint meeting	
Igoe (H. J. R. 23).....	624
"Quincy Daily Journal"	
Wilson, R. E.....	695
WATSON:	
blind, support of (H. B. 38).....	814, 815
bridges, in towns (H. B. 523).....	853
capital punishment (H. B. 58, 67, 68).....	375
convict labor (H. B. 57).....	1035
courts (H. B. 994).....	1147
(H. B. 777).....	508
(H. B. 739).....	1090
dogs (H. B. 971).....	1079
Grubb, W. L., assistant clerk.....	116
liability, false statement (H. B. 199).....	944
member of committees on—	
charities and correction.....	130
elections.....	131
judicial department and practice.....	131
judiciary.....	131
senatorial apportionment.....	132
parole (S. B. 179).....	1187
pension for blind, county (H. B. 38).....	927, 928
roads and bridges (H. B. 532).....	853
Speaker, temporary, vote for.....	5, 7, 45, 46
teachers, pension (S. B. 135).....	572
WEBER:	
Adkins, Charles.....	198
Buckingham, George F.....	190
Butler (H. B. 949).....	983
child labor (H. B. 104).....	529, 716, 717, 719, 721
civil service (S. B. 80).....	593, 1223, 1224
Cole, G. E., constitutional convention.....	202
constitutional convention (S. J. R. 3).....	117, 187, 202, 205, 206, 230
Constitution, amendment (H. J. R. 33).....	117
Dunlap, H. M.....	188
elections (H. B. 13).....	287
(H. B. 54).....	289
free schools (H. B. 204).....	220, 221
Harris, E. F., constitutional convention.....	201
judges of courts of records (H. B. 426).....	1263
labor, one day rest in seven (H. B. 832).....	783, 784
license commission (H. B. 356).....	436
Lowden, F. O., constitutional convention.....	196
member of committees on—	
charities and corrections.....	130
education.....	130
judicial department and practice.....	131
judiciary.....	131
mothers' pension (H. B. 10).....	565
pleading and practice (H. B. 625).....	409, 412, 413, 426, 427
police pension fund (H. B. 320).....	560
schools (H. B. 516).....	1040
(H. B. 204).....	220
Spanish War veterans (S. B. 80).....	686
Speaker, temporary, vote for.....	11
taxation, school (H. B. 204).....	473
teachers' pensions (S. B. 135).....	554
transportation (S. B. 109).....	1233
women's nine-hour law (H. B. 207).....	542, 543
WEST:	
counties to fill vacancy (S. B. 223).....	1165, 1266
member of committees on—	
congressional apportionment.....	130
farm drainage.....	131
municipalities.....	131
public utilities and transportation.....	132
temperance.....	132
Speaker, temporary, vote for.....	52
WILSON, G. H.:	
Allen bill.....	736
anti-capital punishment (H. B. 58, 67, 68).....	367
anti-saloon resident district (H. B. 362).....	476, 498
art commission (S. B. 131).....	1163, 1234
boxing (S. B. 15).....	1203
Browning, O. H., portrait (H. J. R. 10).....	157
building and loan (H. B. 258).....	597
capital punishment.....	367, 370, 973
chairman committee on temperance.....	132
child labor (H. B. 104).....	718, 720
cities and villages (H. B. 786).....	1106

	PAGE.
WILSON, G. H.—Concluded.	
civil service, Spanish-American War veter-	
ans (S. B. 80).....	764, 1223
counties to fill vacancies (S. B. 223).....	1165, 1182
elections (H. B. 524).....	104
engineers, steam and stationary (H. B. 322).....	224
handwriting (H. B. 501).....	472
inheritance (S. B. 38).....	1021, 1032
injunction and abatement bill (S. B. 362).....	876, 878
labor, one day rest in seven (H. B. 832).....	772
license (H. B. 563).....	958
liquor (H. B. 822).....	473, 477
(H. B. 464).....	479, 487, 490
(H. B. 321).....	491
(H. B. 362).....	496, 497, 498
member of committees on—	
banks, banking, and building and loan	
associations.....	130
congressional apportionment.....	130
judicial department and practice.....	132
judiciary.....	131
mortgages (H. B. 72).....	957
(H. B. 471).....	257
marriage (H. B. 47).....	268, 270
parole (S. B. 179).....	1187
petitions, liquor.....	475
pleading and practice (H. B. 290).....	485
practice and procedure (H. B. 290).....	845
prostitution (H. B. 164).....	919
reformatories (S. B. 164).....	1194, 1246
Speaker, temporary, vote for.....	46, 53
vital statistics (S. B. 213).....	1157
woman's nine-hour law (H. B. 207).....	540
WILSON, HARRY:	
auctioneer (H. B. 218).....	378
liquor petitions.....	475
member of committees on—	
agriculture.....	130
congressional apportionment.....	130
education.....	130
temperance.....	132
schools, Normal (H. B. 948).....	1264
WILSON, R. E.:	
appropriation, University of Illinois (H. B.	
963).....	888
blind, support of.....	814
Bruce, Hannah, appropriation (S. B. 425).....	1215
child labor (H. B. 104).....	718, 720
cities and villages (S. B. 295).....	1197, 1198
courts of record (S. B. 72).....	935
elections (H. B. 13).....	287
engineers (H. B. 406).....	1040
firemen, pension (H. B. 118).....	349, 560, 1134
judges and clerks, salaries (H. B. 13).....	287
liability, false statement (H. B. 199).....	943
libraries.....	255
member of committees on—	
appropriations.....	130
elections.....	131
municipalities.....	131
senatorial apportionment.....	132
waterways.....	132
monuments (H. J. R. 30).....	1251
pleading and practice (S. B. 72).....	935
pensions, teachers' (S. B. 135).....	554
pension, school officers' (H. B. 244).....	336
Quincy Daily Journal.....	695
sale, uniform (H. B. 557).....	1095
structural engineers (H. B. 406).....	1040
submerged lands (H. B. 781).....	676, 682
tax title (S. B. 256).....	1229
(S. B. 466).....	1268
women's nine-hour law (H. B. 207).....	794
University of Illinois, appropriation (H.	
B. 963).....	888
women's nine-hour law (H. B. 207).....	794
WILLIAMSON:	
Alling, Charles, relief (H. B. 558).....	841
Auditor of Public Accounts (H. B. 209).....	307
liquor traffic (H. B. 321).....	490
member of committees on—	
education.....	130
farm drainage.....	131
judiciary, judicial department and practice.....	131
temperance.....	132

	PAGE.
WILLIAMSON—Concluded.	
oath of office (H. R. 23).....	9
schools (S. B. 182).....	1225
Speaker, temporary, vote for.....	12, 15, 53
waterway bill (H. B. 914).....	715
WOOD:	
athletic, State commission (H. B. 820).....	574
civil service (S. B. 80) (Spanish-American War veterans).....	1161
drugs (S. B. 300).....	1200
foot and mouth disease (H. B. 562).....	266
member of committees on—	
agriculture.....	130
farm drainage.....	131
revenue.....	131
senatorial apportionment.....	132
temperance.....	132
schools (S. B. 182).....	1228
Speaker, temporary, vote for.....	46
Voris, Wm., appropriation to family (H. B. 248).....	1219
WORKMEN'S COMPENSATION LAW:	
Browne (S. B. 66).....	1159
O'Rourke (S. B. 66).....	864, 1159
Scanlan (S. B. 66).....	864
Smejkal (S. B. 66).....	1023
Thou (S. B. 66).....	864

	PAGE.
YOUNG:	
child labor (H. B. 104).....	533
Cook county, State's attorney, compensation (H. B. 958).....	1152
elections (S. B. 448).....	1065, 1183
engineers (H. B. 406).....	1038
Illinois Central Railway Co.....	680
injunction and abatement bill.....	881
lands, harbors and other public purposes (H. B. 676).....	682
license, embalmers' (H. B. 335).....	597
member of committees on—	
appropriations.....	130
military affairs.....	131
municipalities.....	131
waterways.....	132
municipal pension, Civil War veterans (H. B. 119).....	562
parks (S. B. 327).....	1172
park commissioners to transfer lands (H. B. 676).....	679
pensions (H. B. 119).....	1134
Speaker, temporary, vote for.....	46, 48
structural engineers (H. B. 406).....	1038
submerged lands, transfer (H. B. 781).....	677, 679, 684
waterways bill.....	700
women's nine-hour law.....	794

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